



An Analysis of Ownership Rights in AI-Generated Images from an Indian Perspective

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Abstract

In recent years, Artificial Intelligence (AI) has advanced significantly, particularly in the area of autonomous graphic creation. AI-generated images still raise questions about quality and ownership rights despite their amazing realism. This essay looks at ownership and copyright concerns with AI-generated images in the context of Indian law. We examine examples such as DALL-E and Midjourney's "A.I Gahaku" project, which generate images based on written descriptions and traditional portraits, respectively, to illustrate the diverse applications of AI-generated art. However, the current Indian copyright laws' treatment of these kinds of works highlights the need for regulation and clarification. Our research aims to shed light on the complex relationship between AI technology and the legal protection of intellectual property rights in India.

Introduction

An incredible use of artificial intelligence (AI), which has made great strides in recent years, is the creation of autonomously created graphics. Some individuals question the quality of these computer-generated images, despite the fact that they could seem incredibly lifelike and realistic. Artificial intelligence (AI) creates images by teaching a computer system to recognise patterns and use state-of-the-art technologies to create new content based on those patterns. One example of a technological development that can produce unique images from written descriptions is DALL-E. Using your computers and images, Midjourney's "A.I Gahaku" project produces traditional portraits. The ownership and copyrights of AI-generated images pose significant legal challenges despite the images' many potential uses, such as in video games and advertising. The current application of AI-generated art and copyright laws in India is unclear.

Legal Framework in India

In India, legislation governing AI-generated images is still being developed. However, existing laws can protect the rights of individuals and companies that use AI-generated images. These laws are intended to stop unauthorised use of people's and organisations' creative works. The Copyright Act of 1957 is one of these laws, protecting artistic works like paintings, drawings, and photos. It declares that the author is the sole owner of the work's rights.

As a result, it is unclear who owns an image created by an AI system without human input. The question of whether AI systems are regarded as owners under Indian law is also very important. As of right now, machines in India are unable to acquire property or make agreements. Precise ownership guidelines must be established as AI-generated images continue to progress and gain popularity. Some have



proposed amending the existing legislation and enacting new ones that address various facets of artificial intelligence (AI), such as property ownership for the products AI produces. The new draught regulations aim to clarify the way in which intellectual property protection functions in situations where artificial intelligence generates content with minimal or no human involvement.

The person who created or utilizes an AI-generated product should be the owner, not the machine, according to a proposal by the European Union. The purpose of this is to provide uniform and clear ownership restrictions. In the absence of a defined legal framework, disputes about the ownership of AI-generated photographs may be best resolved in court.

When determining who owns the copyright to an AI-generated work, courts usually consider the work's originality. They also consider how the unauthorized usage of AI-generated pictures can diminish the value of the original work. Many Indian laws safeguard the rights of participants in AI-generated work, but more comprehensive regulations would provide more legal protection and clarity for all parties involved in this emerging sector.

Ownership of AI-Generated Images in India

Utilizing AI and other state-of-the-art technical developments has simplified the process of using computer systems to produce graphics. Numerous sectors, including entertainment, gaming, and advertising, employ these AI-generated visuals. The question of who should really own these photos is debatable, though. The ownership of creative works is restricted under the Copyright Act of 1957 to tangible items created by humans; robots and algorithms are not covered. Uncertainty over photo ownership might lead to ownership conflicts. In addition, there's concern that these AI systems may have created these pictures in an unfair or biased manner; some have even questioned whether they qualify as art. Some argue that because AI created these images without human assistance, they should be acknowledged as public property that is not owned by any one person or organization.

There have been attempts to establish legislation that would include AI-generated graphics. In February 2017, the Indian Parliament received the first copyright (amendment) bill. It sought to create an entirely new category of copyright that would cover works created by AI. The fact that this measure was formally dropped and is still not a law should be recognised. The second proposal, the Copyright (Amendment) bill of 2018, was introduced in January 2018. Additionally, it made an effort to develop a novel type of copyright for works produced by AI. This regulation specifies guidelines for compensating and recognising creators of artificial intelligence-generated works. However, it was eliminated from consideration in March, and the choice was decided in January 2019.

Another difficulty is that pictures produced by artificial intelligence might be too like things that are already held by other people and are protected by copyright. In India's legal system, the ownership rights for content created by AI, such as DALL-E or Midjourney's works, are being clarified. Indian law does not yet specify who is the owner of images created by artificial intelligence.

In addition to considering the current laws governing intellectual property rights, those responsible for defining the rules should consider developing new regulations specifically for content produced by AI. Everyone will be aware of their rights thanks to the employment of technologies like GANs or CNN



models. To avoid stifling creativity and the arts, Indian authorities must be prepared to be flexible in how they handle this problem.

Stakeholders and Their Perspectives

Several parties, each with their own points of view, are involved in the discussion regarding who should be the owner of AI-generated images in India.

Creators: AI-generated graphics are produced by designers and artists, who are referred to as creators. They use AI methods to produce visual content. They are adamant about keeping the creative process under control. They can argue that they should hold exclusive ownership of their creations.

Users: These individuals use the AI-generated photos for a variety of purposes. For instance, they let companies to promote without having to pay expensive photographers or designers. They view these pictures as useful instruments that may be applied to improve the aesthetics and expedite processes. Everyone in India is expected to uphold the law, and it is prohibited to use AI to create any graphics that incite hatred or dissent.

In some countries, like the United States, where it is explicitly declared who can own them, many people can use AI-created images. However, when people are involved in the creation of AI-created images, individuals in India are still figuring out how to secure those images under copyright laws. While the Indian Copyright Board has established some standards, they do not directly address AI-created images, hence the Indian Copyright Act of 1957 does not really apply to AI-created photographs.

Consumers: These are the people who use images produced by artificial intelligence (AI) for their own purposes. They merely want to utilise the photographs for their own purposes and don't really care whose property they are. They are not subject to the same legal difficulties that concern artists and users.

Each participant in the conversation has a different view on who should own photos created by AI, depending on their needs and preferences.

Policy Considerations and Recommendations

When creating guidelines and recommendations as well as deciding who should be the owner of AI-created images in India, there are a few important considerations that must be made.

We must first provide clear standards that outline how copyright laws should be applied to AI-generated photos. For individuals who are impacted, the fact that our laws currently say nothing about this can be confusing.

We should also consider the moral implications of this, as well. Should these AI-generated photos be owned by people or by businesses? In order to decide what is appropriate and right, we might consider what other nations are doing. When drafting our guidelines, it is crucial that we embrace the best practices and standards used by other nations.

In the end, ensuring that individuals hold the copyright to the AI-generated images they produce will benefit the artists and promote further developments in the field. More individuals and businesses will



be incentivized to invest their time, money, and resources into developing breakthrough AI-based solutions since they won't have to worry about losing their legal rights. India should therefore actively work to implement strict laws governing image ownership while also learning what other nations are doing in this regard. In this approach, we can help a developing creative industry that makes use of cutting edge technology like artificial intelligence.

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