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Authorship in the Era of Algorithms: Reassessment of Copyright Ownership of AI Creatives

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Abstract

The emergence of generative artificial intelligence has fundamentally disrupted the foundational assumptions upon which modern intellectual property law was built. Copyright law, in its classical conception, presupposes a human author being a creative mind capable of original expression. Yet today, systems like DALL-E, Copilot, Gemini, and ChatGPT independently produce literary works, musical compositions, and visual art which are by any reasonable aesthetic measure, indistinguishable from human-generated output. This seismic shift raises a question that existing jurisprudence are ill-equipped to answer, whether algorithm creatives assign ownership of the result in any individual. This paper critically examines inadequacy of the Copyright Act, 1957 in addressing AI-generated works, with a comparative analysis of the USA and European Union. It argues that the traditional threefold aspects; developer, user, and machine, collapse under existing authorship principle, producing a legal ambiguity that not only threatens to stifle innovation incentives but also risks facilitating corporate monopolies over expressive works that might otherwise belong in the public domain. This paper examines recent international progress in the U.S. Copyright Office and the EU's Copyright Directives for accountability of works generated entirely by AI in the absence of meaningful human creative input. This study also put forward a system of "layered creatorship", a structured ownership model that provides rights based on the nature and degree of human labour at each stage of AI-assisted creation. This work will also cover judicial interventions, the challenges and possible solutions to combat the issues of authorship of AI creatives.

Keywords: AI-Generated Work, Copyright Authorship, Generative AI, Intellectual Property Law, Layered Creatorship.

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