

Copyright in AI Generated Music: Challenges of Authorship, Ownership and Liability under Indian Copyright Law

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Abstract:

Artificial intelligence has fundamentally transformed the manner in which music is created, distributed, and consumed. Modern generative AI systems are capable of producing melodies, lyrics, instrumentals, vocal performances, and complete musical compositions within seconds through nothing more than a simple text prompt provided by the user. While these technological developments open new frontiers for creativity and commercial innovation, they simultaneously challenge the doctrinal foundations of copyright law, which has historically been constructed upon the assumption that creative expression originates from human intellect, judgment, and labour. The emergence of AI-generated music raises a cluster of difficult and unresolved legal questions concerning authorship, ownership, originality, infringement, and liability. When a musical composition is produced primarily by an algorithm, it becomes genuinely uncertain whether copyright protection ought to be granted and, if so, to whom such protection properly belongs. Parallel concerns arise in relation to the use of copyrighted songs and sound recordings for training artificial intelligence models without the knowledge or consent of the artists, producers, composers, and rights holders whose creative works form the very backbone of these systems. This paper examines the relationship between artificial intelligence and copyright law within the Indian legal framework. It analyses the statutory requirement of human authorship under the Copyright Act, 1957, evaluates the applicability of the originality standard as developed by Indian courts, and explores emerging disputes relating to voice cloning, data scraping, and personality rights. The study further examines recent judicial developments and proposes legislative and policy reforms that may enable India to encourage technological innovation while simultaneously protecting the economic and moral interests of human creators.

Keywords

Artificial Intelligence, Copyright Law, AI Generated Music, Authorship, Originality, Personality Rights, Voice Cloning, Data Scraping, Intellectual Property, Indian Copyright Act, Generative AI, Music Industry.

Introduction

Technological advancement has historically reshaped artistic expression, from the invention of musical notation to the introduction of recording technologies and digital streaming platforms. Artificial intelligence represents the latest and perhaps the most structurally disruptive stage in this long evolution. Unlike earlier technologies that merely assisted musicians in the creative process — instruments, recording equipment, digital audio workstations — generative AI systems are now capable of independently producing complete musical works with minimal human intervention. The nature of the creative act itself has been called into question.

The Indian music industry, which encompasses Bollywood music, diverse regional music industries, independent artists, and an increasingly significant population of digital content creators, derives enormous economic value from the protections that copyright law affords. Copyright incentivises creativity by granting creators exclusive rights over reproduction, distribution, communication to the public, and the commercial exploitation of their works. The rise of AI-generated music has introduced genuine uncertainty regarding the continued applicability of these foundational principles.

A central concern relates to the concept of authorship. Copyright law traditionally assumes the existence of a human creator — a person capable of exercising creativity, forming artistic judgment, and making deliberate intellectual choices. Artificial intelligence systems, by contrast, generate outputs through statistical models and machine learning processes rather than through conscious intellectual effort or artistic intention. Consequentially, serious questions arise regarding whether an AI system can be recognised as an author under law, or whether the user who provides the prompts ought to receive legal protection for the resulting work.

Another significant issue concerns the datasets used for training AI models. Many generative music platforms rely upon extensive collections of copyrighted songs and recordings to develop their systems. The use of such material without permission raises the spectre of large-scale infringement under existing copyright laws and could meaningfully undermine the economic interests of musicians and rights holders who receive no compensation for the appropriation of their creative output.

This paper seeks to examine these challenges through the lens of Indian copyright jurisprudence and to evaluate whether the existing legal framework possesses the tools necessary to respond to rapidly evolving technological developments.

Aims and Objectives of the Study

The primary aim of this research is to examine the legal implications of AI-generated music under Indian copyright law and to evaluate the adequacy of the existing statutory framework in addressing emerging technological challenges.

The specific objectives of the study are:

1. To analyse the concept of authorship under the Copyright Act, 1957 in the context of AI-generated musical works.
2. To examine the applicability of the judicial standard of originality to musical compositions generated through artificial intelligence systems.
3. To investigate issues relating to ownership, liability, and infringement arising from AI-generated music.
4. To evaluate the legality of training artificial intelligence systems using copyrighted musical works without authorisation.
5. To examine recent judicial developments concerning voice cloning, personality rights, and AI-generated content.
6. To identify legislative gaps within the existing copyright framework relating to artificial intelligence.
7. To propose legal and policy reforms capable of balancing technological innovation with the protection of human creators.

Definitions of Important Terms

1. Artificial Intelligence (AI)

Artificial Intelligence refers to computer systems designed and programmed to perform tasks that would ordinarily require human intelligence, including learning from data, reasoning through problems, recognising patterns, processing language, and generating creative outputs.

2. Generative Artificial Intelligence

Generative Artificial Intelligence refers to machine learning models capable of producing novel outputs — such as text, images, music, video, and software code — based on patterns extracted and learned from existing datasets, rather than by following explicit rules.

3. AI-Generated Music

AI-generated music refers to musical compositions, melodies, lyrics, instrumental arrangements, or sound recordings produced wholly or substantially through artificial intelligence systems, with little or no direct creative involvement from a human being.

4. Copyright

Copyright is a legal right granted to the creators of original literary, dramatic, musical, and artistic works, providing exclusive control over reproduction, distribution, communication, adaptation, and commercial exploitation of those works for a specified duration.

5. Authorship

Authorship refers to the legal recognition of the individual or entity responsible for the creation of a copyrighted work, and who is accordingly entitled to claim ownership and to exercise the associated rights.

6. Originality

Originality refers to the requirement that a work must reflect a sufficient degree of skill, judgment, labour, or creativity in order to qualify for copyright protection under the applicable law.

7. Voice Cloning

Voice cloning refers to the use of artificial intelligence technologies to imitate or replicate the voice, speaking style, tonal characteristics, pitch, and emotional expression of an individual without their physical participation or consent.

8. Personality Rights

Personality rights are legal protections that safeguard an individual's identity, voice, image, likeness, and reputation from unauthorised commercial exploitation or appropriation by third parties.

Historical Background

The relationship between technology and music has evolved continuously throughout recorded history. The introduction of gramophone recordings democratised access to musical performance; radio broadcasting extended the reach of artists beyond the concert hall; synthesizers altered the sonic possibilities available to composers; digital audio workstations transformed music production from a studio-bound exercise into a bedroom endeavour; and online streaming platforms fundamentally restructured the economics of the music industry. Despite each of these technological revolutions, however, the role of the human creator remained central and legally uncontested throughout.

The emergence of machine learning and artificial intelligence in the early twenty-first century introduced a qualitatively different kind of technological challenge. Rather than merely assisting artists in recording, editing, or distributing music, artificial intelligence systems began participating directly in the creative process itself — selecting notes, composing harmonies, generating lyrics, and synthesising vocal performances. The distinction between human and machine creativity, once self-evident, became blurred.

Early experiments in algorithmic composition relied upon predefined mathematical rules and deterministic formulas to generate simple melodic sequences. These systems were rigid, inflexible, and often produced repetitive and musically unsatisfying results. However, subsequent advances in neural networks, deep learning architectures, and large-scale data processing significantly improved the quality and diversity of machine-generated music.

Modern AI systems can now generate complete songs — including lyrics, melodies, instrumental arrangements, harmonies, and synthetic vocal performances — based upon

nothing more than simple natural-language instructions from the user. A person can request a melancholic Bollywood ballad in a specified language and emotional register and receive a polished composition within seconds. The gap between human and machine musical output has narrowed to a point that challenges existing assumptions about creativity and authorship.

The commercial success and rapid proliferation of these technologies have generated substantial concern within the music industry. Artists, composers, producers, and rights holders increasingly question whether existing copyright laws are capable of protecting human creativity against automated competition that relies, fundamentally, on the prior creative output of human beings. The debate has become particularly significant in India, where the music industry contributes substantially to the country's entertainment economy.

Methodology

This study adopts a doctrinal and analytical research methodology grounded in the examination of statutory provisions, judicial decisions, scholarly literature, policy reports, and comparative international approaches concerning artificial intelligence and copyright law.

Primary sources include the provisions of the Copyright Act, 1957, judicial precedents delivered by Indian courts, and constitutional principles relevant to intellectual property protection and the recognition of personality rights.

Secondary materials include peer-reviewed journal articles, legal commentaries, academic publications, government policy papers, and international institutional reports addressing emerging issues at the intersection of artificial intelligence and intellectual property law.

The study further incorporates comparative references to foreign legal systems where instructive, particularly in relation to the treatment of computer-generated works and the question of copyright ownership in such works.

The research does not involve empirical data collection. It relies instead upon doctrinal analysis to identify gaps in the existing legislative framework and to evaluate possible policy responses capable of addressing the challenges that technological developments have created.

Analysis

1. The Requirement of Human Authorship under Indian Copyright Law

The most fundamental obstacle confronting copyright protection for AI-generated music is the statutory requirement of human authorship embedded within the Copyright Act, 1957. Section 2(d) of the Act identifies the author of a musical work as the composer and

the author of a literary work as the individual responsible for creating it. Similarly, the producer is recognised as the author of a sound recording. These definitions were drafted at a time when the possibility of autonomous machine creativity lay firmly beyond the imaginable horizon. Consequently, the legislation proceeds on the assumption — as natural as it then appeared — that every protected work originates from a human mind capable of exercising creative judgment and intellectual effort.

Artificial intelligence systems do not possess legal personality, intention, consciousness, or any capacity for independent decision-making. They generate outputs by analysing mathematical relationships within vast training datasets and predicting statistically probable patterns. There is no artistic vision, no deliberate aesthetic choice, and no creative struggle in any recognisable human sense. As a result, an AI system cannot currently qualify as an author under Indian law, nor can it own or enforce copyright rights independently. It is, in law, a sophisticated tool — an extraordinarily capable one, but a tool nonetheless.

This creates a genuine legal vacuum in cases where a musical work is produced almost entirely by software, with human intervention limited to the selection of a prompt or the curation of an output. Neither the machine nor the user can straightforwardly claim the authorship that copyright protection requires.

2. Originality and the Judicial Standard Established by Indian Courts

Even where a user seeks to claim ownership over an AI-generated musical composition on the basis of their own contribution to the process, the resulting work must satisfy the legal requirement of originality. The Supreme Court of India, in *Eastern Book Company v. D.B. Modak*, established that copyright protection requires the exercise of skill, judgment, and a minimum degree of creativity. Mere mechanical effort or routine, unreflective labour is not sufficient to attract protection.

Applying this standard to AI-generated music creates considerable analytical difficulties. A person providing a text prompt may specify the genre, mood, tempo, language, or emotional register of a desired composition. But the actual selection of notes, the construction of harmonies, the architecture of arrangements, and the synthesis of vocal patterns are performed by the software rather than by the user. The human being selects the output, not the musical content itself.

The resulting composition therefore cannot straightforwardly be characterised as the direct product of human intellectual effort. Where the human contribution is confined to entering a brief instruction and selecting among the outputs generated, courts may well conclude that the threshold of originality required under Indian law has not been satisfied. On this analysis, fully autonomous AI-generated music may fall outside the scope of copyright protection under the existing jurisprudential framework.

3. Ownership and Liability in AI-Assisted Musical Works

The legal position becomes more nuanced and complex in cases where artificial intelligence functions merely as an assisting tool rather than as an autonomous creative

agent. A composer may, for example, use AI software to generate melody suggestions, to propose background instrumentals, or to offer alternative harmonic arrangements, while reserving all substantive artistic decisions for themselves. In such cases, the human creator continues to exercise meaningful artistic judgment throughout the creative process, and the final composition may reflect a sufficiently original human contribution to attract copyright protection.

This approach closely parallels the existing treatment of editing software, digital instruments, synthesizers, and sound engineering technologies that have long been integrated into professional music production without attracting any suggestion that the resulting works fall outside the ambit of copyright. The use of a tool, however sophisticated, does not extinguish the authorship of the person wielding it — provided that the person continues to exercise genuine creative judgment.

The degree of human involvement is therefore likely to emerge as the critical determinative factor in future disputes relating to ownership and copyright protection in AI-assisted musical works. Courts will need to develop principled tests for distinguishing between creative use and mere mechanical operation.

4. Voice Cloning, Personality Rights and Emerging Judicial Protection

Among the most controversial applications of artificial intelligence within the music industry is voice cloning technology. Modern AI systems can replicate the voice, singing style, pronunciation, tonal characteristics, and emotional expression of established artists with a degree of accuracy that can deceive even attentive listeners, after analysing relatively modest samples of recorded audio. A cloned voice can be used to produce entirely new songs — attributed, implicitly or explicitly, to the original artist — without that artist's participation, knowledge, consent, or financial compensation.

Traditional copyright law offers only limited protection in such situations, because copyright protects original works rather than an individual's voice, personality, or manner of expression. An artist's voice — the precise quality that makes their recordings commercially valuable — falls outside the subject matter of copyright protection as conventionally understood. Courts have therefore increasingly looked to personality rights and constitutional protections to address these emerging disputes.

A significant doctrinal development has occurred as Indian courts have progressively recognised that an individual's voice constitutes an important and protected component of personal identity and professional reputation. The unauthorised commercial exploitation of an artist's voice may therefore amount to a violation of personality rights and of the right to livelihood guaranteed under Article 21 of the Constitution of India.

For musicians and singers, the voice represents not merely a physical characteristic but a valuable commercial asset developed through years of disciplined training and professional labour. Allowing the unrestricted algorithmic cloning of vocal identities would undermine both the economic interests and the artistic individuality of the artists affected. The emerging recognition of personality rights as a distinct legal mechanism

therefore provides an important avenue of protection in situations where conventional copyright principles have proved inadequate.

5. Training Data and Copyright Infringement

The operation of generative artificial intelligence systems depends heavily upon access to extraordinarily large quantities of existing data. In the context of music generation, this typically involves analysing millions of songs, sound recordings, lyrics, and musical compositions assembled without the consent of the rights holders. AI developers have generally argued that copyrighted materials are used only for learning patterns rather than for reproducing the original works themselves — a characterisation that rights holders have increasingly and forcefully disputed.

The concern arises from a straightforward practical reality: copyrighted songs are copied, stored, processed, and analysed during the training process without any licence being obtained from or any payment being made to the owners of those works. For many artists and producers, this practice resembles large-scale commercial exploitation disguised as technical research. The creative labour of human artists is absorbed into a commercial product that competes directly with those same artists in the marketplace.

The issue becomes legally acute where an AI-generated song closely resembles the style, structure, melody, or arrangement of an existing copyrighted work. If a generated composition reproduces substantial portions of an original work — whether through intentional design or as an emergent consequence of the training process — questions of infringement arise regardless of the defendant's subjective intent. Indian copyright law currently provides limited guidance regarding liability in such cases, leaving courts to navigate these novel questions on a case-by-case basis.

6. Fair Dealing and the Limits of Data Scraping

Developers of artificial intelligence technologies have frequently invoked the doctrine of fair use or fair dealing to justify the unconsented use of copyrighted material for training purposes. Indian copyright law, however, takes a distinctly more restrictive approach than, for example, the flexible four-factor balancing test applied in the United States.

Section 52 of the Copyright Act contains an exhaustive and enumerated list of activities that qualify as fair dealing exceptions. These exceptions include private study, criticism and review, reporting of current events, and certain educational uses. The commercial training of artificial intelligence systems on copyrighted music is not expressly included within any of these exceptions. Nor, it is submitted, does it fall naturally within any of their contemplated purposes. Unlike jurisdictions that permit courts to develop the fair use doctrine flexibly in response to new technologies, Indian law generally requires statutory authorisation before an activity can be treated as falling outside the scope of infringement.

As a result, large-scale commercial ingestion of copyrighted musical works for the purpose of training AI systems may not be sheltered by fair dealing and may constitute copyright infringement under Section 51 of the Act. This is likely to become one of the most

significant legal battlegrounds in the years ahead as AI technologies continue their expansion across creative industries.

7. Comparative International Approaches

Different legal systems have adopted meaningfully different approaches to the question of copyright protection for computer-generated or machine-generated works. The approach taken by each jurisdiction reflects distinctive policy choices about the relationship between technology, creativity, and incentive.

The United States Copyright Office has maintained consistently that copyright protection is available only for works involving genuine human authorship. Purely machine-generated outputs are excluded from protection on this basis. American courts have reinforced this position, emphasising that creativity and originality require meaningful human intellectual contribution rather than the mere operation of a software system.

The United Kingdom takes a notably different and more permissive approach. Section 9(3) of the Copyright, Designs and Patents Act, 1988 provides that in the case of computer-generated works, the author is taken to be the person who undertook the arrangements necessary for the creation of the work. This provision was introduced long before the development of modern generative AI but has acquired renewed legal relevance in contemporary debates. It provides a workable legal peg on which to hang ownership in cases where no human author can be identified in the conventional sense.

Although the British approach provides greater commercial certainty for developers and investors, critics raise the legitimate concern that extending copyright protection to machine-generated content reduces the incentives for human creativity and encourages an excessive concentration of IP ownership in the hands of technology companies.

India must chart its own path, carefully balancing the promotion of technological innovation against the robust protection of human creative labour when considering future legislative reform in this area.

Findings of the Study

The study reveals several significant conclusions regarding the relationship between artificial intelligence and copyright law in India:

First, the Copyright Act, 1957 was enacted on the assumption that creative expression originates from human intellect and does not, in its current form, adequately address the reality of autonomous machine-generated works. The statutory definitions of authorship presuppose a human creator in every case.

Second, artificial intelligence systems cannot presently qualify as authors under Indian copyright law because they lack legal personality, intention, and any capacity to exercise or enforce legal rights.

Third, fully AI-generated musical compositions may fail to satisfy the judicial requirement of originality as developed under Indian copyright jurisprudence, leaving them without any copyright protection and in a legal vacuum.

Fourth, the use of copyrighted music for training artificial intelligence systems without authorisation raises serious concerns regarding unlawful reproduction and commercial exploitation that cannot be readily accommodated within the existing fair dealing exceptions.

Fifth, personality rights are emerging as an increasingly important legal mechanism for protecting artists against the unauthorised cloning of their voices and the appropriation of their identities, particularly where conventional copyright doctrines prove inadequate.

Sixth, existing statutory provisions offer insufficient guidance regarding ownership, liability, and infringement in the context of AI-generated content, creating a pressing need for legislative attention and judicial development.

Conclusion

Artificial intelligence has introduced one of the most profound challenges in the history of copyright law. The capacity of machines to generate music, convincingly imitate the voices and styles of artists, and participate directly in the creative process has fundamentally blurred the traditional distinction between creator and instrument. The law's foundational categories — authorship, originality, creation — were forged in a world in which these concepts required no examination. That world no longer exists.

Indian copyright law, designed around the concept of human creativity, currently lacks the doctrinal clarity necessary to address these developments comprehensively or fairly. While the existing framework strongly affirms the requirement of human authorship, technological progress continues to challenge the practical application of this principle in ways that the drafters of the Copyright Act could not have anticipated.

A regulatory posture that is excessively restrictive towards AI-generated works may discourage innovation and impede investment in emerging technologies of significant economic and cultural potential. Conversely, extending generous copyright protection to machine-generated content without careful qualification risks undermining the economic interests of the musicians, lyricists, composers, and performers whose creative output constitutes the very foundation upon which these AI systems were built.

A balanced and principled regulatory framework is therefore indispensable. India should continue to recognise human creativity as the irreplaceable foundation of copyright protection, while simultaneously developing specialised statutory rules governing AI-generated content, the lawful use of training datasets, and the protection of personality rights against technological appropriation.

Legislative reform should seek to encourage responsible innovation without weakening the incentives that sustain artistic creation and cultural development. The future of the

relationship between artificial intelligence and copyright law will ultimately depend upon the capacity of legal systems to adapt thoughtfully to technological change while preserving the foundational values — the recognition of human creative labour, the protection of cultural investment, and the promotion of a flourishing artistic ecosystem — upon which intellectual property protection was originally, and wisely, established.

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