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EXPLORING COPYRIGHT CHALLENGES OF AI-GENERATED WORKS IN INDIA: INSIGHTS FROM STAKEHOLDERS SURVEY

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Abstract:

The rapid expansion of generative artificial intelligence has disrupted traditional copyright frameworks, raising complex legal and ethical concerns. This study explores copyright challenges associated with AI-generated works in India through doctrinal analysis and a stakeholder survey. The research examines issues of authorship, originality, ownership, and use of copyrighted material in AI training. Findings reveal strong stakeholder support for a human-centric copyright approach, greater transparency in AI-generated content, and clearer regulation of training datasets. The study identifies significant gaps in India's Copyright Act, 1957, and recommends policy reforms aligned with global best practices to balance innovation with protection of creative rights.

Keywords: *Artificial Intelligence, AI-Generated Works, Copyright Law, Authorship and Ownership, Stakeholder Perspectives, Indian Copyright Act*

Introduction:

The advent of Artificial Intelligence (AI) has fundamentally reshaped creative and knowledge industries across the globe. From generative art and music composition to automated journalism and scriptwriting, AI systems are increasingly capable of producing outputs that mirror or even surpass human creativity. Platforms such as ChatGPT, DALL·E, MidJourney, and other generative models have accelerated this shift, enabling individuals and organizations to create original-looking works at unprecedented speed and scale. This surge of AI-generated content has prompted a complex debate over ownership, originality, authorship, and protection under existing copyright frameworks. Traditionally, copyright law is grounded in the principle of human authorship—protecting the intellectual labor, creativity, and originality of human creators. However, AI-generated works disrupt this foundation by introducing creations where human involvement ranges from minimal (a short prompt or instruction) to substantial (collaborative refinement or editing). The lack of clarity about whether AI itself can be considered an "author," or whether copyright should rest solely with the human user or programmer, creates profound legal and ethical challenges. Globally, jurisdictions are grappling with this issue in different ways. The United States Copyright Office, for instance, has denied copyright protection to purely AI-generated works but allows protection when meaningful human authorship is evident. The European Union is considering broader

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Original Research Article

frameworks, while the UK has provisions granting copyright to the "person making the arrangements" for computer-generated works. Yet, no consensus has emerged, and the debate continues to evolve as technology outpaces legal reform.

In the Indian context, the Copyright Act, 1957, remains largely silent on the ownership and protection of AI-generated works. While the Act defines "author" in the case of computer-generated works as the "person who causes the work to be created," this provision was drafted decades before the rise of autonomous generative AI. As a result, stakeholders in India—including artists, writers, journalists, technology developers, policymakers, and legal professionals—face uncertainty regarding the ownership, exploitation, and enforcement of rights in AI-generated creations. This uncertainty poses risks such as disputes over originality, infringement claims, misuse of works, and a chilling effect on innovation. In today's contemporary scenario, where digital transformation and AI adoption are accelerating in India's creative, media, and knowledge sectors, the absence of a clear legal framework for AI-generated works creates a pressing policy vacuum. With India aspiring to become a global digital leader and knowledge economy, addressing these copyright challenges is essential not only for protecting stakeholders but also for fostering innovation and trust in AI technologies.

This research, therefore, seeks to explore the copyright challenges of AI-generated works in India through insights gathered from key stakeholders. By analyzing stakeholder perspectives, identifying legal gaps, and benchmarking global practices, the study aims to provide recommendations for policy reforms that balance innovation with fair protection of rights.

Conceptual Framework:

The conceptual framework of this research is grounded in the interaction between AI technology, copyright law, and stakeholder perspectives, forming a multi-dimensional analytical model.

Core Components of the Framework:

1. **AI-Generated Works**
   - Nature of AI outputs (text, images, music, software, audiovisual content)
   - Degree of human involvement (fully autonomous vs. human-assisted creation)
   - Use of copyrighted material in AI training datasets
2. **Copyright Law in India**
   - Existing legal provisions under the Copyright Act, 1957
   - Core principles: authorship, originality, ownership, and fixation
   - Applicability of doctrines such as fair use/fair dealing
   - Absence of explicit provisions for AI-generated works
3. **Legal and Ethical Challenges**
   - Ambiguity in authorship and ownership
   - Risk of copyright infringement during AI training and output generation
   - Ethical concerns related to consent, attribution, and economic impact on human creators
   - Accountability and liability for AI-generated infringing content

ISSN: P-2455-0515
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Educreator Research Journal

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Volume–XIII, Issue–II

March – April 2026

Original Research Article

4. **Stakeholder Perspectives**
   - Legal experts' interpretation of existing laws
   - Content creators' concerns regarding originality and economic rights
   - Academicians' views on intellectual property evolution
   - AI developers' challenges in compliance and innovation
5. **Policy and Regulatory Outcomes**
   - Identification of gaps in Indian copyright law
   - Comparative insights from international frameworks
   - Recommendations for legal reform and policy clarity

AI-generated works act as the **independent variable**, influencing the **copyright regime** and exposing **legal and ethical challenges**. Stakeholder perceptions function as a **mediating variable**, providing real-world insights into how these challenges manifest in practice. The analysis culminates in **policy recommendations**, which serve as the **dependent outcome** aimed at strengthening India's copyright framework.

Research Objectives:

1. To examine the legal and ethical challenges surrounding copyright protection for AI-generated works.
2. To identify gaps in existing copyright laws in India regarding AI-generated content.
3. To recommend policy reforms for the Indian legal system in alignment with global best practices.

Literature Review:

- **Rai (2025) — Generative AI and Copyright in Academia**
  Rai, P. (2025). *Generative AI in Academia: Navigating Copyright and Intellectual Property Challenges.* **Indian Journal of Educational Technology, 7(II), 61–72.**
  This article examines copyright challenges arising from generative AI in academic research, focusing on ownership, training datasets, infringement risks and licensing issues—important for understanding how India's copyright framework interacts with AI outputs.
- **Kashyap (2025) — AI and Copyright Law in India**
  Kashyap, A. (2025). *Generative Artificial Intelligence and Copyright Law in India: Challenges Under the Copyright Act.* **Indian Journal of Legal Review, 5(13), 236–243.**
  A focused analysis of India's Copyright Act 1957 and how it deals with generative AI, covering authorship, ownership, originality and the need for legal clarity.
- **Gupta (2025) — Fair Use and AI Training Challenges**
  Gupta, S. (2025). *Fair-Use Doctrine: Copyright Challenges Posed by AI Generative Technology and In-Text and Data Mining Training.* **Christ University Law Journal, 14(2).**
  Explores how fair-use provisions, especially regarding AI training data, create copyright ambiguity and legal challenges for generative AI developers and users in India.

ISSN: P-2455-0515
E- 2394-8450

Educreator Research Journal

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Volume–XIII, Issue–II

March – April 2026

Original Research Article

- **Mishra & Singh (2025) — AI-Generated Works and Copyright Implications**
  Mishra, N. & Singh, D. (2025). *AI-Generated Work and Its Implications on Copyright Law in India.* **Journal of Intellectual Property Rights, 30(1).**
  Analyses subsistence of copyright, criteria for protection, comparison with other jurisdictions, and impacts of generative AI on India's existing copyright framework.
- **Ahuja & Kumar (2025) — Emerging Legal Challenges**
  Ahuja, M. R., & Kumar, D. G. (2025). *Exploring Emerging Challenges, Prospects, and Legal Implications: Copyright and Patent Laws in AI-Generated Works.* **Journal of Intellectual Property Rights, 29(3).**
  Provides a broader perspective on AI's intersection with intellectual property rights, including copyright protection and infringement concerns relevant to Indian and global contexts.

Research Methodology:

1. Research Design

The study adopts a **mixed-method research design**, combining:

- **Doctrinal legal research** to analyse statutory provisions, judicial interpretations, and global best practices relating to copyright and AI; and
- **Empirical descriptive research** to capture stakeholder perceptions on copyright challenges posed by AI-generated works in India.
  The descriptive approach is appropriate as the study aims to systematically document opinions, awareness levels, and policy expectations of stakeholders rather than test causal relationships.

2. Nature of the Study

The research is:

- **Exploratory**, as copyright protection for AI-generated works is an emerging legal issue in India; and
- **Analytical**, as it evaluates gaps in the current legal framework and compares them with international practices.

3. Sampling Design

Sampling Method

The study uses **purposive and convenience sampling**, targeting respondents who are directly or indirectly affected by AI and copyright regulation.

Sample Size:

- **Total respondents:** 91
  This sample size is adequate for exploratory socio-legal research and provides diverse stakeholder representation.

Stakeholder Categories:

The respondents included:

- Academicians (law, management, technology)
- Legal professionals (IP/copyright practitioners)

ISSN: P-2455-0515
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Volume–XIII, Issue–II

March – April 2026

Original Research Article

- Creators and freelancers
- AI users and professionals
- Researchers and students

4. Data Collection Methods

Primary Data

Primary data was collected through a **structured online questionnaire (Google Form)** comprising:

- Demographic questions
- Awareness and usage of AI tools
- Likert-scale statements on copyright ownership, training data, safe harbours, and labeling of AI content
- Scenario-based questions on authorship
- Open-ended questions on risks and policy reforms
- Participation was voluntary and anonymous, ensuring ethical research standards.

Secondary Data

Secondary data was sourced from:

- Indian Copyright Act, 1957
- Judicial decisions and policy documents
- International frameworks (WIPO, US Copyright Office, EU AI Act)
- Peer-reviewed journals and recent legal scholarship

5. Tools and Techniques of Data Analysis

- **Quantitative data** were analyzed using descriptive statistics (percentages and frequencies).
- **Qualitative responses** were analyzed using thematic analysis to identify recurring concerns and reform suggestions.
- Results were interpreted in light of existing legal doctrine and comparative international practices.

Findings and Analysis:

1. Stakeholder Exposure to AI and Copyright Awareness

- A majority of respondents reported **frequent or occasional exposure to AI-generated content** in their professional domains.
- However, **confidence in understanding copyright law as applied to AI was moderate to low**, indicating a significant **knowledge gap**.

Analysis: This reflects the rapid adoption of AI tools in India without corresponding legal clarity or professional training, reinforcing the need for awareness-building and legal guidance.

2. Human Authorship as a Core Requirement

- A substantial majority **agreed or strongly agreed** that copyright protection should exist **only when humans exercise meaningful creative control**.

Analysis: This finding aligns with Indian copyright jurisprudence, which traditionally emphasizes **human authorship and originality**, and mirrors international positions adopted by the US and UK.

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Educreator Research Journal

OPEN ACCESS

Volume–XIII, Issue–II

March – April 2026

Original Research Article

3. AI Training Data and Licensing Concerns

- Most respondents supported the view that **AI companies should obtain permission or licenses** before using copyrighted works for model training.

Analysis: This highlights growing concern over **unauthorized text and data mining (TDM)** and supports arguments for clearer statutory licensing mechanisms or opt-out frameworks in India.

4. Conditional Safe Harbours for AI Developers

- A strong consensus emerged that **AI companies should receive legal protection (safe harbours) only when due diligence and compliance obligations are met**.

Analysis: Stakeholders prefer a **balanced regulatory approach**, protecting innovation while ensuring accountability—similar to conditional safe harbour models in the EU.

5. Labeling and Transparency of AI-Generated Content

- A majority favored **mandatory labeling or digital markers** indicating AI involvement in content creation.

Analysis: This reflects ethical concerns related to transparency, misinformation, and consumer deception, and supports adoption of **content credential systems** in India.

6. Copyright ability of Fully Autonomous AI Outputs

- Responses were **divided or neutral** on granting special short-term protection to fully AI-generated works.

Analysis: The lack of consensus indicates uncertainty and discomfort with extending traditional copyright concepts to non-human creators, reinforcing the argument against automatic copyright protection.

7. Scenario-Based Ownership Findings

- **Journalistic use of AI with substantial human rewriting:**
  Majority supported granting copyright to the journalist.
- **Minimal prompt-based AI image generation:**
  Majority opposed copyright protection.
- **Studio use of licensed data with human guidance:**
  Majority supported copyright ownership vesting in the studio/human creators.

Analysis: These responses clearly demonstrate stakeholder preference for **human-centric authorship standards**.

8. Key Risks Identified by Stakeholders

Recurring themes included:

- Misuse and plagiarism
- Dilution of human creativity
- Fraud and misinformation
- Ethical misuse in education and research

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Educreator Research Journal

OPEN ACCESS

Volume–XIII, Issue–II

March – April 2026

Original Research Article

9. Suggested Policy Reforms

Stakeholders emphasized:

- Clear statutory guidelines for AI-generated works
- Licensing frameworks for AI training data
- Awareness and capacity-building initiatives
- Transparency and accountability mechanisms

Significance of Study:

1. **Legal significance**

   The study contributes to the evolving discourse on AI and copyright by critically analyzing the adequacy of India's Copyright Act, 1957, in addressing AI-generated works. It highlights doctrinal gaps and interpretational challenges, offering a foundation for judicial and legislative clarity.

2. **Policy Relevance**

   By aligning Indian copyright concerns with global best practices, the research provides actionable recommendations for policymakers, aiding the development of AI-responsive intellectual property regulations.

3. **Academic Contribution**

   The study enriches existing literature by integrating doctrinal analysis with empirical stakeholder insights, addressing a significant research gap in Indian scholarship on AI-generated content.

4. **Practical Implications**

   The findings are valuable for content creators, AI developers, educational institutions, and legal practitioners by clarifying rights, responsibilities, and compliance risks in AI-driven creative processes.

5. **Ethical and Societal Impact**

   The research addresses ethical concerns related to creativity, attribution, and economic justice, promoting a balanced approach that protects human creativity while encouraging technological innovation.

Limitations of Study:

1. **Sample Constraints**

   The stakeholder survey is limited to a selected group of respondents, which may not fully represent all sectors affected by AI-generated works.

2. **Rapid Technological Evolution**

   AI technologies evolve faster than legal and academic research, which may affect the long-term applicability of the findings.

6. **Jurisdictional Focus**

   The study primarily focuses on India, with international comparisons used only for contextual understanding rather than exhaustive global analysis.

7. **Limited Judicial Precedents**

   The absence of authoritative Indian court rulings on AI-generated works restricts the scope of judicial

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Educreator Research Journal

OPEN ACCESS

Volume–XIII, Issue–II

March – April 2026

Original Research Article

interpretation within the study.

8. **Regulatory Uncertainty**
   Ongoing policy developments in AI governance may lead to future legal changes not captured at the time of the research.

Recommendations:

Based on the findings of the study and the perspectives gathered from stakeholders, the following recommendations are proposed to address the copyright challenges posed by AI-generated works in India:

1. **Statutory Clarification on Human Authorship**
   The Copyright Act, 1957 should be amended to **explicitly clarify that copyright subsists only in works involving meaningful human creativity**. Clear statutory guidance is required to distinguish between:
   - Fully autonomous AI-generated works, and
   - Human-assisted or AI-enabled creative works.

   Such clarification would reduce ambiguity regarding ownership and originality, aligning Indian copyright law with its human-centric jurisprudential foundations.
2. **Legal Guidelines on Degrees of Human Involvement**
   The legislature or relevant regulatory authorities should issue **interpretative guidelines** identifying varying levels of human involvement (e.g., minimal prompting, editorial control, substantial transformation) and their implications for copyright eligibility. This would assist courts, creators, and AI users in assessing copyright claims consistently.
3. **Regulation of AI Training Data**
   India should introduce a **clear legal framework governing the use of copyrighted works in AI training**, including:
   - Licensing mechanisms for commercial model training,
   - Opt-in or opt-out systems for rights holders, and
   - Transparency obligations on AI developers regarding training datasets.

   This would address stakeholder concerns regarding unauthorized data use while ensuring fair compensation to rights holders.
4. **Conditional Safe Harbour Provisions for AI Developers**
   The study recommends the adoption of **tiered or conditional safe-harbour protections** for AI developers, contingent upon:
   - Compliance with due-diligence obligations,
   - Respect for copyright and licensing norms, and
   - Implementation of safeguards against infringing outputs.

   Such a balanced approach would promote innovation while ensuring accountability.

ISSN: P-2455-0515
E- 2394-8450

Educreator Research Journal

OPEN ACCESS

Volume–XIII, Issue–II

March – April 2026

Original Research Article

5. **Mandatory Disclosure and Labeling of AI-Generated Content**
   To enhance transparency and public trust, policymakers should consider **mandating disclosure of AI involvement** in content creation, particularly for commercial and public-facing works. Adoption of content credentials or metadata-based systems would help track AI-generated content and mitigate risks of deception and misinformation.
6. **Avoid Automatic Copyright for Fully AI-Generated Works**
   In line with stakeholder concerns and international trends, the study recommends that **fully autonomous AI-generated works should not be granted traditional copyright protection**. If protection is deemed necessary, policymakers may explore a **narrow, time-limited sui generis regime** rather than extending full copyright rights.
7. **Judicial and Administrative Capacity Building**
   Specialized training programs should be introduced for:
   - Judges,
   - Copyright office officials, and
   - Legal practitioners
   - to enhance understanding of AI technologies and their implications for intellectual property rights.
8. **Awareness and Education Initiatives**
   Universities, professional bodies, and regulatory agencies should promote **copyright literacy in the context of AI**, particularly among creators, researchers, journalists, and students. Clear best-practice guidelines would help reduce unintentional infringement and ethical misuse.
9. **Periodic Review Mechanism**
   Given the rapid evolution of AI technologies, India should establish a **periodic review committee** comprising legal experts, technologists, and creative professionals to continuously evaluate and update copyright norms related to AI-generated works.
   *The study recommends a **human-centric, transparent, and innovation-friendly copyright regime** that balances the interests of creators, rights holders, and AI developers. Such a framework is essential for ensuring legal certainty, ethical AI use, and sustainable growth of India's creative and digital economy.*

Conclusion:

The rapid proliferation of artificial intelligence in creative and knowledge-based domains has fundamentally challenged the traditional foundations of copyright law in India. This study, through doctrinal analysis and an empirical stakeholder survey, set out to examine the legal and ethical challenges associated with AI-generated works, identify gaps in the existing copyright framework, and suggest policy directions aligned with global best practices.The findings reveal a significant disconnect between the widespread use of AI tools and the level of legal clarity or awareness regarding copyright implications. While stakeholders across domains increasingly encounter AI-generated content, many lack confidence in understanding how existing copyright law applies to such works. This highlights an urgent need for clearer statutory guidance and targeted awareness initiatives. A

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Original Research Article

key outcome of the study is the strong stakeholder consensus on the centrality of human authorship. Respondents overwhelmingly supported the view that copyright protection should subsist only where a human exercises meaningful creative control. Scenario-based responses further reinforced this position, with stakeholders distinguishing clearly between works substantially shaped by human intervention and those produced through minimal prompts or autonomous AI generation. This finding aligns with India's originality doctrine and international jurisprudence that emphasize human creativity as the cornerstone of copyright protection.

The study also underscores growing concern over the use of copyrighted works in AI training datasets. A majority of respondents favored licensing or permission-based models for training AI systems, indicating dissatisfaction with the current legal ambiguity surrounding text and data mining. This concern is compounded by strong support for conditional safe-harbor protections, suggesting that stakeholders are not opposed to innovation but expect AI developers to adhere to due-diligence, transparency, and accountability standards. Another notable finding is the widespread support for mandatory labeling or disclosure of AI-generated content, reflecting ethical concerns related to misinformation, consumer deception, and erosion of trust. Conversely, stakeholder opinions were divided on granting any form of exclusive rights to fully autonomous AI outputs, indicating reluctance to extend copyright protection where no human authorship exists.

Overall, the research demonstrates that India's Copyright Act, 1957, in its current form, is inadequate to address the complexities introduced by generative AI. The absence of explicit provisions on AI authorship, training data usage, and liability creates uncertainty for creators, users, and technology developers alike. Drawing from stakeholder insights and comparative global practices, the study concludes that India must move toward a human-centric, balanced, and transparent regulatory framework—one that safeguards creativity and rights holders while enabling responsible AI innovation.

The findings of this research contribute to the evolving discourse on AI and copyright in India by offering empirical evidence of stakeholder expectations. They provide a strong foundation for future legislative reform, judicial interpretation, and policy development in an increasingly AI-driven creative ecosystem.

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