



## The Case for Copyright Protection in ChatGPT Output

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Should the user who prompts ChatGPT have a copyright over its output? This paper makes a case for copyright over the output of AI. The paper discusses the requirements of India's copyright law to suggest how they can be interpreted to support this stance. The paper considers the requirements of originality, fixation, and authorship. The paper then discusses the issue in the context of the functions of copyright. It assesses the issue from the perspectives of the incentive theory, labour theory, personality theory, and market dynamics. The paper discusses other factors, such as the problem of proof and moral rights. The paper also makes the case against not granting copyright in the output of AI. In sum, the paper discusses why copyright must be granted over ChatGPT output and its use.

**Keywords:** Large Language Models, ChatGPT, Copyright, User, Copyright Theories

Imagine a person conversing with ChatGPT and prompting it to explain their ideas through text output. The person then selects the best text and brings it together by conceptualising a narrative for a book. The result is a collection of text written by ChatGPT based on the person's initial ideas, which are compiled into a book, bringing the ideas and text together. Should the person have a copyright over the book? What are the implications of recognising copyright in such work? What should copyright seek to achieve in the age of AI? Should copyright be recognised in the book with the person as the author? What are the implications of recognising copyright in such a scenario? This paper takes a stance on this issue, considering how and when copyright should be recognised.

The present paper builds on the previous literature on these issues, which suggests the following. A previous paper has stated that originality merely requires a work not to be a precise copy of something.<sup>1</sup> Therefore, ChatGPT output would satisfy the low standard of originality because it does not duplicate other work.<sup>1</sup> The paper further states that the output of AI can be saved, stored and read on computers, fulfilling the fixation requirement.<sup>1</sup> Another paper states that the threshold of creativity in copyright law is very minimal.<sup>2</sup> Therefore, AI generated work might fulfil it. Besides, the question of infringement and fair use comes into the picture. For instance, the question of fair use comes into the picture when AI takes samples

from existing songs to create a composition, which could constitute a derivative work.<sup>3</sup> However, assertions of substantial similarity or derivative work can be challenged by AI-generated output not matching specific work.<sup>4</sup> The following sections analyse the above conditions by building on the ideas.

### Conditions of Copyright

One of the conditions of copyright is that the work must be original.<sup>5</sup> What does it mean for a work to be original? Originality ordinarily means that the work has originated from the author and is not copied from another work.<sup>6</sup> What does it mean for the work to originate from an author? Does origination require that the work be created from scratch by human effort alone? Or, in the age of AI, does origination mean that the work came into existence because it was triggered by an idea of the person who prompted AI to generate work about that idea? Does origination have to be understood as when something was conceptualised to bring it into existence? Or does origination have to be understood as the entire process of creation that brought a work into existence? The paper argues that originality should require the work to have been conceptualised by a person and for them to have taken the effort to prompt ChatGPT to create the work. In today's age of AI, originality cannot mean that the author creates the whole work by themselves.

Another condition of originality is that the work must not be copied from another work. When a person is using ChatGPT to create work, is the output of

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ChatGPT copied from another work? Here, does copying entail copying ideas or copying expression? If ChatGPT creates output without copying the exact language of another text, can it be said that the output of ChatGPT is copied? If ChatGPT creates output in a language that has not been expressed before but contains ideas from existing work, does it amount to copying? If the threshold of copying is not to copy even ideas and not merely the language of a previous work, how difficult is the threshold to meet? One must remember that the threshold in copyright is originality, not in the sense of novelty required in a patent.<sup>7</sup> The paper proposes that a work is original in the sense that it is not copied if it is not a verbatim copy of an existing work. The representation of ideas similar to existing work in a language that is different doesn't mean that the work is not original under copyright law.

The Indian requirement of originality is also that of exercising skill and judgement and having a minimum degree of creativity.<sup>6</sup> The question that arises is whether the output of the AI is a result of the skill and judgement of the individual and their minimum degree of creativity. There are two scenarios. First, originality is to be assessed in the output of the AI that is generated when a user enters a prompt. Second, originality is to be assessed in the work which is based on using the output of the AI. In the first scenario, can it be said that prompting the AI involves skill and judgement, and a minimum degree of creativity? It needs to be understood that prompting the AI is a skill that is developed by users when they interact with the AI. To get the AI to produce relevant output as desired by the user involves the skill of prompting the AI intelligently. A lot of people use AI, but not everyone is able to get AI to produce work of publishable quality. Getting AI to produce meaningful work requires creativity, skill and judgement in conversation with AI.

The second scenario is where the person uses the output of the AI to create a work which has that output. Here, it is essential to understand that skill and judgement are involved in how the output of the AI is to be placed in the larger context of a work that is created based on it. Most often, people use the output generated from the AI and place it in a context by developing the larger narrative. There is skill and judgement involved in setting the larger context of the work and knowing how and where to use the output of the AI so that the work makes coherent sense. Therefore, arguably, there is originality in generating

the output of the AI and using that output in a different work by placing it in a larger context.

Another condition of copyright is fixation, i.e. the work must be fixed. Does the requirement of fixation require that ideas be expressed and fixed by a person? Or is the fixation condition to be seen as separate from who or what fixes the idea? When a user interacts with ChatGPT, which produces text, does fixation occur when ChatGPT has produced the text? The paper takes the stance that fixation occurs the moment ChatGPT has produced its output, which is downloaded and visible on the computer.

Another question is can it constitute copyright infringement if the output of ChatGPT is used? The output of ChatGPT is not usually copied verbatim from original existing sources.<sup>8</sup> The large language model creates its language based on finding connections in the literature on which it has been trained. Therefore, if the output of ChatGPT is put in a plagiarism software, the text will not be highlighted for similarity with existing sources. However, ChatGPT output may have merely rephrased an existing idea in an order of words that had previously not been expressed.

One could argue that copyright protects not just the order of words in language, but also, how ideas are expressed in language. The expression of an idea in language is not limited to the order of words in a sentence but also to how ideas are given meaning through words. Copyright exists, not just in literary works but also in adaptations of the work.<sup>9</sup> Copyright is, therefore, a protection that extends beyond the expression of words in an order in which they have not been used before. If a literary work, written in an order of words not used before, is merely an adaptation of a different work, the copyright could be infringed.

There are discussions about how large language models are trained on copyrighted materials, and therefore, large language models infringe existing material.<sup>10</sup> However, it is difficult to clearly establish this by objectively evaluating the output of ChatGPT. The output is not created by copying parts of existing work but through the brain of the large language model. The large language model works by finding patterns in language and ideas to create output by creating a sequence of words, considering the next best suitable word. The large language model may have been trained on copyrighted material. However, the output is based on the understanding of those materials and not on copying those materials. A

parallel can be drawn to how humans think. Humans may have read and learnt many ideas from various existing texts because they were exposed to them. These ideas then become part of the human memory, and when a human writes new ideas, the old ideas shape human thought and output. This does not, however, mean that humans have infringed copyright because they ideated based on existing work. Thus, the paper argues that copyright infringement by the output of ChatGPT is difficult to establish. The output is not created by copying existing work, but through the mind of the large language model, which is trained on existing work like humans create work by relying on past work.

Here, it is also important to consider the test of substantial similarity between the copyrighted work and the output of ChatGPT. It is also important to consider that ideas in themselves are not protected by copyright law, but the expression of ideas is protected. A related key issue is whether reliance on existing copyrighted materials to create ChatGPT output is a fair dealing. One thing to consider is that the copying must be of expression and not merely of an idea, and a substantial amount should have been taken. Here, it is important to note that the output of AI is usually not similar to existing sources to be substantially similar in terms of the verbatim text. It is interesting, then, to consider whether it should be copyright infringement if the AI does not copy the verbatim text from existing copyrighted materials but only picks up ideas from the copyrighted materials to create its output. Here, it is important to consider whether the output of ChatGPT can be seen as a derivative work. The idea of derivative work can be understood as “a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed, or adapted.”<sup>11</sup> Considering this definition of derivative work, it would be difficult to say that ChatGPT work would usually qualify as a derivative work. This is because of the way in which ChatGPT works. When a user prompts ChatGPT asking it a question, the response of ChatGPT is not merely copied from multiple sources or merely paraphrased from different sources. ChatGPT builds the response based on how it has been trained to think and create the text that would be the best response to the prompt. It appears that

ChatGPT does not merely look into its database to find the relevant text and paraphrase it into an output. ChatGPT can be understood to work by responding with intelligence powered by its coding and training that is not merely a retrieval of relevant information and paraphrasing or simply combining information. Thus, it can be said that usually ChatGPT output is not a derivative work and is not an infringement of existing copyright.

Besides, an argument can be made that ChatGPT should be allowed to train on copyrighted materials for the progress of knowledge, science, art and humankind. The claims of copyright holders that their work should not be fed into the algorithm can be negated by referring to this quotation on the purpose of copyright - “Copyright, specially in literary works, is thus not an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public. Copyright is intended to increase and not to impede the harvest of knowledge. It is intended to motivate the creative activity of authors and inventors in order to benefit the public.”<sup>12</sup> The public would benefit when ChatGPT has been trained on copyrighted material, so the material becomes part of ChatGPTs’ intellectual toolkit.

If AI models are not allowed to be trained on copyrighted materials, it could lead to their biased training on only part of the human knowledge pool. An ideal scenario would be to train the AI on all available resources so that they become part of the AIs’ mind. This would avoid ChatGPT from responding without considering all the relevant knowledge, and in a manner that may be incomplete or not useful. The more knowledge of AI, the greater would be its ability to consider existing knowledge to say something that is an original idea and not merely a derivation.

The copyright system must seek to both protect creators and also facilitate the progress of science and arts. Since the use of ChatGPT is inevitable going forward, there is a need for training ChatGPT in the best way possible through all available quality resources. If ChatGPT is not up to date or trained on all the latest resources, the responses can be blind sighted or biased. There are larger considerations here. It is important that ChatGPT must be developed into a common intelligence that is created by feeding it all that humans know. We must seek to create an

artificial intelligence that understands all that we do so it can guide us towards what we so far do not know. The progress of humankind depends on how well we can train and create an intelligence that would support us to the next frontiers of knowledge, imagination and progress.

Another thing to consider about copyrighted work is that a person is usually considered the works' author.<sup>13</sup> Does the law require that a person must have authored the work? Should the law understand authorship from the point of view of the origination of work? Or should the law understand authorship as a means of attributing someone to the work, so as to exercise rights? One thing is clear in today's world: AI is not a conscious and autonomous person capable of deciding for themselves and exercising rights, such as economic and moral rights over work.

Further, the Indian Copyright Act, 1957 defines author as the following<sup>14</sup> –

*“2(d) ‘author’ means, — (vi) in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;”*

The copyright law recognises that the author of a computer-generated work is the person who causes the work to be created.<sup>14</sup> Who really causes the work to be created when ChatGPT generates output? Does the user who prompts ChatGPT cause the work to be created? The paper proposes that the person causes the work to be created by prompting ChatGPT to provide the output. Seen grossly, ChatGPT produces an output which addresses the prompt that the user enters. Had the user not prompted ChatGPT, the output would not have been created.

On the other hand, it is arguable that ChatGPT produces specific text that the user cannot always anticipate because the way large language models work is unpredictable. Even then, it can be said that the user caused that work to be created because the output would not have resulted if the user had not prompted ChatGPT. Ultimately, ChatGPT does not work on its own and needs to be prompted, and the user must be acknowledged as author for thinking of what to prompt ChatGPT and for prompting ChatGPT, causing the work to be created.

There is a need to take a detailed look at how the work is caused to be created. The user prompts ChatGPT, which responds to the user prompt. The depth of the response depends on the depth of the user input. The response also depends on the overall

context of the entire conversation and considers not just the immediate prompt. Thus, the response of ChatGPT depends on how well the user prompts it and also how well the user has been able to converse with ChatGPT in the overall context. The process of making ChatGPT respond in ways that the user finds meaningful requires engaging with ChatGPT and its responses by delving into deeper conversations for narrower, more focused, and meaningful content. While ChatGPT may respond well with a single prompt, intellectually engaging with ChatGPTs' responses helps get better responses. One way in which a person can intellectually engage with the responses of ChatGPT is to read the response of ChatGPT as if it were coming from another person. Further, to ask questions to ChatGPT as if one were asking questions to somebody they believed understood and meant what they said. The interaction must be in this conversational style where ChatGPT is seen as more than merely a tool to be used, but an intelligence that one is interacting with. Thus, the level and kind of engagement with ChatGPT often decides how it responds.

Here, questions arise about whether this process is truly 'creative' on the user's part versus the AI's autonomy in generating the content. It ties into the question of whether the user causes the work to be created. Prima facie, ChatGPT is intelligent enough to respond to the user prompt in a way that makes sense as a response to what is asked. When ChatGPT is asked to write a story on a topic in the style of a writer, most often ChatGPT responds with a story written in the style of the writer. While the contents of the story may be created by ChatGPT in a way that is not envisaged by the user when they prompt it, the story will nonetheless be based on the topic and writing style. If the user then prompts ChatGPT to edit the story, for instance, considering a change in plot or change in writing style, ChatGPT will most often make the suggested edits to the story. Is the process truly creative on the part of the user? To the extent that the user could think about making a story on a topic in the style of a writer, there is creativity involved. To the extent that the user could think about how the story could be edited to make a better version of the story, there is creativity involved.

How much of the creation process is based on AIs' autonomy in generating the content? The exact output of the creation is to a good extent unpredictable and based on ChatGPTs' understanding of the prompt,

and ChatGPTs' process of creating a response based on its programming and training. Therefore, while the user can lay down the boundaries of imagination for ChatGPT, the exact response is engineered by ChatGPT. However, the user causes the work to be created by rolling the ball by acting on their imagination. An example can explain how the user is involved. Users of a camera decide what to capture using the camera. Likewise, users of ChatGPT decide what to create using the AI. While the user of a camera decides the setting, frame, lighting and other aspects to capture, the user of ChatGPT decides the concepts and style in which to capture.

With technological developments, more and more activities that were once manually done by humans will be delegated to AI. The AI could be developed in use cases wherever it is possible to simulate human thought process. The large language models simulate the human process of thinking in words and language to create text in a way that makes sense. Future developments in AI could simulate further human thought processes that are traditionally required and understood as being creative. Thus, when creativity, thinking, language, and the creation process are simulated, humans would not need to do these activities themselves manually.

There would be a shift in what human effort is required to lead to creative output. Humans possibly would only need to imagine how concepts could be related and how work could be created. The AI, which simulates the processes of thinking and creation, would do the work that is imagined by humans. However, until the point that AI is conscious and acts by itself, it will be the human whose imagination would direct the AI. The level at which the human imagination would operate may change with time. However, the cause of the creation would be human. When we reach a stage where the traditional creative process is automated, the human input would be a more macro level of thought. The human would cause the work to be created through a macro level of thinking and initiating the AI to do the rest.

### Copyright Theories

Ultimately, one needs to understand the function of copyright. Copyright allows work to be protected from being copied without permission.<sup>15</sup> Copyright allows a person's name to be attached to a work to allow for the moral right of attribution.<sup>16</sup> When should the protection of copyright be recognised over work?

What purpose can be solved by rewarding copyright protection over work to persons?

If copyright protects the fruits of one's labour<sup>17</sup>, what labour is required to recognise copyright protection? Is the labour the entire process of oneself bringing an idea into expression? Or should the law consider labour also as the mental effort of ideating and conceptualising, which helps the user prompt AI? One's ideas are also a labour of the thinking that a person has developed over a lifetime. Thus, should copyright be recognised because the person laboured to reach an idea through which he prompted the generation of expression by ChatGPT?

Further, should the labour of publishing the text output of AI be rewarded because otherwise, the text output would just have remained between the user and the AI and be unable to reach any audience? In this sense, labour is not limited to fixing an idea into expression but also bringing an expression of an idea to an audience. The paper takes the stance that the labour of prompting an AI to create an expression and bringing the expression to an audience should be rewarded because, without such labour, work would not have come into existence.

The theory of copyright protecting incentives is also important to consider.<sup>18</sup> Copyright protection gives producers of work the incentive to create more work. Who should be incentivised to create more work, and why? Should incentives only be for work that is created without the help of AI? Should incentives only be for people who have the skill and knowledge of creating work by themselves? Or should incentives also be for anyone who can use the tools of AI to produce ideas and work worth circulating and reaching an audience? If copyright protection is granted over work produced using text generated by AI, it would incentivise people to use AI to produce work, and it would break the barrier of skill, education, and knowledge of writing the work. Everyone would be able to be a writer.

Does the market of copyrighted works benefit if AI-generated work is allowed copyright protection? Awarding copyright protection to the use of work generated by AI increases the competitiveness for people to publish the best material, whatever its source. If everyone could be a writer with the help of ChatGPT, the market would see a rise in the number of published works. A transition would happen where those works will begin to be valued which are meaningful and have substance, regardless of the

source of the work. It would result in people utilising the capabilities of ChatGPT and their minds for creating the best work without worrying about questions regarding how the work was created.

Copyright can also be seen as seeking to protect the personality of the individual.<sup>19</sup> The question is whether an individual's personality is protected because the work is a reflection of the individual's personality. Does an individual's personality have to be ingrained into the work by virtue of the individual having contributed their personality to the creation of the work? Or is the individual's personality reflected in the work because the individual chose to be identified with the work? If the individual intelligently prompted the AI to create work, and the output of the AI is a reflection of the intelligent prompt, the individual's personality is reflected in how the work came into being.

What ultimately is copyright rewarding? Is copyright rewarding the inception of an idea, the process of seeing an idea being brought to life, or the process of oneself bringing an idea to life? There are significant questions to be considered about the progress of ideas. Should copyright merely protect authors whose work was created with the labour of writing skills? When the world has produced a technology (AI such as ChatGPT) to which a person can outsource writing skills, would it be regressive to reward only work created by human hands? Or should people be incentivised to use technology as it would help progress ideas? If AI is fully embraced as a tool for writing, would the role of the human mind change to something more meaningful that should be rewarded using copyright?

It would require a fundamental shift in seeing the purpose and meaning of copyright. Copyright would then be the law that incentivises the progress of humankind by recognising work as worthwhile when it is produced with the help of AI and through the inception of the human mind. Copyright would also become a great equaliser because anyone can then write, and publishing would not be the monopoly of traditional writers, artists and publishers. Copyright would not be the monopoly of people who have received a certain education to write in a language that passes the muster of what is required for publication. The world will reach a place where ideas will be supreme, and people will be rewarded for conceptualising ideas. It would lead to people making the most out of technology to say something new that

is progressive and stands out in the realm of all that is being said using technology.

### **The case against not granting copyright**

There are important considerations against not granting copyright in output of AI. A concern is the problem of proof that a person has used the output of ChatGPT to produce work.<sup>20</sup> While there is software that highlights text that seems to be generated by AI, the software is not robust enough to accurately highlight text generated by AI. Therefore, it is difficult to establish whether AI or humans have produced the work. The companies that offer large language models do not claim copyright over the content of the output of AI.<sup>21</sup> Therefore, would it be in the benefit of knowledge production that one does not check whether AI has created the work?

However, the problem is that two people who prompt the AI similarly might get similar output. Again, this fact is questionable because the AI converses with different people based on previous conversations with those people. Thus, two people who give AI the same prompt could get different results based on the previous conversation that they have had with the AI. Therefore, it is unlikely that two people would stake a claim in copyright over the same content in the same verbatim language.

The more likely scenario is that two different people will most likely edit the language derived from ChatGPT output and organise the material in their own way to create the final product they publish. Therefore, the concern that different people might reach the same output and claim copyright in verbatim text is highly unlikely.

Thus, the paper proposes that the user prompting ChatGPT should have copyright over the output of ChatGPT. There are several counterarguments to this argument. One could argue that the work should enter into public domain, and there should be no copyright over the output of AI. Given the problem of proof discussed above, this is a highly unworkable stance.

Also, the larger implications of not granting copyright over the output of AI also need to be discussed. Suppose copyright is not granted over the output of AI because development in AI makes it possible to detect AI text with 100 % accuracy. People would be incentivised to paraphrase the output of AI and present it as their own. However, is it something that people must be required to do? It would be a transaction cost of questionable benefit for

facilitating the progress of knowledge and art. On the other hand, if copyright is granted on the work as it is, it would allow people to focus on ideating and bringing together text into a narrative and contextualising it.

We are moving to a world where AI will become a tool in the hands of the common man to be able to produce text and publications. There is a need to create a level playing field for one and all - everyone can write, and everyone can be an artist. The market would become competitive for all authors and artists as they compete with AI-generated work. It would push artists and writers to write better and produce appreciable work. It would also lead to humans imbibing AIs' knowledge and integrating AI as a tool in everyday life. The reality of the future is the use of AI as an integral part of every part of our lives. Copyright law should help facilitate the integration of AI into human lives.

Otherwise, the traditional principles of copyright can be interpreted strictly to delay the inevitable which is the adoption of AI as a writing tool. Once calculators came into being, the education system and society embraced them with time and didn't require people to do manual calculations on paper. Similarly, it is time to embrace and adopt large language models as a writing tool, which will make the role of humans intelligent, with them having to prompt and know what and how to make the AI say rather than having to say everything themselves. Complete integration of AI into the education system and society would be a boon for progress of humankind. It is undeniable today that AI writes very well and often writes better than humans. AI can capture nuances through writing in ways that would take humans a lot of time and effort. Why would humans then enforce copyright as a tool against the use of AI?

Here, it is important to consider how the stance of the paper is different from the stance of a jurisdiction such as the US? It is useful to see the US stance in the US Copyright Office Guidance. In 2018, the Copyright Office rejected an application for visual art generated autonomously by computer algorithms.<sup>22</sup> The reason was a lack of creative contribution by a human actor. In 2023, the Office decided on copyright for a graphic novel comprising human text with AI images created using Midjourney.<sup>22</sup> The Office recognised copyright in the graphic novel but did not see that the images could be protected in themselves.<sup>22</sup> Various case law and guidelines indicate the US emphasis on human authorship.<sup>22</sup>

The stance of this paper is to see the process of creation more holistically, rather than looking at creation as being protected only when created by humans in the conventional sense. When users interact with ChatGPT, they do so with their creative imagination to derive relevant text from ChatGPT. With time, ChatGPT would be further integrated into everyday life, and people would use it to create work whose idea was initiated in their minds. Like calculators were delegated the work of calculations, the work of combining knowledge and writing would be delegated to ChatGPT. Here, human creativity would be to derive something of value from ChatGPT by intelligent prompting.

The paper proposes recognising human imagination as the requisite creativity and authorship in the act of deriving text from the tool or intelligence that is ChatGPT. In this sense, the stance of this paper differs from the stance of the US. While the stance in US appears to be based on the idea that only traditional authors and artists and their human creativity must be protected through copyright, this paper seeks to bring a different understanding. When copyright is granted over work created using ChatGPT, artists and writers would be pushed to create work that must compete with the power of AI. The level and depth of work would evolve, and humans would confluence with AI for the progress of humankind. Human intelligence of one person alone is limited, while AI has access to a large repository of knowledge. Therefore, work could be created with the use of AI to bring a larger perspective than that of a single human.

### **Moral rights in output of AI**

*Section 57 of Indian Copyright Act, 1957 states<sup>16</sup> –*

*“57. Author’s special rights.— (1) Independently of the author’s copyright and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right—(a) to claim authorship of the work;”*

While the paper makes a case for granting users economic rights over output of ChatGPT, there are questions to ask about how the moral right to attribution should be applied. Here, the paper takes the argument that: the right to attribution should require AI to be attributed for creating the work. While copyright law should protect the economic rights of persons because of whom work has resulted, copyright law should encourage persons to attribute the work to have resulted from AI. While the output

of the AI has resulted from the users' efforts, the output has also resulted from the brain of the large language model. If work created by AI is not attributed to AI, it would lead to the inability to identify such work when audience would like to see such work with caution.<sup>23</sup>

It is important to consider in greater detail why ChatGPT must be attributed the work. While the user imagines and prompts ChatGPT to produce text, the language of the response is that of ChatGPT. It is important to consider that the language of a text decides the meaning of the text. A change in any word in a sentence changes the meaning of the sentence. A change in the sequence of the words or punctuation in a sentence changes the meaning of the sentence. A change in the sequence of sentences in a paragraph changes the meaning of the paragraph. A change of the sequence of paragraphs changes the meaning of the complete text. Thus, ChatGPT is not merely involved in the creation of text, but also of the meaning that emerges from the text.

This can be compared to when a person writes text by themselves to communicate meaning. When the person writes themselves, the meaning conveyed by the text is what they have envisaged. This is especially so when a person is able to use language to form text and create the meaning that they intended. However, when ChatGPT creates text, the exact meaning of the text does not emanate from the user but from ChatGPT. When the user uses the text for publication, they forward that meaning to others because it made sense to them. The meaning that is conveyed using the text is not their own but that of ChatGPT and with which they are in agreement.

Although the work has come into existence on the initiative of the user, the exact content and meaning of the work have emerged from ChatGPT. Thus, it is important to attribute the work to ChatGPT because it is he who provided meaning in the work. The process of creation of meaning was initiated by the user by engaging with the intelligence of the AI to extract and facilitate meaning creation. However, the meaning was created by the intelligence.

## Conclusion

The paper started with the example of a person conversing with ChatGPT and prompting it to explain their ideas through text output. The person compiles text and ideas into a book. The paper proposes that the person should have a copyright over the book.

Essentially, the paper proposes requiring a re-imagining of the purpose of copyright, keeping the progress of science, the arts and humankind at the forefront. By giving copyright in ChatGPT output, people need to be incentivised to create work through deep confluence with the intelligence of AI. It would allow everyone to be an author when they can think and consider what is novel, without worrying about the need for skills and training to write by themselves. It would make traditional authors and artists compete with the power of AI, thereby pushing everyone to create more valuable work. Copyright would become a great equaliser, and the reward would be for those who can think beyond the ordinary to create new knowledge and art. It would also lead to extending the boundaries of existing human knowledge by leveraging AI.

While the paper argues the above, there is a need to consider if AI-generated work may be taking us away from the humanness in work created by ourselves. Is work generated by AI an insult to life itself?<sup>24</sup> Should then copyright law not protect AI-generated work so that the humanness in creative work is preserved and protected in its pristine form? Should the movement be towards promoting people who create by themselves, and facilitating people to create by themselves? When people create by themselves, they engage with the world by their own imagination and ideas. The work created has real value because it is based on tapping into the lived experiences of life. Thus, is there a need to protect and promote people to engage with life? Because AI cannot replace human experience, and the human mind and creativity must be untethered by an intelligence which is artificial?

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