

User-Generated Content in The Context of Autonomous Ai- Analysis of Comparative Study of Copyright Law in The Us and India

Vidhya Lakshmi V¹, Arunachala Muthulingam U²

^{1,2}Student, Sastra Deemed University

ABSTRACT:

In today's rapidly evolving tech landscape, social media's exponential growth has revolutionized how people create, share, and engage with content. User-generated content (UGC) has become a key part of social networking, empowering individuals to showcase their creativity. However, it also raises significant legal concerns, particularly around copyright. Intellectual property rights and potential copyright infringement issues have become more complex as vast amounts of content are shared publicly across diverse platforms. This paper examines the current state of copyright law in the digital era, focusing on major legal frameworks such as the Digital Millennium Copyright Act (DMCA) in the United States and the Copyright Act of 1957 in India. These frameworks aim to regulate the sharing and protection of online content, though they also face criticism regarding their effectiveness in safeguarding rights while promoting free expression and digital culture. By analyzing these laws, this study seeks to highlight the gap between protecting copyright holders' rights and fostering a digital space conducive to innovation. Ultimately, the paper argues that while existing laws provide a foundation, they need to evolve to accommodate the unique demands of digital content sharing, balancing creators' rights with the public interest.

KEYWORDS: Copyright Act 2012, Artificial Intelligence (AI), User-generated content (UGC), Digital Millennium Copyright Act(DMCA)

BACKGROUND:

In the past, when the majority of material was created by individuals and disseminated through conventional media channels, copyright laws in both the US and India were created to safeguard artists' rights in a comparatively uncomplicated digital environment. Both nations' copyright frameworks were based on precise concepts of authorship and ownership, presuming that authors were people and that their creations came from different places. This strategy worked successfully in conventional industries like publishing, cinema, and music, where a small number of organizations often controlled the development and distribution of material. But as the internet grew and user-generated content (UGC) proliferated, these frameworks' shortcomings became apparent. Millions of people were able to produce and distribute material thanks to platforms like YouTube, Instagram, and Twitter, which brought forth an unparalleled amount and variety of digital works. Safe Harbor provisions, which shield platforms from liability if they follow takedown processes, were established by the Digital Millennium Copyright Act (DMCA) in the US in an effort to address these changes. In a similar vein, India's 1957 Copyright Act

has been amended to cover digital content, but it has found it difficult to keep up with the explosive rise of user-generated content on social media. Both frameworks have faced challenges in balancing protection of intellectual property rights with the realities of everyday users engaging in creative practices, such as remixing and reinterpretation, that involve pre-existing works.

Social media and the growth of user-generated content (UGC) present continuous challenges to copyright laws in the United States and India today. Millions of user-generated texts, photos, and videos—many of which contain copyrighted content—are stored on platforms. In addition to the necessity for effective, automated techniques to handle any copyright infringements, this has raised awareness of problems like fair use in the United States and fair dealing in India. Although the United States' DMCA protections provide platforms with a model of limited liability protection, techniques like YouTube's Content ID have sparked worries about overreach and uneven enforcement. In the meanwhile, platforms and producers in both nations deal with difficult licensing and revenue-generating problems, especially when it comes to protected property like music that are frequently incorporated into digital content.

In the future, the fields of copyright law in the United States and India will have to deal with new issues brought about by artificial intelligence (AI). The ability of AI technology to produce material on their own has complicated conventional ideas of authorship and ownership. The proper application of copyright to works produced by algorithms, which frequently require little human intervention, is becoming more and more ambiguous. Unanswered issues in the United States include who owns content created by AI, whether AI may be legally acknowledged as a creator, and how fair use should be applied to works created by algorithms. Similar concerns will surface in India, where the Copyright Act needs to be updated to make ownership, authorship, and rights pertaining to machine-generated content more clear. In the future, both countries will have to create adaptable legal frameworks that take into account these developing technologies, strike a balance between the contributions of humans and machines, and guarantee that copyright law is still applicable in a digital age characterized by quick technical advancement.

LITERATURE REVIEW:

1. The Evolution of Copyright in the Digital Age :According to academics like Lessig (2004) and Boyle (2008), traditional copyright frameworks are unable to take into account the internet's participatory nature, in which users both create and distribute information. The transition from passive to active content consumption has led to a reassessment of copyright law's capacity to strike a balance between the rights of authors and the demands of a digital culture that is increasingly remix-driven and collaborative.
2. Copyright Infringement on Social Media Platforms: The frequency of copyright infringement on social media sites like YouTube and Instagram, where the volume of user-uploaded content makes thorough enforcement challenging, is highlighted by research by Katz (2015) and Smith & Jones (2017). Harrison (2018) goes into additional detail about how platforms frequently rely on user reports and automated processes, which makes it difficult to properly identify and handle infractions.
3. Fair Use and UGC: In arguments concerning UGC, the idea of fair use—which permits specific uses of copyrighted content without permission—has taken center stage. Fair use, according to academics like Litman (2001) and Kwall (2016), is essential for facilitating artistic endeavors like

parody, commentary, and remixing. However, Zohar (2019) cautions that the arbitrary character of fair use causes misunderstandings and contradictions, especially when it comes to memes and viral content.

4. **The DMCA and Safe Harbor Protections:** Platforms that follow copyright removal protocols are protected from responsibility for user-uploaded content under the DMCA (1998)'s Safe Harbor provisions. While these protections have helped platforms grow, research by Gillespie (2018) and Elkin-Koren & Salzberger (2019) contends that they also promote a passive approach to copyright enforcement, depending on automated systems like YouTube's Content ID, which occasionally overreach and incorrectly flag non-infringing content.
5. **Licensing and Monetization of UGC Platforms:** To enable viewers to lawfully include copyrighted content in their videos, YouTube and TikTok have set up license deals, especially with the music business. Smaller creators are left without obvious access to legal music resources, as noted by Hamilton (2020) and Liebowitz & Watt (2021), who point out that these agreements largely benefit larger creators. Additionally, Tushnet (2019) notes that monetization strategies may result in the demonetization or removal of content, particularly in cases when licensing choices are unclear or unavailable.
6. **The Future of Copyright and Social Media:** According to scholars like Rosenblatt (2021) and Samuelson (2019), copyright law may need to change much more to accommodate the continuously evolving and global character of digital platforms. Expanding fair use rights, improving platform transparency, and encouraging more user education on copyright concerns are some of the reform proposals. Clearer standards are also needed, according to research, to assist producers in navigating the legal complications of creating content for social media.

RESEARCH PROBLEM:

The Motion Picture Association's (MPA) concerns with the U.S. Copyright Office underscore the fundamental research issue, which is the difficulties that artificial intelligence (AI) poses to existing copyright legislation. Examining the difficulties of applying current copyright rules to AI-generated content is the focus of this challenge, especially with regard to issues like fair use, possible copyright infringement, and whether AI-generated works qualify for copyright protection. It also looks into potential legal changes or rules that would clarify the usage of copyrighted content in AI model training and solve these new concerns. USA has introduced AI specific laws such as the US AI generated content advisory act 2023 which serves a catalyst to handle the difficulties presented by the protection of digital content especially, the content produced by artificial intelligence. This issue establishes a cross jurisdictional analysis of the existing laws governing to copyright protection in these countries US and India.

RESEARCH OBJECTIVE:

The purpose of this study is to investigate how copyright laws can be modified to accommodate the intricacies of AI-generated and user-generated content (UGC) on social media platforms. In the digital age, it aims to assess the harmony between fostering creativity and safeguarding intellectual property. Taking into account both existing frameworks and upcoming issues, the report also seeks to provide legal reforms and suggestions for enhancing copyright enforcement.

RESEARCH QUESTION:

1. What legal frameworks are necessary to address the complexities of authorship and ownership in AI-generated content shared on social media platforms?
2. Whether there is a need to frame liability mechanisms for infringement made by AI in copyrighted works for original owners?

SCOPE AND LIMITATIONS:

The analysis of the relationship between copyright law and AI-generated and user-generated content (UGC) on social media platforms will be the main goal of this study. Existing copyright regulations, social media platforms' involvement in enforcement, and the difficulties presented by artificial intelligence in content generation will all be covered in the study. It will look at fair use, legal precedents, and how digital content affects copyright protection. The study will also look at possible changes and suggestions for striking a balance between creators' rights and the requirement for innovation and creative freedom in the digital sphere. This research may not cover more general aspects of copyright law in other businesses because its primary focus will be on copyright concerns in the context of social media platforms. Additionally, the study will be constrained by the dynamic nature of AI and social media, which means that some of the results might become antiquated as technology and legal frameworks develop further. The analysis will rely on case law and legal literature that is now in existence, which could not accurately represent upcoming legal changes or global differences in copyright enforcement. Lastly, the research will not perform surveys or empirical studies of content providers or platform operators due to time and resource limitations.

CHAPTERS OF THE PAPER:**Need of legal frameworks:**

Legal frameworks must change to precisely specify the responsibilities and rights of creators, AI systems, and other content production stakeholders to handle the complexity of authorship and ownership in AI-generated content shared on social media platforms. In this new environment, a few essential components are required to guarantee equitable and open ownership structures:

- **Clear Definition of AI's Role in Content Creation:** Creating a precise legal description of AI's function in content production is one of the first stages. When utilized by humans, AI tools are frequently viewed as tools or collaborators in the creative process. However, it becomes more difficult to distinguish whether AI is regarded as a tool or an independent creator when it produces material on its own. In order to guarantee that human users are given the ownership rights to content produced with AI help, legal frameworks must make it clear that AI is a tool used by human creators rather than a legal author in and of itself.
- **Establishing Human Ownership in AI-Generated Content:** The human users who have instructed or programmed the AI, or the companies that own the AI systems, should be the proprietors of AI-generated works since AI is incapable of having legal personhood. Laws should make it clear that the owner of the copyright in completely AI-generated content is the person or organization that controls the AI. This would avoid ambiguity in legal conflicts and guarantee consistency in ownership. When several people or organizations work together to train or improve the AI system, ownership may also be shared.

- **Recognition of Joint Authorship Models:** A shared authorship model might be required in situations where content creation involves both human input and AI output. Legal frameworks ought to include clauses allowing for shared authorship between the person who created the AI and the company or group in charge of its development and programming. Depending on the degree of human engagement and the type of AI used in the creative process, for instance, if a user uses an AI platform to create content, the platform and the user may share ownership rights.
- **Revising Copyright Law for AI-Generated Works:** The foundation of current copyright law is the idea that authorship is associated with human beings. The law needs to take into account the reality that AI can now create original works without direct human input as AI-generated content becomes more common. Making AI-generated works fall under a different category of intellectual property than traditional human authorship is one possibility. This would entail creating legal frameworks that deal with rights attribution, guarantee payment to the rightful owners, and specify how AI-generated works are shielded by copyright laws.
- **Contractual Agreements for AI Ownership and Use:** Creators and businesses creating AI tools should put in place explicit contractual agreements that specify who owns the content produced by their AI systems in order to prevent misunderstandings and possible legal issues. The rights of the AI developer, the rights of the user (or creator) of the AI, and the distribution of any earnings or royalties derived from the material should all be covered in these contracts. These contracts would give creators and content distributors on social media platforms clarity by acting as a legal foundation for identifying ownership when material is produced utilizing AI platforms.
- **Regulation of Licensing and Monetization for AI-Generated Content:** To control how these works are marketed, platforms that host AI-generated material must provide explicit and unambiguous licensing models. While safeguarding the interests of both human and AI developers, legal frameworks should guarantee that content producers can profit from AI-generated works through licenses that clearly grant the content's rights. All creators should be able to adopt these licensing models, regardless of their size or platform impact, and they should guarantee equitable payment for the use of content produced by artificial intelligence.
- **International Harmonization of AI-Related Copyright Laws:** International copyright law harmonization is crucial since AI-generated content frequently travels across borders and is shared on international social media platforms. Legal requirements pertaining to the ownership of AI-generated works may differ between nations. Navigating the intricacies of international copyright enforcement would be made simpler with a unified international approach that would minimize conflicts of law and guarantee uniform protection for producers of AI-generated content across the globe.
- **Ethical Considerations and Transparency:** Ethical issues pertaining to AI-generated material, such as guaranteeing openness in the way AI is used to produce content and shielding authors from abuse, should also be included in legal frameworks. Even when employing third-party AI technologies, creators should maintain ownership over their intellectual property and users should be informed about the role AI plays in the content production process.

Need for Liability Mechanisms of Copyright Infringement by AI in the U.S. and India

Rapid development of artificial intelligence in content creation has seriously posed legal issues, which center mainly around copyright infringement. In both the U.S. and India, legal frameworks have been

established for protecting copyright. However, when it comes to AI-generated content and its potential scope for infringement, approaches remain limited. In turn, the question at hand is whether new liability mechanisms are needed to accommodate AI. To answer this question, the laws in the U.S. and India are compared.

1. Contemporary Liability Frameworks for Copyright Infringements

U.S. Legal Framework

In the United States, the principal law to address online copyright infringement is the Digital Millennium Copyright Act (DMCA). Safe Harbor provisions in the DMCA provide a legal shield for user-hosted content platforms from liability in situations where users infringe on copyrights; so long as they receive notice and comply with the takedown procedures. But the DMCA does not have any specific provisions about AI-generated content. Responsibility for actions taken by AI in issues of infringement is still not well understood. The U.S. Copyright Office has held the view that works that are entirely created by AI with no human authorship are not eligible for copyright protection (RESEARCH PAPER IPR). This poses a great challenge to address the role of AI within infringement since it brings questions of who owns the rights over AI-generated works at the very outset. Without clarity on authorship, liability determination does become quite complicated. In such cases, it remains unclear whether responsibility for an infringement would lie with the developer or the user of an AI tool. Recent proposals, such as the US's AI Copyright Protection Act, propose updating the current laws by taking into account how complex the use of AI-generated content is, yet they do not fully address liability mechanisms for infringement.

The legal framework in India

India's Copyright Act of 1957 also offers protection to creative works; however, India has failed to make specific provisions regarding the AI-generated content, just like the U.S. Indian copyright law has yet to adapt to the complexity offered by AI in creative processes. Although the Information Technology Act 2000 includes sections on intermediary liabilities, it still primarily caters to the online platform services and does not give a fair cause-and-effect mechanism against holding AI developers or users responsible for infringement caused by AI.

In India, courts have functioned under the assumption that copyright is essentially inextricably tied to human authorship. Questions of ownership and liability are arising with ever greater involvement of AI tools in content creation. For instance, if AI creates a pirated work, it remains unclear who will be responsible—that would be the originator of the AI tool, the user of the AI, or the AI itself were it regarded as a juridical person. India, as is the case with the U.S., lacks a liability framework to direct responsibility for infringement caused by AI.

2. Comparison and Analysis

Both states share a common challenge in dealing with copyright infringement by AI: Ownership Ambiguities: In both the U.S. and India, the primary issue is determining authorship and ownership of AI-generated content. Since AI is not considered a legal entity, the person who controls the AI (whether the developer or user) is generally seen as the responsible party for any infringement. However, in the absence of clear laws that govern AI's role in content creation, assigning liability becomes complex.

Existing Liability Mechanisms: The DMCA in the US and the Information Technology Act of India have provided liability frameworks for content creators and platforms but focus solely on human actions. Both frameworks fail to address AI-specific issues such as determining who to hold the developer or the AI user the AI creates infringing works without human intervention. Both countries lack clear

mechanisms for assigning liability to AI in cases of copyright infringement. Considering that AI tools can produce infringing works independently, then no such mechanisms undermine the authority of copyright holders.

CONCLUSION:

In conclusion, a distinct set of opportunities and difficulties are presented by the development of copyright law in relation to user-generated content (UGC) and artificial intelligence (AI)-generated works on social media platforms. Finding a balance between preserving original creators' intellectual property and promoting the creative freedom that characterizes online culture is becoming more and more crucial as digital platforms continue to enable people to produce and distribute content globally. To make sure that copyright law is still applicable and useful in the digital age, it is imperative to expand fair use, update Safe Harbor rules, and create explicit ownership criteria for content produced by artificial intelligence. A fair and sustainable system for content creation and distribution can also be maintained by developing transparent and equitable licensing arrangements, encouraging worldwide harmonization of copyright laws, and integrating ethical principles into the legal framework. By tackling these problems, copyright legislation can develop to promote innovation, protect the rights of creators, and cultivate a more diverse and just digital environment.

RECOMMENDATIONS:

To address the challenges of **user-generated content (UGC)** and **AI-generated works**, several key recommendations include expanding **fair use** to encourage creativity, enhancing **DMCA Safe Harbor provisions** for better dispute resolution, and clarifying **ownership** of AI-generated content. The latter could involve defining **AI developers** or **users** as legitimate owners and introducing **joint authorship models** for human-AI collaborations. Additionally, platforms should create **fair licensing and monetization models** to ensure equitable access and compensation for both large and small creators. Harmonizing **international copyright laws** is also critical to address cross-border content sharing. Moreover, **liability mechanisms** must be established to clarify **accountability** in cases of AI-generated copyright infringement. Both the **U.S.** and **India** need updated legal frameworks to ensure that copyright holders are adequately protected, and creators can receive **fair compensation** when AI creates infringing content. These changes will promote creativity while maintaining the rights of creators in the digital age.

REFERENCES:

1. https://www.yahoo.com/entertainment/mpa-sees-no-ai-copyright-210541303.html?fr=sycsrp_catchall
2. https://www.yahoo.com/entertainment/artists-lose-first-round-copyright-235707982.html?fr=sycsrp_catchall
3. <https://www.copyright.gov/legislation/dmca.pdf>
4. https://copyright.gov.in/Documents/Notification/Copyright_Amendment_2012.pdf
5. <https://libros.metabiblioteca.org/items/6c7c4b27-2ac8-432b-844a-4a17498b5317>
6. <https://www.tandfonline.com/doi/full/10.1080/13600869.2018.1475897>
7. <https://csipr.nliu.ac.in/copyright/copyright-provisions-pertaining-to-internet-memes-in-india/>
8. <https://niftycomms.com/the-legal-aspect-of-ugc-ensuring-compliance/>

9. <https://nopr.niscpr.res.in/bitstream/123456789/61914/1/JIPR-28%282%29%20107-113.pdf>
10. <https://www.congress.gov/bill/118th-congress/senate-bill/2765>
11. https://iplawmastery.com/berne-convention-and-digital-copyright-issues/#The_Future_of_the_Berne_Convention_and_Digital_Copyright
12. <https://www.copyright.gov/international-issues/>
13. <https://www.copyrightlaws.com/introduction-international-copyright-law/>