

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
RAJYA SABHA**

**UNSTARRED QUESTION NO. 845.
TO BE ANSWERED ON FRIDAY, THE 09TH FEBRUARY, 2024.**

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**845. Smt. Rajani Ashokrao Patil:
Smt. Ranjeet Ranjan:**

Will the Minister of **Commerce and Industry** be pleased to state:

- (a) Government's response to recommendations outlined in the 161st report of Parliamentary Standing Committee, specifically those related to creation of a separate category of rights for Artificial Intelligence (AI) and related innovations within Indian Intellectual Property Rights (IPR) regime;
- (b) whether Government intends to amend Copyright Act of 1957 to update copyright laws to encompass AI-generated content; and
- (c) whether Government has taken any measures to address issues raised by creative writers and artists in their lawsuits against AI-powered Large Language Models, particularly those related to source of training, systematic theft, moral rights violation, endangering livelihoods and royalty payment?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI SOM PARKASH)**

- (a) & (b):** Intellectual Property Rights including Copyright and Related rights provide exclusive rights to the right owner who are legal persons for a set duration. These rights allow for the work or creation or innovation to be protected and enables collection of royalties through licensing. For a right to be granted, the owner is required to meet the criteria specified under the law. India being a member of all major international conventions and agreements for the protection of Intellectual Property Rights grants adequate protection of rights for works created by legal persons through Copyright Law and protects inventions through the Patent system. Therefore, there is no requirement to create a separate category of rights for AI and related innovations in the Indian IPR Regime. Therefore, while Artificial Intelligence (AI) and related innovations is an evolving stream of technology the current legal framework under the Patent and Copyright Act is well-equipped to protect Artificial Intelligence generated works and related innovations. Presently, there is no proposal to create any separate rights or amend the law in the context of AI-generated content.

- (c): The exclusive economic rights of a copyright owner such as the right of reproduction, translation, adaptation etc. granted by the Copyright Act, 1957 obligates the user of Generative AI to obtain permission to use their works for commercial purposes if such use is not covered under the fair dealing exceptions provided under Section 52 of the Copyright Act. Since Intellectual property rights are private rights, these are enforced by the individual rights holders. Adequate and effective civil measures and criminal remedies are prescribed under the Copyright Law against any act of infringement or unauthorized use of works, including digital circumvention.
