



Copyright Societies In The Age Of Artificial Intelligence: Emerging Challenges In Copyright Monitoring, Infringement Detection, Licensing And Collective Rights Management

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Abstract

Generative Artificial Intelligence (GenAI) presents significant challenges to the traditional functioning of copyright societies by transforming how copyrighted works are accessed, processed and exploited. The use of vast and often opaque datasets for AI training makes it increasingly difficult for copyright societies to identify the use of protected works, detect infringement, determine licensing requirements and distribute royalties accurately.

This paper examines these emerging challenges with particular reference to India and the Copyright Act, 1957. It analyses the implications of AI for copyright monitoring, infringement detection, collective licensing, royalty administration and repertoire management. Particular attention is given to text and data mining, training-data transparency, fair dealing under Section 52, uncertainty surrounding human authorship, synthetic content, cross-border exploitation and the absence of established AI-specific tariff and attribution mechanisms.

The paper argues that Generative Artificial Intelligence challenges the informational and institutional foundations of collective rights management. Copyright societies must therefore evolve from conventional licensing and royalty-collection bodies into technologically equipped rights-management institutions capable of effective monitoring, rights verification, transparent licensing and equitable royalty distribution, while maintaining an appropriate balance between technological innovation and the protection of human creativity.

Keywords: Generative Artificial Intelligence; Copyright Societies; Copyright Monitoring; Infringement Detection; Collective Licensing; Collective Rights Management; AI Training; Text and Data Mining; Royalty Distribution; Copyright Act, 1957.

Introduction

Generative Artificial Intelligence has introduced a new and complex dimension to copyright administration by transforming the manner in which protected works are accessed, processed, reproduced and commercially exploited. Traditional copyright law developed around identifiable works, identifiable right-holders and comparatively visible forms of use such as reproduction, public performance, broadcasting, communication to the public and digital distribution. Generative AI, by contrast, may involve the computational processing

of exceptionally large volumes of text, images, music, audio-visual works and other expressive material through technically complex and often opaque systems.

This technological shift creates particular difficulties for copyright societies. Collective rights management traditionally depends upon the ability to identify a protected work, connect it with the relevant right-holder, determine the nature of its use, grant a licence where necessary, collect royalties and distribute remuneration. Artificial Intelligence unsettles each of these assumptions. Copyrighted material may be incorporated into training datasets or processed during model development without the author or the copyright society administering the relevant rights being aware of such use. Even where such use can be identified, a further legal question arises as to whether it requires authorization or falls within an exception such as fair dealing under Section 52 of the Copyright Act, 1957.

The challenge is therefore not confined to conventional infringement. Copyright societies must increasingly confront issues relating to training-data transparency, text and data mining, AI-generated outputs, human authorship, synthetic performances, voice cloning, algorithmically altered content and cross-border exploitation. These developments also complicate the distinction between mere technical similarity and legally actionable reproduction of protected expression at the same time, the scale of AI training strengthens the practical case for collective rights management. Requiring an AI developer to negotiate separately with every author, composer, publisher, performer or other right-holder whose work appears in a large dataset may create prohibitive transaction costs. Copyright societies, by aggregating rights and administering licences collectively, can potentially provide an institutional mechanism through which large-scale access to protected repertoires may be managed efficiently while preserving remuneration for creators.

Indian copyright law already recognises this collective model. Sections 33 to 35 of the Copyright Act, 1957 regulate the functioning of copyright societies, including the grant of licences, publication of tariff schemes, administration of entrusted rights, collection of licence fees and distribution of royalties. These provisions, however, were designed for a legal and technological environment very different from contemporary Generative AI. They must now be applied to forms of exploitation involving large-scale data ingestion, invisible computational use, uncertain authorship and transnational technological infrastructures against this background, the present paper examines how Artificial Intelligence is reshaping the traditional functions of copyright societies in India. It focuses on four interconnected areas: copyright monitoring, infringement detection, licensing and collective rights management. It further considers the related problems of royalty attribution, repertoire verification, AI-assisted authorship, tariff formulation and training-data transparency.

The paper argues that Generative AI does not merely create a new category of copyright use; it challenges the informational and institutional foundations upon which collective copyright administration has traditionally depended. The future relevance of copyright societies will therefore depend upon their ability to evolve from conventional licensing and royalty-collection bodies into technologically capable rights-management institutions able to monitor opaque uses, verify rights, administer AI-specific licences and distribute remuneration transparently while maintaining an appropriate balance between technological innovation and the protection of human creativity.

1-Copyright Societies: From Traditional Licensing to Artificial intelligence Era Intermediaries

Copyright is ordinarily vested in individual authors and other right-holders but the commercial administration of copyright does not always take place on an individual basis. In markets characterised by repeated, dispersed and large-scale uses of protected works individual enforcement and licensing can become inefficient or even impracticable. An author, composer or other creator may theoretically possess exclusive rights, yet may lack the resources to identify every user, negotiate every licence, monitor every exploitation and collect every royalty personally

Under Indian copyright law copyright societies provide the institutional mechanism through which rights can be administered collectively. Section 33 of the Copyright Act, 1957 regulates the business of issuing or granting licences through registered copyright societies. Section 33A requires copyright societies to publish tariff schemes, thereby bringing a degree of transparency and predictability into collective licensing section 34 Copyright Act 1957 is especially important because it empowers a copyright society, subject to the statutory framework, to administer rights entrusted to it, issue licences, collect licence fees and distribute the amounts collected among authors and other right-holders. Section 35 of Copyright Act 1957 further ensures that the administration of the society remains subject to the collective control of authors and other owners whose rights are administered by it the statutory framework therefore does not treat a copyright society merely as a commercial intermediary. Its legitimacy flows from the right-holders whose rights it represents. In this sense, copyright societies perform both an economic and institutional function: they reduce transaction costs for users while also strengthening the bargaining position of creators these characteristics make copyright societies potentially important in the age of Artificial Intelligence. However, the central challenge is whether an institutional mechanism designed for comparatively conventional copyright markets can adapt to AI systems that may process enormous quantities of protected material through opaque, automated and cross-border technological processes.

2-Licensing Problem faced by Copyright Societies due to Generative Artificial intelligence

Generative AI creates a licensing problem primarily because of scale, complexity and invisibility in a conventional copyright transaction, the protected work and the parties are generally identifiable. For instance, if a producer wishes to adapt a novel into a film, the relevant copyright owner can ordinarily be located and the terms of exploitation are negotiated a generative artificial Intelligence model may be developed using datasets containing millions of textual, artistic, musical or audio-visual works even assuming that authorization is legally required for a particular category of training activity, obtaining individual licences for every protected work may be extraordinarily difficult.

Three practical obstacles arise

A-Identification Determining the ownership status of every work included within a large dataset may itself require significant technical and administrative resources. Copyright ownership may be divided, transferred or subject to multiple layers of rights.

B-Negotiation If every individual right-holder must independently negotiate terms with an AI developer, the cost of lawful access may become disproportionately high. Such transaction costs could be particularly burdensome for smaller AI developers, start-ups and research institutions.

C-Administration:- Rights information may be incomplete, works may have multiple owners, foreign repertoires may be involved and some right-holders may be difficult to trace. These complications become significantly greater when millions of works are processed within a single technological system.

These difficulties should not be treated as a justification for ignoring copyright rather they demonstrate that conventional one-to-one licensing may be structurally inadequate for large-scale Artificial Intelligence training.

Collective licensing offers a potential institutional response to this problem instead of requiring an AI developer to negotiate separately with thousands or millions of copyright owners, a copyright society can aggregate authorised rights and provide access to a defined repertoire through a collective licence for artificial Intelligence developers collective licensing can reduce search costs transaction costs and uncertainty regarding permissions for creators aggregation can strengthen bargaining power the individual contribution of one author composer or artist to a massive training dataset may appear economically insignificant when viewed in isolation Collectively however, a substantial repertoire of protected human creativity may possess considerable commercial value.

Copyright societies can therefore function not only as enforcement organisations but also as market intermediaries capable of making large-scale licensing more efficient this function becomes particularly important for independent creators who may lack the financial and institutional capacity to negotiate directly with large technology companies collective licensing however is not an automatic solution to the problems created by Artificial Intelligence the underlying Artificial intelligence activity must actually require authorization under copyright law If the use falls within a statutory exception such as fair dealing, a copyright society cannot impose an ordinary licence merely because the use is economically valuable the society must possess authority to administer the specific rights involved copyright societies cannot lawfully license rights that have not been entrusted to them the relevant repertoire must be identifiable a collective licence becomes difficult to administer where dataset contents are unknown or where a substantial proportion of works belong to non-members the society must be capable of collecting meaningful information regarding actual use if royalties are to be distributed fairly.

Thus collective licensing addresses the transaction-cost problem, but it does not automatically solve the legal, technological and informational problems created by Artificial Intelligence.

The debate has acquired particular significance in India because of the growing policy discussion concerning Generative Artificial intelligence and copyright.

The central regulatory issue is whether the Copyright Act, 1957 can satisfactorily address large-scale computational use of protected works and, if not, whether new licensing or remuneration mechanisms should be developed.

India has a strong interest in developing a competitive domestic Artificial Intelligence ecosystem. Excessive licensing fragmentation may disproportionately burden Indian start-ups, research institutions and smaller technology companies that cannot negotiate individually with enormous numbers of right-holders.

At the same time India possesses substantial creative industries involving authors, composers, lyricists, performers, publishers, filmmakers, photographers and other creators whose economic sustainability depends upon effective protection and exploitation of copyright.

A regulatory framework that places all copyrighted works freely at the disposal of Artificial Intelligence developers may weaken the economic position of creators. Conversely, a system requiring individual permission for every item of training data may make lawful Artificial Intelligence development commercially impracticable collective licensing becomes attractive precisely because it seeks to occupy the middle ground between these two extremes

The emerging Artificial Intelligence environment may therefore require copyright societies to assume a substantially broader role than they traditionally performed traditional tariff schemes are generally based upon identifiable forms of exploitation such as public performance, broadcasting or digital dissemination.

A per-work tariff may be administratively impossible where millions of works are involved. A revenue-based model may have only an indirect relationship with actual use. A model based on individual contribution may be technologically incapable of accurate measurement copyright societies therefore require new tariff methodologies specifically designed for AI-related uses.

Collective licensing cannot operate effectively without information a copyright society must know which works have been used before it can determine whether the use falls within its repertoire or calculate how royalties should be distributed. This creates a direct link between collective licensing and training-data transparency.

Thus, transparency should not be viewed merely as a policy preference in the AI context it may be an operational prerequisite for meaningful collective rights management copyright societies and creator organizations worldwide have issued formal statements and joint declarations demanding fair compensation, transparency, and legal protections against unauthorized artificial Intelligence training where artificial Intelligence companies train their models on copyrighted text, art, music, and code without asking for permission or paying creators artificial intelligence tools create low-cost competing content at scale diluting the market and threatening the jobs of human artists, writers, and musicians lack of transparency tech companies often hide the exact datasets used to train large language models, leaving creators unable to track or manage their intellectual property Core Demands and Actions global organizations like the Indian Performing Right Society (IPRS) and the International Confederation of Societies of Authors and Composers (CISAC) signed joint declarations insisting that human creativity must be prioritized over machine generation collective Licensing & Royalties: Societies are pushing for mandatory collective licensing models where AI developers pay statutory royalties into a central pool that distributes funds back to human creators. Human Authorship Standard courts and copyright offices continue to rule that works created solely by Artificial Intelligence cannot be copyrighted because they lack human authorship.

3-Idea Expression Dichotomy and AI Training: Licensing Challenges for Copyright Societies in India

Indian copyright law is founded on the distinction between an idea and its expression copyright ordinarily protects the original expression of an idea rather than the underlying idea, theme or concept itself. In R.G. Anand v. Deluxe Films, the Supreme Court reaffirmed that ideas, plots and themes are not independently protected unless appropriated through substantially similar expression. This principle assumes particular significance in the context of Generative AI, which may analyse protected works to identify patterns, structures and relationships without necessarily reproducing their expressive form.

For copyright societies, this distinction creates a practical monitoring and licensing difficulty an Artificial Intelligence generated output may resemble the style, theme or structure of a protected work without reproducing legally protectable expression societies must therefore determine whether the relevant use amounts to appropriation of protected expression rather than mere reliance on unprotectable ideas or general characteristics.

The problem is further complicated by the absence of a comprehensive Artificial Intelligence specific provision in the Copyright Act, 1957 governing Text and Data Mining for model training. It remains uncertain whether the computational processing of protected works for AI development constitutes a licensable use, falls within fair dealing, or may be regarded as transformative in nature. Until greater legal clarity emerges, copyright societies face difficulty in developing Artificial Intelligence specific tariffs, monitoring potentially

infringing uses and designing workable collective licensing mechanisms artificial intelligence aiming therefore sharpens the traditional idea-expression distinction and transforms it into an institutional challenge for collective rights management in India.

4-The Economic Dimension: Fair Dealing and Market Harm

The economic consequences of Artificial Intelligence training are particularly significant for copyright societies because collective rights management is intended, in part, to preserve the commercial value of creators' rights. A broad interpretation of fair dealing could substantially reduce the emerging licensing market for AI training, leaving creators without remuneration even where their works contribute to the development of commercially valuable models. At the same time, requiring individual permission for every work contained in a training dataset could generate prohibitive transaction costs, particularly for start-ups, researchers and smaller AI developers.

This tension demonstrates the need for a balanced approach copyright protection should not be applied in a manner that unnecessarily obstructs technological research and innovation, but unrestricted use of protected works may undermine the incentive structure of copyright and weaken the economic position of human creators. The concern is not merely whether a work has been copied, but whether human-created material is being used to develop automated systems capable of producing competing content at substantially lower cost.

For copyright societies collective licensing may provide an institutional compromise by aggregating rights establishing standardised tariffs and negotiating on behalf of multiple right-holders, societies can reduce transaction costs while preserving the possibility of remuneration. However, collective licensing remains dependent upon the legal characterisation of Artificial training If such use is treated as fair dealing or a permissible non-expressive use, the licensing role of copyright societies may be significantly restricted conversely where authorization is required collective management may become essential for facilitating lawful access at scale.

The economic debate therefore lies at the intersection of fair dealing, market substitution, licensing efficiency and creator remuneration. The central challenge is to develop a framework that permits AI innovation without placing commercially valuable uses of protected human creativity entirely outside the copyright licensing system.

5-Artificial intelligence as a Double-Edged Sword for the Creative Industries

Artificial Intelligence should not, however, be treated solely as a threat to creativity. Artificial Intelligence is increasingly being incorporated into the creative process itself. Writers may use Artificial Intelligence for brainstorming or preliminary structuring musicians may employ algorithmic tools for ideation or technical assistance. Visual artists and filmmakers may use AI to modify, enhance or manipulate material. Creative software has increasingly incorporated automated functions capable of assisting rather than replacing human expression. This produces an important policy tension. Excessively restrictive regulation of Artificial Intelligence could disadvantage the very creators whom copyright law seeks to protect. The relevant objective should therefore not be prohibition of Artificial Intelligence technology. Instead, the challenge is to distinguish between: AI as an assistive creative tool and AI as a mechanism for unauthorized exploitation or substitution of protected human expression. Copyright societies will increasingly have to operate at this boundary. The Compensation Problem even where collective licensing is considered appropriate, determining remuneration remains difficult.

A single Artificial intelligence model may be trained upon an enormous quantity of material. How much economic value should be attributed to one newspaper article, photograph, song, illustration or book within such a corpus? A simple per-work tariff may fail to reflect differences in use. A percentage of AI-company revenue may have only an indirect relationship with particular copyrighted material. A popularity-based model may reward already successful creators without demonstrating that their works contributed more significantly to model training. Consequently, copyright societies would require new methods of royalty allocation specifically designed for AI. At minimum, such mechanisms should be transparent, evidence-based, technologically auditable and non-discriminatory.

The emergence of Artificial Intelligence has introduced a new dimension into the relationship between copyright exceptions and collective rights management in India. This became particularly significant following the Delhi High Court's decision in **ANI Media Pvt. Ltd. V. Open AI OpCo LLC (2026)**, where the Court considered whether the use of copyrighted material for training Large Language Models could fall within the fair-dealing exception contained in Section 52(1)(a)(i) of the Copyright Act, 1957.

The decision has consequences extending beyond the immediate dispute between a news organisation and an AI developer. From the perspective of copyright societies

Copyright does not confer an unrestricted monopoly over every conceivable use of a protected work. Section 52 of the Copyright Act 1957 identifies specified activities that are not treated as infringement and therefore do not require authorization from the copyright owner these statutory exceptions demonstrate an important feature of copyright law: the exclusive rights of copyright owners coexist with legally recognised uses that may be undertaken without permission. Section 52(1)(a)(i) Copyright Act 1957 assumes particular importance in the context of Artificial Intelligence. It protects fair dealing with a work, other than a computer programme, for the purpose of private or personal use, including research the Delhi High Court's application of these requirements to AI model training substantially expands the importance of Section 52 for collective rights management

6-Prompts, Human Control and the Licensing Dilemma for Copyright Societies

The legal treatment of prompts has important implications for copyright societies in the age of Generative Artificial Intelligence. The U.S. Copyright Office has taken the view that prompts alone do not ordinarily provide sufficient human control over an AI-generated output to establish authorship. Prompts generally function as instructions communicating the desired subject, tone, style or composition, while the AI system determines many of the expressive elements appearing in the final output.

This distinction is significant because copyright protects original expression rather than mere ideas, instructions or concepts. A person does not necessarily become an author merely by providing detailed directions. Principles derived from joint-authorship cases similarly suggest that authorship requires a copyrightable expressive contribution rather than mere supervision or instruction. Where execution is mechanical, a directing human may retain authorship; however, contemporary Generative AI systems may independently determine expressive features that are not fully controlled or predictable by the user.

The uncertainty is reinforced by the fact that identical prompts can generate substantially different outputs and that repeated prompting does not necessarily increase the user's creative control. Although considerable time and effort may be invested in refining prompts, copyright law protects original authorship rather than labour alone. The relevant inquiry therefore concerns the extent of human creative control over the final expression, not merely the sophistication or repetition of prompting.

For copyright societies, this uncertainty directly affects repertoire administration and licensing. A society must ensure that the person claiming rights actually possesses copyright capable of collective administration. Where an AI-assisted work contains both human-authored and machine-generated elements, the society may need to identify the protectable human contribution before accepting the work into its repertoire or licensing it to third parties.

The same problem extends to collective licensing and royalty distribution. Collective management depends upon the aggregation of legally valid rights. If copyright societies administer substantial quantities of AI-generated material whose copyright status is uncertain, the scope and reliability of their repertoires may become difficult to establish. Similarly, distributing royalties as though an entire work were human-authored may produce inaccurate allocations where substantial expressive elements were generated by Artificial Intelligence.

Generative Artificial Intelligence therefore creates a new rights-verification challenge for copyright societies. Their future role may require not only licensing and royalty administration but also determining the extent of human authorship in AI-assisted works. The central question is whether copyright societies possess the legal and technological capacity to distinguish protectable human expression from machine-generated elements before such works are monitored, licensed and collectively administered.

Conclusion

Generative Artificial Intelligence poses a structural challenge to copyright societies because it disrupts the assumptions on which collective rights management has traditionally depended. Unlike conventional forms of exploitation, AI-related uses may occur through opaque training processes, massive datasets and cross-border technological systems, making it difficult to identify whether a protected work has been used, whether that use requires authorization, and how any resulting remuneration should be calculated and distributed.

The challenges are therefore interconnected. Copyright societies must monitor not only visible exploitation but also the acquisition of training material, the use of works during model development and potentially infringing outputs. At the same time, fair-dealing claims under Section 52 of the Copyright Act, 1957 create a threshold question as to whether licensing is legally required in the first place. Where authorization is necessary, collective licensing may provide an efficient alternative to millions of individual negotiations; however, its effectiveness depends upon clear repertoire boundaries, appropriate tariffs, reliable usage information and transparent royalty allocation.

Artificial Intelligence also creates new problems of repertoire verification, authorship, voice cloning, synthetic performances and cross-border enforcement. These developments show that copyright societies can no longer function merely as conventional licensing and royalty-collection bodies. They must increasingly become technologically capable rights-management institutions equipped for training-data monitoring, rights verification, infringement detection, AI-specific licensing and auditable royalty distribution.

The central challenge is therefore to preserve the advantages of collective administration without either imposing unworkable licensing burdens on AI innovation or allowing commercially valuable uses of human creativity to fall entirely outside the copyright system. A balanced framework based on transparency, technological modernisation, proportionate licensing and effective protection of creators is essential.

Generative Artificial intelligence does not make copyright societies obsolete. Rather, it makes their institutional adaptation more necessary than ever. Their future relevance will depend upon whether collective rights management can evolve sufficiently to operate in an environment defined by massive datasets, uncertain legal boundaries and increasingly invisible forms of copyright exploitation.

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