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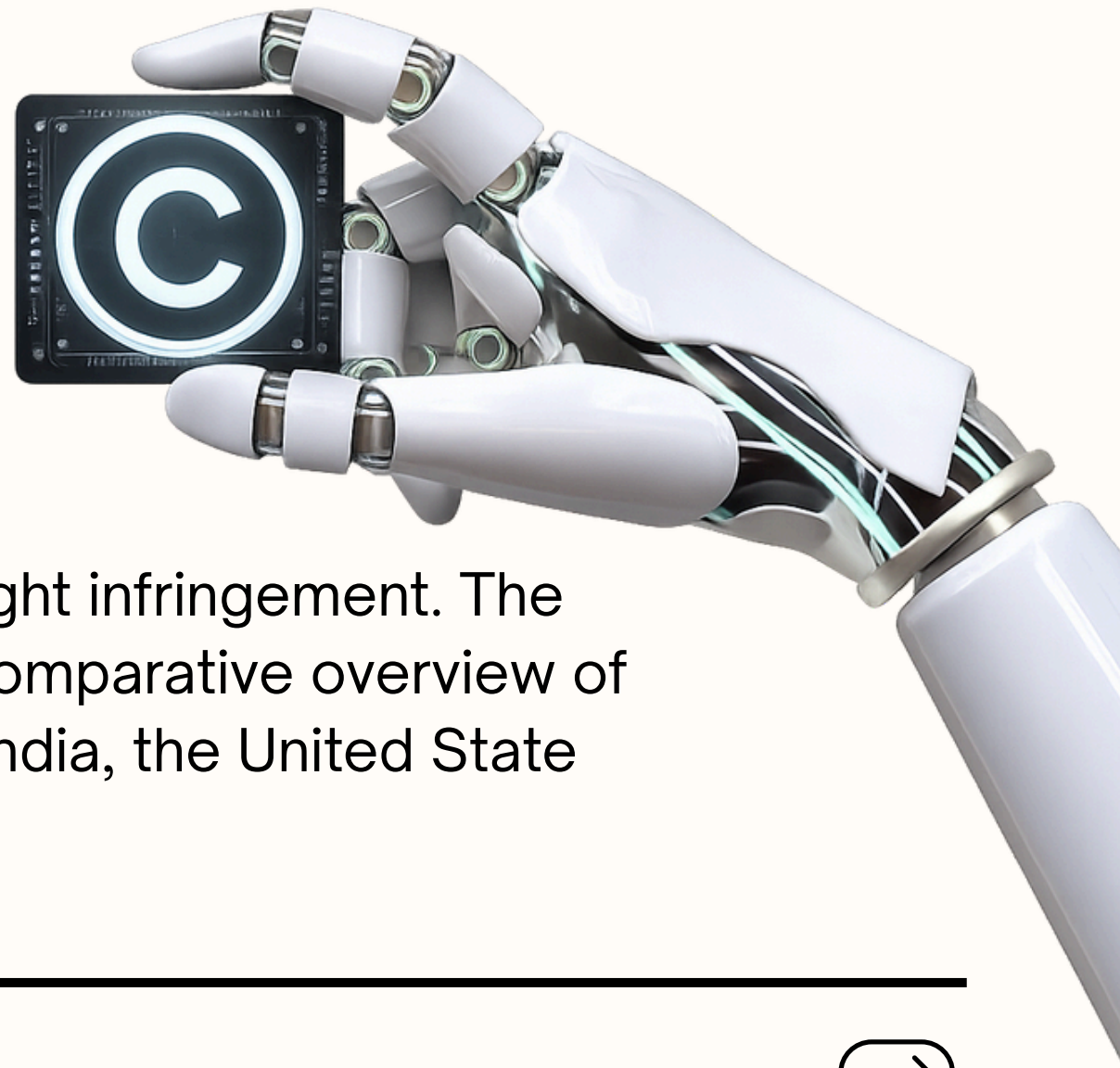
AI and Copyright: A Comparative Analysis of Judicial Developments

As the use of artificial intelligence continues to expand, courts across jurisdictions have adopted differing approaches to copyright-related disputes involving AI. While some jurisdictions have recognized AI training on copyrighted works as fair dealing or text and data mining, others have emphasized the need for licensing and have found AI developers liable for copyright infringement. The following table provides a comparative overview of key judicial decisions from India, the United State



Country	**India**
Case Name	**ANI Media Pvt. Ltd. v. OpenAI OPCO LLC (MANU/DE/5106/2026)**
Facts	ANI alleged OpenAI used its copyrighted news articles to train ChatGPT without authorization. OpenAI claimed the training occurred on U.S. servers and constituted fair dealing
Issues	Whether OpenAI's use of ANI's copyrighted content for AI training and generating outputs constituted copyright infringement, whether such use qualified as fair dealing under Section 52(1)(a) of the Copyright Act, 1957, and whether Indian courts had jurisdiction over the dispute.
Ruling	The Court denied interim injunction, holding that AI training qualified as fair dealing for research under Section 52(1)(a). It also found no substantial similarity between ChatGPT's outputs and ANI's works. The Court held that it had territorial jurisdiction as ANI's principal place of business is in Delhi and OpenAI provides services to users in India.
Outcome	Interim injunction was refused, allowing OpenAI to continue using the data pending trial. The decision recognizes AI training on publicly available data as likely fair dealing in India

Country	**USA**	
Case Name	**Andrea Bartz et al. v. Anthropic PBC, (MANU/INOT/0002/2026)**	**Stephen Thaler v. Shira Perlmutter (MANU/INOT/0005/2025)**
Facts	Authors alleged that Anthropic downloaded millions of copyrighted books from pirate websites such as LibGen and PiLiMi, stored them in a central library, and used them to train its Claude AI models without authorization.	Stephen Thaler sought copyright registration for an AI-generated artwork, listing the AI as the sole author. The Copyright Office rejected the application.
Issues	Whether Anthropic's use of copyrighted books for AI training constituted fair use, and whether downloading and maintaining pirated copies of those books amounted to copyright infringement.	Whether an AI system can qualify as an "author" under the U.S. Copyright Act.
Ruling	The Court held that training AI models on lawfully acquired books constituted fair use under U.S. copyright law. However, it held that downloading and maintaining millions of pirated books was not fair use and constituted copyright infringement, allowing those claims to proceed.	The Court held that copyright requires human authorship, and AI-generated works without human creative input are not copyrightable
Outcome	Anthropic agreed to pay US$1.5 billion to settle the copyright claims relating to its use of pirated books. The settlement, approved by the U.S. District Court, is the largest copyright settlement in U.S. history and resolves the piracy-related claims, while affirming that the ruling on fair use for AI training remains unchanged.	The decision reaffirmed the human authorship requirement for copyright infringemen

Country	Germany	
Case Name	**GEMA v. OpenAI (Case No. 42 O 14139/24)**	**GEMA v. Suno (Case No. 42 O 7425/25)**
Facts	GEMA alleged OpenAI used copyrighted song lyrics to train ChatGPT and reproduced them in responses. OpenAI denied storing copyrighted works and argued outputs were user-generated.	GEMA alleged Suno trained its AI music generator on copyrighted songs and generated outputs substantially similar to protected works.
Issues	Whether AI training and outputs infringed copyright, whether the TDM exception applied, and whether liability rested with OpenAI or users	Whether Suno's AI training and outputs infringed copyright and whether the TDM exception applied.
Ruling	The Court held that OpenAI infringed copyright by using protected lyrics without authorization, rejected the TDM defence, and held OpenAI liable.	The Court held that Suno infringed copyright, ordered it to cease the unauthorized use, disclose profits, and pay damages, rejecting reliance on the TDM exception.
Outcome	OpenAI was ordered to stop unauthorized use, publish the judgment, and pay damages. The ruling supports licensing of copyrighted works for AI training and is subject to appeal.	The decision is among the first European rulings holding an AI music generator liable for copyright infringement. It is subject to appeal.

The table showcases the different takes on AI-related copyright issues globally.

- India and the United States have adopted a relatively permissive approach towards AI and copyright by recognized AI training on publicly available data as fair dealing.

- Whereas, Germany has adopted a more rights-holder-centric approach, by holding that unauthorized use of copyrighted works for AI training and the generation of infringing outputs can constitute copyright infringement.

- These differing judicial approaches highlight the lack of a harmonized international framework governing AI and copyright and the evolving nature of legal responses to generative AI technologies.