



GOVERNMENT OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
THE COPYRIGHT OFFICE

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BEFORE THE REGISTRAR OF COPYRIGHTS

Diary No.: 9356/2022-CO/A filed on 03.05.2022.

Category of work: Artistic

Title of the work: "A Recent Entrance To Paradise"

Applicant: Dr. Stephen L. Thaler

Dates of hearing: 29.04.2026, 25.05.2026, 24.06.2026;

Date of order: 31.08.2026

Mode of hearing: Physical/Video Conference

Appearances: Mr. Ankit Sahani, Mr. Chirag Ahluwalia, Mr. Aman Sinha, and Mr. Goldie Dhama along with Dr. Rayan Abbott as authorized representative of applicant.

Amicus Curiae: Ms. Rajeshwari Hariharan, Senior Advocate, amicus curiae (*appointed by order dated 13.05.2026 to assist the Copyright Office on a pro bono basis in the present matter*).

ORDER

1. The present application has been filed by Dr. Stephen L. Thaler under Section 45 of the Copyright Act, 1957 read with Rule 70 of the Copyright Rules, 2013, seeking registration of copyright in the work titled "A Recent Entrance to Paradise" described in the application as Artistic work.
2. The applicant declared in the statement of particulars related to work that:



- a) The claimed work belongs to the "Artistic Works" category.
- b) The work was first published in 2016 in the USA by publisher Sh. Stephen L. Thaler, 1550, Walls Street, St. Charles, Missouri 63303 USA.
- c) The author of the work is "Device for the Autonomous Bootstrapping of Unified Sentience" (DABUS), 1550, Walls Street, St. Charles, Missouri 63303 USA.

Procedural History:

- 3. The initial application for the artistic work titled "A Recent Entrance to Paradise" was filed under diary no. 9356/2022-CO/A on 03.05.2022.
- 4. Upon examination, the Copyright Office found that although DABUS had been entered in the column relating to authorship, the application did not identify a natural or juristic person recognised in law as the author. Thus, the application had an entry; but the legal competence of the entity entered as author under Section 2(d)(vi) was in question.
- 5. Thus, upon examination of the work, the Office issued a discrepancy letter on 31.07.2023 which proceeded on the basis that authorship under the Copyright Act must be attributed to a person recognised in law, whether natural or juristic, whereas DABUS was not shown to possess either status. Accordingly, with reference to Column 7 of the Statement of Particulars, the Applicant was called upon to identify the person legally entitled to be entered as author and, if required to amend the column 7 reflecting the author and Applicant both were different, to furnish the requisite no-objection certificate or other material establishing the Applicant's title.
- 6. Thereafter, the Applicant responded to the said discrepancy letter vide letter dated 25.08.2023. Upon consideration of the response, the Office was not satisfied with the explanation furnished. Accordingly, a hearing notice dated 08.04.2026 was issued to the Applicant's representative, informing them that the reply submitted was not satisfactory and requiring them to appear for a virtual hearing under sub-rule 12 of Rule 70 of the Copyright Rules, 2013. The hearing was scheduled on 29.04.2026.
- 7. The Office raised certain further objections vide letter dated 07.05.2026 which are reproduced below:



GROUND'S OF OBJECTION:

1) Objection U/s 2(d)(vi) - Justify the Authorship - Human or Computer?

Section 2(d)(vi) of the Copyright Act defines **the "author" of a computer generated work as, "the person who causes the work to be created"**.

The Act's framework, including moral rights **under Section 57** and the term of copyright **under Section 22**, presupposes **a human author possessing legal personality and juridical will**.

2) You have explicitly represented that DABUS generated the work entirely autonomously without any human creative input. You are required to clarify **how the application satisfies the statutory mandate of an authorship**. Supplement the clarity on the source of input/output for the computer generated work and the functional tool utilized by the creator for generating the work. The role of human and computer as creator, and how the creative element is getting established?

3) Objection U/s 13 Justify minimum degree of creativity as the Threshold of Originality

Under Section 13, copyright subsists only in "original" artistic works.

The Supreme Court of India (*Eastern Book Company v. D.B. Modak*) requires a "minimum degree of creativity" arising from human intellectual effort.

You are required to demonstrate how the algorithmic, statistical pattern recognition processes of a neural network satisfy the legal threshold of "creative expression" and "intellectual effort" mandated by Indian copyright jurisprudence, given the admitted absence of human aesthetic judgment or conscious intention offering creative inputs for the creation of original artistic work.

4) Objection U/s 17 of Copyright Act - Justify Claim to First Ownership

Section 17 vests the first ownership of copyright in the "author" of the work. While you have claimed ownership of the work by virtue of owning the DABUS system (akin to a



work-for-hire doctrine), an AI system is not a legal "person" or "employee" capable of transferring rights.

5) You are required to establish the legal basis upon which you claim derivative or first ownership of the copyright when the listed author (DABUS) lacks the legal capacity to hold or assign such rights.

6) Scientific and Technical rationale supplementing the objections

The Nature of AI "Creativity": The Applicant argues that DABUS possesses an autonomous capability to generate inventive works. Scientifically, however, generative AI systems operate via artificial neural networks trained on vast datasets to recognize and synthesize patterns. The "creation" of 'A Recent Entrance To Paradise' is the output of a non-conscious, statistical pattern completion process, fundamentally distinct from human subjective experience, aesthetic judgment, or conscious intention.

7) Absence of "Conception": Borrowing principles from analogous intellectual property frameworks.

8. The Applicant responded to the above objections raised on 07.05.2026, vide letter dated 20.05.2026. Upon receipt of the response, a hearing was offered on 25.05.2026. During the hearing the legal representatives of Applicant along with Dr. Rayan Abbott (as authorized representative of applicant) (through VC) and the *Amicus Curiae* were present.
9. Thereafter, on 12.06.2026, a further notice was issued in continuation of the examination and hearing under Rule 70 of the Copyright Rules, 2013. The Applicant was afforded an opportunity to respond both to the objections dated 07.05.2026 and to the following additional questions:

"1. Please clarify whether DABUS came into existence on its own, designed its own architecture, wrote its own source code, selected its own training methodology and established its own operational parameters and got trained itself on artwork without human intervention?"



2. *If the answer is in the positive, then identify the contents of your application where the entire process as above is stated; apart from para 3?*
 3. *If the answer is in the negative, please identify the human person(s) responsible for creating and configuring the system that enables DABUS to generate the artwork in question.*
 4. *The Applicant appears to contend that DABUS is the author of the work. Please identify the legal basis on which DABUS qualifies as a person under Section 2(d)(vi), and state whether DABUS possesses a legal personality independent of its creator. State and explain how DABUS is capable of owning copyright, enforcing copyright, assigning copyright and bearing legal obligations under the Copyright Act in the absence of any current statutory recognition of software as a legal or juristic person.*
 5. *If it is the Applicant's case that every non-human entity capable of generating outputs or performing autonomous functions is a juristic person, then identify the legal principle by which software is elevated to the status of a juristic person".*
10. In order to enable the Applicant to respond to the above, a hearing was held on 24.06.2026 in the Office of the Controller General of Patents, Trademarks and Designs. The Applicant and *Amicus Curiae* duly attended the hearing and made their submissions which are captured in the paragraphs that follow. During the hearing, the Applicant was specifically afforded an opportunity to amend the authorship particulars by identifying Dr. Stephen L. Thaler as author under Section 2(d)(vi). The Applicant declined to amend the author entry and maintained that DABUS must continue to be identified as author. The alternative request that Dr. Thaler be entered as author subject to DABUS being officially recognised as generator was not presented as an unconditional correction of the existing particulars.
 11. After the conclusion of the hearing on 24.06.2026, order was reserved.
- Submissions of the Amicus curiae:**
12. Given the nature of the proceedings and the novel questions of statutory interpretation arising, particularly whether Section 2(d)(vi) of the Copyright Act, 1957 permits authorship to be attributed to a non-human artificial-intelligence system and, if not, the



person in whom authorship of a computer-generated work may vest, The Registrar, by order dated 13.05.2026, considered it appropriate to appoint an *Amicus Curiae* to assist it in examining the statutory scheme, the applicable legal principles and relevant comparative jurisprudence, so that the issues, which have implications extending beyond the present application, could be determined after receiving independent and comprehensive assistance. Accordingly, Ms. Rajeshwari Hariharan, Senior Advocate was appointed as *Amicus Curiae* to assist the Registrar of Copyrights.

Technical Background as stated by the Applicant:

13. According to the Applicant, **DABUS** which is an acronym for "**Device for the Autonomous Bootstrapping of Unified Sentience**" is an artificial-intelligence system comprising multiple interconnected artificial neural networks capable of generating and evaluating novel concepts without human selection of the final form of expression.
14. The Applicant submitted that DABUS is an artificial intelligence system conceived, created and developed by Dr. Stephen L. Thaler. It comprises interconnected artificial neural network modules forming a synthetic neural architecture in which interacting neural modules give rise to associative patterns and candidate notions. The DABUS system operates through continuous connection, disconnection and interaction of neural modules, forming and stabilizing associative patterns representing concepts or ideas.
15. The Applicant states that, through a process involving the formation, disruption and reinforcement of neural activations, DABUS autonomously generated the artistic work titled "A Recent Entrance to Paradise". According to the Applicant, DABUS operates through a structured process consisting of training, association formation, perturbation, monitoring and detection, stabilisation and reinforcement, and output generation.
16. The Applicant has submitted that the work titled "A Recent Entrance to Paradise" was autonomously generated by DABUS through a sequence of computational processes. It operates through a structured internal process comprising a series of stages, through which data is learned, associations are formed, and outputs are generated.

For the purposes of explaining the generation of the artistic work in question, these stages may be broadly described as follows:

**(i) Training Stage**

Neural network modules are trained on visual and linguistic datasets, enabling the system to learn recurring patterns and representations.

(ii) Association Formation Stage

The system forms associative structures linking visual inputs with corresponding linguistic and conceptual representations.

(iii) Perturbation Stage

The system undergoes cycles of controlled perturbation, i.e., systematic variation in internal activation states, which enables the generation of multiple candidate associative pathways.

(iv) Monitoring and Detection Stage

Internal monitoring mechanisms identify significant or emerging associative pathways arising from these perturbations.

(v) Stabilisation and Reinforcement Stage

Once a pathway reaches a threshold level of activation, it is stabilised and reinforced within the system.

(vi) Output Generation Stage

The stabilised associative configuration is converted into an external output through an output module, resulting in the final work.

These stages occur through iterative cycles within the system, without real-time human intervention at the stage of output generation, and without any text prompt. It was further submitted that the visual input comprised photographs personally taken by Dr. Thaler, and the linguistic input comprised curated thesaurus entries and English sentences. Dr. Thaler also provided brief textual descriptions to establish associations between the visual and linguistic material. The output was the visual artwork itself



generated through the internal operational stages of the DABUS system as explained hereinabove.

17. Thus, according to the Applicant, although Dr Stephen L. Thaler designed and configured the overall system, his contribution was antecedent- i.e confined to creating the conditions that enabled the final work to be generated.
18. DABUS, on the other hand, is said to have performed the core generative process by forming associative structures, generating candidate pathways, stabilising a particular configuration and converting that configuration into the final visual output i.e. the artwork “A Recent Entrance to Paradise”
19. Thus, the Applicant has submitted that the work titled “A Recent Entrance to Paradise” was autonomously generated by DABUS through a sequence of computational processes. *It operates through a structured internal process comprising a series of stages, through which data is learned, associations are formed, and outputs are generated.* Thus, it functions through a structured, multi-stage internal process in which data is processed, relationships are identified, and the resulting output is generated.
20. The Applicant describes the technical background as to how DABUS evolved- the Applicant states that the visual input used by DABUS consisted of photographs personally taken by Dr. Thaler, while the linguistic input consisted of curated thesaurus entries and English sentences. Dr. Thaler also provided brief textual descriptions to establish associations between the visual and linguistic material. However, once DABUS was configured and trained, the final artwork was allegedly generated through DABUS' internal operational process without real-time human intervention and without any text prompt.

Matters for determination:

21. Based on the objections raised and the responses given by the Applicant and the suggestions of the *Amicus Curiae*, the following questions arise for determination:

A. Whether the artistic work titled “A Recent Entrance to Paradise” satisfies the requirement of originality under Section 13 of the Copyright Act, 1957;



B. Who, on the facts disclosed by the Applicant, is “the person who causes the work to be created” within the meaning of Section 2(d)(vi);

C1&C2. Whether the claim of ownership made by Dr. Stephen L. Thaler is consistent with the authorship particulars furnished in the application and the scheme of Sections 17–19; and

D. Whether DABUS may be referred to in the Register merely as the technological system through which the work was generated, without being accorded the legal status of author.

23. These questions are determined in the context of the particular application and the facts disclosed by the Applicant. While arguments were addressed by the Applicant about the general importance of protecting AI generated works and their industry implications, we believe in the present case, it is neither necessary nor appropriate in these proceedings to rule on every form of artificial-intelligence-assisted creation. The degree and character of human involvement may vary materially from one system and one work to another. The present determination is confined to whether DABUS may be entered as author and whether the authorship and ownership particulars furnished in this application conform to the Copyright Act. We now address the issues before this Office.

(A) Whether the artistic work titled “A Recent Entrance to Paradise” satisfies the requirement of originality under Section 13 of the Copyright Act, 1957;

24. This issue requires the Applicant to demonstrate that the work titled “A Recent Entrance to Paradise” satisfies the requirement of originality under Section 13 of the Copyright Act, 1957. The objection of this Office was on the basis that the output was generated through computational and neural-network processes of DABUS, without Dr. Stephen L. Thaler consciously determining the final visual expression i.e. without involvement of human intellect and effort and thus, the question as to whether such work is indeed original.
25. In this regard, the Applicant submitted that *Eastern Book Company v. DB Modak*, 2008(1) SCC 1 does not establish a general proposition that original expression can arise



only through direct human intellectual effort. Nor does it hold that a work generated through an autonomous computational process must necessarily fail the originality test merely because a human being did not consciously determine its final expressive form.

26. The Applicant further submits that Section 2(d)(vi) expressly recognises the category of computer-generated literary, dramatic, musical and artistic works. It would be inconsistent with this statutory recognition to impose a requirement that the final expression must invariably be the product of direct human aesthetic judgment. Such an interpretation would substantially deprive Section 2(d) (vi) of practical operation.
27. On this basis, the Applicant contends that the relevant inquiry under Section 13 is whether “A Recent Entrance to Paradise” is independently generated, is not copied from a pre-existing work and possesses a minimum degree of expressive creativity. The work should not be denied originality merely because its final composition emerged from the autonomous computational processes of DABUS.
28. The Amicus Curiae on the other hand, submitted that the originality of the work must be examined independently of the question of authorship. The fact that DABUS can or cannot itself be recognized as an “author” under Section 2(d)(vi) does not necessarily mean that the output generated by it is devoid of originality or creative expression. It was argued that originality concerns the work as expressed, whereas authorship concerns the legal person to whom the Act attributes its creation. The two requirements, though related, must not be treated as interchangeable.
29. The Amicus Curiae further submitted that the test in *Eastern Book Company v. D.B. Modak* does not require artistic novelty, aesthetic merit or an inventive step. The applicable threshold is modest: the work must not be copied from another existing work and must contain an exercise of skill and judgment that is not so trivial as to be purely mechanical. In the present case, the work titled “A Recent Entrance to Paradise” contains an identifiable arrangement of colors, forms, tonal variations and spatial elements. The final composition is not demonstrated to be a reproduction of any particular pre-existing work, nor is it shown to have been a predetermined or inevitable output of a simple mechanical command.
30. According to the Amicus Curiae, DABUS does not operate merely as a passive instrument reproducing a human-supplied image. The system processes data through



interconnected neural networks, forms associations, generates a range of possible outputs and evaluates the resulting patterns. The particular visual composition was not supplied to the system in its final form, nor was its individual expressive elements consciously selected and arranged by Dr. Thaler. The work therefore possesses sufficient independently generated expressive character to satisfy the minimum threshold of creativity contemplated under Section 13.

31. The Amicus Curiae also drew attention to Section 2(d)(vi), which expressly contemplates literary, dramatic, musical and artistic works that are "computer-generated". The statutory recognition of that category indicates that the use of a computer in generating a work does not, by itself, prevent the resulting expression from being original. To hold that every autonomously generated output necessarily lacks originality merely because no human being consciously selected its final expressive elements would substantially deprive the category of computer-generated works of practical content.
32. The Amicus Curiae accordingly submitted that "A Recent Entrance to Paradise" may properly be regarded as an original artistic work for the limited purpose of Section 13. That conclusion is independent of the exercise of identification of DABUS as the author. In the view of the Amicus Curiae, the work may be creative and original, while the conclusion on authorship under Section 2(d)(vi) should be independently determined.
33. As per the Amicus Curiae, it is not the function of the Registrar of Copyrights to substitute its artistic preferences for those reflected in the work. The relevant inquiry is whether the work is copied from a pre-existing work and whether it contains a sufficient degree of independently generated expressive form.
34. According to the Applicant, in rejoinder, DABUS does not reproduce a predetermined image from its input data or operate as a conventional image-retrieval mechanism. It functions through interconnected neural networks in which data is processed, associations are formed, candidate outputs emerge, and particular outputs are identified through an evaluative process. The Applicant states that neither the constituent elements of "A Recent Entrance to Paradise" nor their final arrangement were supplied or predetermined by Dr. Thaler. The final image emerged from the internal generative processes of DABUS and was not a reproduction of any identified pre-existing work and is therefore original.



Findings regarding Originality of work:

35. The objection under Section 13 requires the Registrar of Copyrights to ascertain the legal connotation of the expression “original artistic work”. Although originality is an express condition for the subsistence of copyright under Section 13(1)(a), the Copyright Act, 1957 does not define the term “original”. The Registrar of Copyrights is therefore required to ascertain the content of that expression by reference to the principles developed in the applicable jurisprudence, including whether originality requires novelty or inventiveness, the degree of creativity necessary, and the distinction between independently generated expression and an output which is merely copied, trivial or mechanical.
36. Having determined the applicable legal standard, the Registrar of Copyrights has to apply it to the facts and material placed on record as "A Recent Entrance to Paradise." This requires consideration of the source and nature of the visual and linguistic inputs, the functioning of the DABUS system, the respective roles of Dr. Stephen L. Thaler and DABUS, the process through which the final composition emerged, and whether the work reproduces any identifiable pre-existing work or instead possesses sufficient independent expressive character to satisfy the threshold of originality under Section 13.
37. Section 13 of the Copyright Act 1957 reads as follows:
- "13. Works in which copyright subsists.-*
- 1. Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,- (a) original literary, dramatic, musical and artistic works; (b) cinematograph films, and (c) sound recording...."*
38. Although the Copyright Act, 1957 makes originality a condition for the subsistence of copyright under Section 13, it does not define the expression “original”. Some guidance may, however, be obtained from other cognate intellectual-property enactments, subject to the caveat that the statutory objects and standards governing those enactments are not identical and that they serve different purposes. Reference to those statutes is accordingly



made only for the limited purpose of ascertaining the ordinary connotation of the word "original".

39. However, there is some jurisprudence to explain the expression “original” occurring in Section 13. In *University of London Press Ltd. v. University Tutorial Press Ltd.*, [1916] 2 Ch 601, Peterson J. observed as follows:

“The word original does not in this connection mean that the work must be the expression of original or innovative thought. Copyright Acts are not concerned with the originality of ideas, but with the expression of thought. The originality which is required relates to the expression of thoughts. But the Act doesn't require that the expression must be in the original or novel form, but that the work must not be copied from another's work that it should originate from the author.... ”

40. Similarly, in *Eastern Book Company v. DB Modak*, 2008(1) SCC 1, the Supreme Court held that:

“The exercise of the skill and judgment required to produce the work is trivial and is on account of the labour and the capital invested and could be characterized as purely a work which has been brought about by putting some amount of labour by the appellants. Although for establishing a copyright, the creativity standard applied is not that something must be novel or non- obvious, but some amount of creativity in the work to claim a copyright is required. It does require a minimal degree of creativity. Arrangement of the facts or data or the case law is already included in the judgment of the court. The exercise of the skill and judgment required to produce the work is trivial and is on account of the labour and the capital invested and could be characterized as purely a work which has been brought about by putting some amount of labour by the appellants. Although for establishing a copyright, the creativity standard applied is not that something must be novel or non- obvious, but some amount of creativity in the work to claim a copyright is required. It does require a minimal degree of creativity..... ”

41. Under Section 13 of the Copyright Act, 1957, the inquiry into “originality” is limited to the expressive form of the work rather than the underlying idea. It requires that the



expression originate independently from the author and display at least a minimal degree of non-trivial skill, judgment, and creative effort.

42. The Supreme Court of India in *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1, has clearly held that copyright protection does not require novelty, non-obviousness, invention or an innovative idea. The work must, however, possess at least a minimal degree of creativity.
43. Independent creation and absence of copying are necessary but are not, by themselves, sufficient. The work must also exhibit at least a minimal degree of non-trivial expressive character. Further, the Registrar is also not required to assess artistic merit, aesthetic quality, novelty or inventive ingenuity. The examination is confined to whether the resulting expression is independently generated and is not so commonplace, inevitable or mechanically predetermined as to fall below the modest threshold recognized in *Eastern Book Company v. D.B. Modak*.
44. Thus, the applicable Indian standard is one of independent creation accompanied by a minimal degree of creativity. The exercise of skill and judgment must not be so trivial or mechanical that it contributes no meaningful expressive character to the resulting work. The threshold is therefore modest: the expression must reflect some non-trivial creative character and must not be the product of an entirely mechanical or purely routine exercise.
45. Applying that standard, the work “**A Recent Entrance to Paradise**” contains a particular arrangement of visual forms colours, tonal variations, spatial relationships and compositional elements. According to the technical explanation placed on record. The final configuration emerged through DABUS's processes of association formation, perturbation, and monitoring, stabilisation and output generation. Even as per Dr. Thaler, the resulting image was not supplied to the system in its final form, nor was it the predetermined or inevitable reproduction of any particular item in the training material.
46. In case of a computer-generated work, the originality inquiry under Section 13 must be read harmoniously with the rule of attribution enacted in Section 2(d)(vi). Section 13 examines whether the resulting work possesses independently generated, non-trivial expressive character; Section 2(d)(vi) separately identifies the legally recognised person to whom authorship of that work is attributed. It would therefore be incorrect either to



treat the computer system as the legal bearer of creativity or to insist that the person identified under Section 2(d)(vi) must have manually selected every expressive element of the final output.

47. The generative process must be examined as a whole. Where a legally recognised person supplies and curates the relevant inputs, configures and initiates a non-trivial generative process, and thereby causes an independently generated expressive work to come into existence, the absence of real-time human intervention at the final computational stage does not, by itself, defeat originality. The legal attribution of authorship nevertheless remains governed by Section 2(d)(vi).
48. On the basis of the technical explanation and material placed on record, and for the limited purpose of the present registration proceedings, the Registrar is satisfied that the resulting composition was not predetermined in its final form and is not shown to reproduce any identified pre-existing work. Its particular visual composition contains at least the minimal degree of expressive creativity required by *Eastern Book Company*. The work accordingly satisfies the requirement of originality under Section 13 of the Copyright Act, 1957.
49. The fact that the work was generated through algorithmic or computational processes cannot, by itself, render the resulting expression unoriginal. Statistical processing and pattern recognition describe aspects of the mechanism by which the output was produced; they do not necessarily determine whether the resulting expression is copied, commonplace or devoid of creative character. A work is not deprived of originality merely because technology played an indispensable role in its production. There is also no clear material on record to prove that the work was copied from some specific source or some other work.
50. This finding is confined to the material placed in the present registration proceedings. Based on the technical account and materials presently disclosed, the particular arrangement of visual elements in the work is not shown to be a reproduction of an identified earlier work and possesses sufficient independently generated expressive character to cross the limited threshold under Section 13.



51. I am of the view that the objection regarding creativity raised for originality is accordingly answered in favour of the Applicant. Now, application is to be considered separately under Sections 2(d)(vi), 17 and 45 of the Act.

(B) Who, on the facts disclosed by the Applicant, is “the person who causes the work to be created” within the meaning of Section 2(d)(vi);

52. The Applicant submitted that whilst Dr. Stephen Thaler designed and configured the system as a whole, his participation was antecedent and upstream in character; and that the core generative function namely the formation of associative structures, the generation of candidate pathways, the stabilization of a particular configuration, and the conversion of that configuration into the final visual output constituting the subject work was performed by DABUS.
53. The Applicant submitted that although Dr. Thaler conceived, created, developed, configured and trained DABUS, the final form, composition and expression of the artwork were created by DABUS itself. DABUS is therefore said to be the immediate and operative cause of the artistic work or creator of the work, whereas Dr. Thaler is only the antecedent or upstream cause. On this basis, the Applicant contended that DABUS should be designated as author because it factually generated the work.
54. The Applicant relied heavily on Section 2(d) (vi) of the Copyright Act, 1957, which defines the author of a computer- generated literary, dramatic, musical or artistic work as “the person who causes the work to be created”. According to the Applicant, this provision expressly contemplates computer- generated works and should not be rendered otiose by reading into it a requirement that authorship must always involve direct human aesthetic execution. The Applicant argues that the present work squarely falls within this statutory category.
55. The applicant submitted that neither the Act nor the Rules defines the expression “person” or confines it in terms to human beings. Placing reliance upon the inclusive definition contained in the General Clauses Act, 1897, applicant stated that the expression is capable of comprehending artificial and juristic persons, and that there is accordingly no statutory warrant for holding that “person” in Section 2(d) (vi) must necessarily denote a natural person.



56. The Applicant submitted that Section 2(d)(vi) was introduced by the Copyright Amendment Act, 1994 to deal with computer-generated works and to clarify authorship in relation to such works. Applying a purposive interpretation, the Applicant argues that the provision must be construed so as to advance the legislative object of recognizing computer-generated works, rather than defeating that object by insisting upon direct human authorship at the stage of final output.
57. The Applicant argues that the phrase “causes the work to be created” requires an enquiry into the actual causal process by which the work came into existence. According to the Applicant, the question is not whether a human hand drew, painted, selected or composed the final expression, but what or who brought about the final form and composition of the work. Since DABUS allegedly generated the final expression autonomously, the Applicant contends that DABUS is properly identified as the author for purposes of attribution.
58. The Applicant clarifies that DABUS is sought to be named as author not to confer full legal personality or independent enforceable rights on the system, but to accurately record the factual and causal provenance of the artwork. According to the Applicant, if DABUS is not named, the Register would inaccurately suggest that Dr. Thaler directly created the final artistic expression. The Applicant submits that transparency requires the Register to reflect the actual mode of creation.
59. The Applicant argues that if DABUS is not designated as author, a human being would receive full authorial credit for a work that he did not directly create and may not have had the skill or capability to produce. According to the Applicant, this would dilute the concept of authorship and unfairly place AI-generated outputs on the same footing as works created through human artistic skill. Naming DABUS is therefore presented as a way to distinguish AI-generated works from traditional human-authored works.
60. The Applicant argues that authorship under the Copyright Act is not invariably confined to natural human beings. He relies on Section 2(d)(v), under which the producer is the author of a cinematograph film or sound recording, read with Section 2(uu), which defines producer as the “person” taking initiative and responsibility for making the work. On similar lines, the term “person” in section 2(d)(vi) can also be interpreted to mean someone other than a human being. Since a company can be the producer and statutory



author of a film, the Applicant argues that the Act recognises non-natural authorship in appropriate contexts and section 2(d)(vi) is an occasion for the same.

61. The Applicant argued that Section 2(d)(v) read with Section 2(uu), where a corporate entity acting as a producer is recognized as an author for cinematograph works, the Applicant submits that the term 'person' in Section 2(d)(vi) can similarly accommodate non-human entities to accurately reflect the provenance of computer-generated works.
62. The Applicant further argues that: (i) the word “person” appears in Sections 2(d)(v), 2(d)(vi) and 2(uu); (ii) under the rule laid down in *Raghubans Narain Singh v. Uttar Pradesh Government through Collector of Bijnor*, AIR 1967 SC 465, the same word in the same statute should ordinarily bear the same meaning unless the context indicates otherwise; (iii) since “person” in Sections 2(d)(v) and 2(uu) includes a company as producer of a cinematograph film, “person” in Section 2(d)(vi) cannot be confined to a natural human being.
63. The Applicant cites the Copyright Office Practice and Procedure Manual of copyright office relating to Cinematograph works, and *Thiagarajan Kumararaja v. Capital Film Works* (2018) to contend that the statutory term 'author' need not be restricted to natural human beings. Applicant submitted that, these authorities confirm that legal authorship under Indian copyright law is not strictly limited to natural human individuals. Consequently, attributing legal authorship to a non-human entity is both recognized by existing practice and fully compatible with the overarching architecture of the Copyright Act.
64. It is accordingly submitted that Section 2(d)(vi) ought to be construed consistently with Sections 2(d)(v) and 2(uu), and that the expression “person who causes the work to be created” should receive a functional construction founded upon the causal process by which the work came into existence, Dr Thaler being the upstream cause and DABUS the immediate and operative cause of the subject work.
65. On this basis, the Applicant contends that DABUS may be designated as the author for the limited purpose of accurately recording the provenance of the work, without treating DABUS as a juristic person under the general law.
66. The Applicant submits that Section 2(d)(vi), as a special provision governing computer-generated works, must be interpreted functionally and purposively. The statutory phrase



"the person who causes the work to be created" should not be replaced by a requirement demanding direct human aesthetic execution at the final output stage. Rather, the inquiry must focus on the immediate causal agent that brought the work into existence. Because DABUS autonomously produced the final form and expression of the artwork following an unsupervised generative phase, it represents the immediate and operative cause of the work and should be designated as the author for attribution purposes. DABUS is the immediate and operative cause which, after an unsupervised generative-learning phase, autonomously produced the final form, composition and expression of the artwork. Applying the "causal" approach, DABUS is the proper author at least for limited attribution purposes.

67. The Applicant further relies upon the reply of the parliamentary question by the Hon'ble Minister of State for Commerce and Industry in the Rajya Sabha, on 9 February 2024 which is tabled as a Press Information Bureau release wherein the applicant has submitted that, to the effect the subsisting framework under the Copyright Act and the Patents Act is adequately equipped to protect AI-generated works and related innovations, and that no separate category of rights and no statutory amendment is required. The material portion of the reply upon by applicant reads as under:

"....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 right so ram end sic the law in the context of AI-generated content...."

68. The Applicant presents this statement as an official executive interpretation confirming that AI-generated works are protected under the existing legal framework without



statutory amendment. Invoking the principle of *contemporanea expositio* as articulated in *K.P. Varghese v. Income Tax Officer* (1981), the Applicant argues that administrative interpretations by the executive, while not binding, carry substantial persuasive weight in construing statutory provisions.

69. The Applicant further cites *Microsoft Technology Licensing v. Assistant Controller of Patents and Designs (COMM.IPD-PAT) 29/2022 of Delhi High Court* to demonstrate the relevance of legislative history and executive statements when interpreting intellectual property enactments. These authorities are invoked to affirm that AI-generated works can be accommodated within the existing Copyright Act.

Submissions of the Amicus Curiae:

70. The Amicus Curiae submitted that, based on the Applicant's own pleadings, the subject work constitutes a “computer-generated artistic work” under Section 2(d)(vi) of the Act. The output emerged from a computational system designed, configured, and initiated by Dr. Stephen L. Thaler.
71. The Amicus further submitted that the attribution of authorship is a legal exercise governed by the statutory scheme and cannot be determined solely by tracing the factual or technological process through which the output was produced. Section 2(d)(vi) must be interpreted as part of Section 2(d) as a whole, under which the Act has identified the person who shall be regarded as the author for each distinct category of copyright work. The enquiry is therefore not confined to identifying the immediate mechanism that generated the final expression; it requires the Registrar of Copyrights to determine, upon a harmonious interpretation of the provision, the legally recognised person to whom the Act intended authorship to be attributed.
72. To illustrate this principle, the Amicus Curiae drew an analogy to a literary book. While researchers, editors, proofreaders, typists, and publishers contribute to refining and producing a manuscript, the Copyright Act attributes authorship solely to the person who conceived the central idea and gave it literary expression. The contributions of intermediate participants, however vital, do not make them legal authors.
73. The focus of Section 2(d) (vi) is therefore to identify the person who “causes the work to be created”, and not the person, machine or technological process that merely causes the



immediate output to be generated. The statutory expression “work” carries a legal meaning within the Copyright Act and cannot be equated mechanically with the final computational output. An interpretation that concentrates only upon the last act of generation would elevate the immediate instrumentality over the person who conceived, initiated and caused the creative process to occur. Such an approach would convert a statutory enquiry into authorship into a technical enquiry concerning output generation, thereby militating against both the language and the legislative scheme of Section 2(d) as a whole.

74. In support of the above construction, the Amicus relied upon the ordinary meanings of the expressions “cause” and “create” appearing in recognised dictionaries. It was submitted that “cause” denotes the person or thing that produces a result or makes something happen or exist, while “create” means to make or produce something new or bring it into existence. Read together and in their statutory context, these expressions direct the enquiry towards the person responsible for originating and setting in motion the process by which the work came into existence.
75. The Amicus Curiae supported this interpretation by referencing the “mastermind” or “controlling intelligence” test articulated in *Aalmuhammed v. Lee* (9th Cir. 2000) and *Burrow-Giles Lithographic Co. v. Sarony* (1884). These decisions establish that copyright law looks to the directing intellect responsible for the work as a whole, rather than the mechanical instrument used for its execution. The Applicant's distinction between an “upstream cause” and an “immediate cause” finds no footing in Section 2(d)(vi) or established copyright jurisprudence.
76. The statutory term “person” must be interpreted as part of the composite phrase “*the person who causes the work to be created*”. Hence once the human intellect who conceived and controlled the process is identified, the fact that execution occurred through an autonomous algorithm does not divest that person of legal authorship. To hold otherwise would read a distinction into Section 2(d)(vi) that the Legislature never intended.
77. The Amicus argued that Section 2(d) (vi) merely allocates authorship to an already recognised legal person and does not itself create a new category of juristic personality. The provision assumes the prior existence of a legally recognised person and merely



identifies that person as the author. It was therefore submitted that no separate inquiry into whether software or artificial intelligence could independently become a "person" arises under Section 2(d)(vi).

78. The Amicus in her observations submits that

a) that Section 2(d) (vi) adopts a specific rule of attribution in law, namely that the author is the person who causes the work to be created; and that accordingly, whilst works generated through artificial intelligence may qualify for copyright protection, authorship must vest in the person recognised in law who conceived, configured, deployed or otherwise caused the generative process to occur, and not in the technological mechanism which produced the immediate output;

b) that DABUS ought not to be recognised as the author, such recognition being tantamount to the creation of a new category of legal person and productive of disruption to the statutory framework governing ownership, duration, assignment, licensing and enforcement, and

c) that if autonomous artificial intelligence systems are to be recognised as authors, such recognition must be introduced by legislative amendment, and not by administrative or interpretative expansion of Section 2(d)(vi).

Findings with respect to Section 2(d)(vi)

79. The rival submissions require the Registrar to answer two related but distinct questions. The first is the positive question under Section 2(d)(vi): who, on the facts disclosed by the Applicant, is the person who caused this particular work to be created? The second is whether DABUS, despite not being a natural or juristic person recognized in law, may nevertheless be entered as author because it performed the immediate computational generation of the final visual output. The first question is addressed in this Part; the legal capacity of DABUS to be entered as author is considered separately in another section.

-(C1) Whether DABUS is capable of being recorded as author

80. The determination of this issue must begin with the statutory language. Section 2(d) identifies the author in relation to different categories and modes of creation. In the case



of a literary, dramatic, musical or artistic work which is computer-generated, clause (vi) provides that the author is “the person who causes the work to be created”. The relevant portion of Section 2(d) is reproduced below:

"author" means,-

(i) in relation to a literary or dramatic work, the author of the work;

(ii) in relation to a musical work, the composer,

(iii) in relation to an artistic work other than a photograph, the artist;

(iv) in relation to a photograph, the person taking the photograph;

(v) in relation to a cinematograph film or sound recording, the producer, and (vi) in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;

81. A bare perusal of the provision demonstrates that the Legislature has identified different classes of works and in respect of each class has traced the originator of the work and allocated authorship to that person. The provision is therefore not a mere definition; it is a self-contained scheme of statutory attribution.
82. In enacting clause (vi), the Legislature did not identify the computer, software or generative system as the author. It identified the author as the “person” who causes the work to be created. The provision therefore distinguishes between the technological mechanism through which the output is generated and the legally recognized person to whom authorship is attributed.
83. The position can be understood by taking the example of literary works. In the creation of a literary work there are several actors. A manuscript may pass through researchers, editorial assistants, editors, proof-readers, typists, illustrators, publishers, printers and digital publishing platforms before it reaches the public in the form of a book. Each of these participants may contribute, in varying degrees, to the refinement, presentation or dissemination of the work.
84. However, none of these intermediate participants are recognised by the Act as the author. Instead, the Copyright Act attributes authorship solely to the author who conceived and



expressed the literary work- the person whose main idea went into the creation of the work.

85. The same analogy applies to dramatic works. A play or dramatic production ordinarily involves the combined efforts of directors, actors, choreographers, costume designers, stage designers, lighting technicians, producers and numerous other creative professionals. Each contributes significantly to the successful performance of the dramatic work.
86. Nevertheless, Section 2(d) does not confer authorship upon each and every contributor or upon the person whose contribution is closest to the final output. Instead, the Act has attributed authorship to the author or playwright who conceived and created the dramatic work.
87. These illustrations disclose the legislative philosophy which underlies Section 2(d). The Legislature recognised that the creation of copyright works frequently involves several human participants, and may in modern conditions involve the employment of diverse technological tools and processes. Rather than leaving authorship to be determined by identifying every contributor, or by tracing the last or most immediate act in the creative chain, the Legislature deliberately allocated authorship, for each category of work, to a single person recognised in law, namely the person who “caused the work to be created”.
88. Section 2(d)(vi) must therefore be understood in the same manner. The fact that a computer or AI system generates the final output does not place an editor, publisher, printer, camera, framing expert or rendering software at a higher pedestal and make them as author merely because each plays an indispensable role in the ultimate production of the work. The author is always the creator of the final work, the person who caused the work to be created, the originator of the work.
89. Clause (vi) must necessarily be interpreted within this statutory framework. The Act recognised that computers may generate literary, dramatic, musical and artistic works. However, instead of attributing authorship to the computer generating the output, the Act consciously continued the legislative pattern adopted in the earlier sub-sections of Section 2(d) and designated as the author **“the person who causes the work to be created”**.



90. It is the case of the Applicant that the expression “causes the work to be created” requires an enquiry into the actual causal process by which the work came into existence, that is to say, into the manner, device, system or software by which it was brought into being; and that the question is not whether a human hand drew, painted, selected or composed the final expression, but what or who brought about the final form and composition of the work.
91. Section 2(d)(vi) does not ask merely which device or computational process mechanically generated the final pixels constituting the work. It requires the identification of the person who, in law and on the facts, caused the work to be created. The inquiry is therefore necessarily causal, but it is an inquiry into legally attributable causation, and not merely into the last mechanical or computational act in the chain of production. In a computer-generated work, the immediate generator and the person who causes the work to be created need not be the same.
92. Further, accepting this argument and embarking on such an inquiry would fundamentally alter and militate against the legislative scheme. It would require the Registrar of Copyrights, for the first time under Section 2(d), to disregard the person identified by the Act and instead enquire into the immediate technological mechanism through which the work emerged. Such an interpretation would transform Section 2(d) from a legislative “allocation of authorship” into a factual “enquiry into the mechanics of creation”. That is neither what the provision says nor how it has been structured.

The Legislative Focus of Section 2(d)(vi) is the Person Who Causes the Work to be Created

93. The Applicant's principal submission that DABUS should be recognised as the author because it generated the final artistic output through an autonomous computational process. This submission, in my opinion, places undue emphasis on the wrong part of Section 2(d) (vi). One can easily notice from a perusal of section 2(d)(vi) that the focus of the provision is not upon the “entity that immediately generates the output” but upon **“the person who causes the work to be created”**. It is this expression that is the governing test for authorship.



94. Terms "cause" nor "created" are not defined in the Act. Their meaning must accordingly be gathered from their ordinary and natural usage, for which recourse to standard dictionaries affords appropriate guidance.
95. The Merriam-Webster Dictionary defines "cause" as "a reason for an action or condition," "something that brings about an effect or a result," and "a person or thing that is the occasion of an action or state." The Oxford English Dictionary similarly defines it as "the person or thing that makes something happen."
96. The word "create" is defined by the Oxford English Dictionary as "to cause something new to happen or exist," while the Cambridge Dictionary describes it as "to make something new, or invent something." Thus, "cause" denotes responsibility for producing an effect or result, while "create" means making, producing or bringing something new into existence.
97. Read together, the statutory expression "the person who causes the work to be created" refers to the person who brings about, or is responsible for, the coming into existence of the work. The emphasis is upon responsibility for the work's origination, rather than upon the instrument, mechanism or tool through which its final expression is generated.
98. The causal inquiry under Section 2(d)(vi) must nevertheless remain work-specific. A person does not become the author of every output merely because that person owns, designed or developed the computer system. There must be a legally sufficient connection between the acts of the identified person and the origination of a particular work.

The Person Who Causes the Work to be Created -the Test

99. The above interpretation of Section 2(d) (vi) also finds persuasive support in the reasoning adopted by the United States Court of Appeals for the Ninth Circuit in *Aalmuhammed v. Lee*, 202 F.3d 1227 (9th Cir. 2000). Although the decision arose under the United States Copyright Act, the principles governing the identification of the true author of a work are instructive in understanding the legislative standard embodied in the expression "the person who causes the work to be created".
100. In *Aalmuhammed*, the Court was confronted with the question whether a person who had made substantial creative contributions to the motion picture *Malcolm X* could



nevertheless claim to be its author (in that case it was a consultant who made substantial contribution by reading, analysing and making suggestions with regard to Islamic script/portions of the movie). Rejecting that contention, the Court observed that authorship does not vest in every person who contributes to the production or execution of a work.

101. Instead, copyright law attributes authorship to the person who is the “effective cause” of the work or the “inventive or mastermind” to whom the work ultimately owes its origin. The relevant extract is reproduced for ready reference:

*“...The Supreme Court dealt with the problem of defining “author” in new media in Burrow-Giles Lithographic Co. v. Sarony. The question there was who the author of a photograph is: the person who sets it up and snaps the shutter, or the person who makes the lithograph from it. Oscar Wilde, the person whose picture was at issue, doubtless offered some creative advice as well. The Court decided that the photographer was the author, quoting various English authorities: “the person who has superintended the arrangement, who has actually formed the picture by putting the persons in position, and arranging the place where the people are to be the man who is the effective cause of that”; ‘author’ involves **originating, making, producing, as the inventive or master mind**, the thing which is to be protected”; “the man who really represents, creates, or gives effect to the idea, fancy, or imagination. The Court said that an “author,” in the sense that the Founding Fathers used the term in the Constitution, was “he to whom anything owes its origin; originator, maker, one who completes a work of science or literature.”*

102. The Court has explained that the relevant enquiry is not who participated in the making of the work or who immediately contributed to its final expression, but who conceived, superintended and exercised ultimate creative control over the work as a whole.
103. The reasoning in *Aalmuhammed* is particularly significant because it makes a fine distinction between the execution of a work and its legal authorship. A person may contribute substantially to the execution, refinement or implementation of a work and yet legally, cannot be determined as its author. The author is the person who originates the work, determines its creative direction, and is the effective cause responsible for bringing



it into existence. In other words, copyright law looks beyond the immediate act of production and identifies the person who stands behind and is responsible for the creation of the work.

104. This principle closely accords with the language adopted by Act in Section 2(d) (vi). By providing that the author of a computer- generated work shall be **"the person who causes the work to be created"**, the Act has similarly directed attention to the person who is responsible for the origination of the work rather than to the immediate mechanism through which the work is generated. The statutory concept of the person who “causes the work to be created” is therefore entirely consistent with the concept of the “effective cause”, the “mastermind”, or the person to whom the work owes its origin.
105. The expressions “creative control,” “effective cause” and “principal architect” used above are not employed as additional statutory requirements nor as substitutes for the words enacted by Parliament. They are descriptive aids used to identify, on the facts of a particular case, the person whose work-specific acts bear a sufficiently direct and substantial relationship to the creation of the work. The controlling test always remains the language of Section 2(d)(vi): who is the person who caused the work to be created. The expression cannot be reduced either to ownership of the machine or to the identity of the machine that performed the final computational operation.
106. The decisions referred to above arise under statutory frameworks different from the Copyright Act, 1957 and are not treated as binding nor as supplying the governing legal standard. They are referred to only to draw a distinction between the instrument through which a work is produced and the person to whom its creation is legally attributable. The conclusion in the present case rests exclusively on the language of Section 2(d)(vi) and the facts disclosed by the Applicant.

DABUS and the “mastermind” Test

107. On the Applicant’s own account, Dr. Thaler conceived and created the system, configured its operation, personally supplied the visual inputs comprising photographs taken by him, curated the linguistic inputs, supplied textual descriptions linking the visual and linguistic material, and initiated the process through which the particular work



came into existence. No other natural or juristic person is identified as having undertaken these acts. Dabus, the AI system autonomously generated the artistic work thereafter. Taken cumulatively, these facts establish that Dr. Thaler's role is not remote but has immediate nexus with the work that was created. Thus, Dr. Thaler is the person who caused this particular work to be created within Section 2(d)(vi), although DABUS performed the immediate computational generation of its final visual form.

108. Section 2(d)(vi) does not employ, and the Registrar cannot introduce, separate categories of "upstream cause", "downstream cause", "immediate cause" or "operative cause". The statutory question is simple: who is the person who caused the work to be created? In other words, who is the originator of the work? The question is not about the last mile execution, but about the initiator of the work. The fact that a computational system performed the last generative step does not exclude the conduct of the legally recognised person who brought about the creation of the particular work.

Argument that DABUS autonomously operated and independently generated the work without human intervention and hence eligible to be recorded as author fails:

109. The Applicant has repeatedly emphasised that Dr. Stephen Thaler merely caused DABUS to operate autonomously and that, once activated DABUS independently generated the artwork without further human intervention. According to the Applicant, this autonomous generation distinguishes DABUS from ordinary software tools and justifies recognising it as the author.
110. This submission, has two major flaws - a) that the role of DABUS is admittedly at the intermediate stage and DABUS is not the mastermind; b) it proceeds on the assumption that "causal" or the "author of the effect" is the test to be applied under Section 2(d)(vi).
111. The fact that a system operates autonomously after being configured does not alter the identity of the person responsible for bringing the work into existence. Autonomy in execution is not synonymous with conception of a work. A system may independently execute computational processes after activation, yet those processes continue to operate within the architecture, objectives, parameters, training methodology and operational rules established by the person who conceived and configured the system. The autonomy



of the process does not displace the causative role of the person who designed and initiated that process.

112. It is admitted that DABUS did not design its own architecture, formulate its own operational purpose, select its own training methodology, independently supply the inputs used for the particular work, or decide of its own legal volition that the work should be created and published. Its autonomous functioning commenced within a system designed, configured, supplied with material and activated by Dr. Thaler. Such autonomy explains how the final output was generated; it does not make DABUS a “person” or confer upon it the statutory status of author. The output may qualify as an original artistic work, but its legal authorship must still be attributed in accordance with Section 2(d)(vi).
113. To hold otherwise would elevate every autonomous technological process into an independent source of legal authorship. Such an approach is inconsistent with Section 2(d)(vi), which attributes authorship not to the entity that executes the generative process, but to the person who caused that process to be brought into operation and who is responsible for the work coming into existence. The law recognizes the mastermind behind the creation of the work, not the autonomy of the tool through which that creation is implemented
114. Hence, it is opined that Section 2(d)(vi) adopts a causation-based standard for the determination of authorship, and does not adopt a generation-based or an immediate-creation-based standard. The contention that DABUS ought to be recognized as author merely because it generated the final output cannot therefore be accepted.

The Analogy Drawn from Section 2(d)(v) is Misconceived

115. The Applicant initially sought to contend that DABUS could be recognized as an artificial or juristic person in a manner analogous to a company or even a deity. During the course of the proceedings, however, the Applicant expressly accepted that it does not seek recognition of DABUS as a juristic person under Indian law and that DABUS is not capable of owning property, enforcing rights, assigning copyright or bearing legal obligations. The Applicant consequently abandoned the foundation upon which its earlier submissions regarding juristic personality rested. Nothing in the Copyright Act



permits a machine lacking legal personality to be entered as the statutory author while the legal consequences that the Act ordinarily attaches to authorship are vested in another person.

116. The Applicant nevertheless continued to rely upon Section 2(d)(v) of the Copyright Act by contending that since a producer of a cinematograph film which may be a company is recognized as the author of the film, there is no reason why DABUS should not similarly be recognized as the author of a computer-generated work under Section 2(d) (vi). This argument, of course, rests on the assumption that 'DABUS' passes the 'mastermind' test or is determined to be the cause of the artistic work.
117. This submission misconstrues the scheme of Section 2(d). As already noticed, Section 2(d) is not a general definition of authorship. It is a legislative allocation of authorship for distinct classes of copyright works. Each clause addresses a separate category of work and identifies the person whom the Act has regarded as the author for that category. The legislative choice reflected in one clause cannot therefore be divorced from its statutory context and transplanted into another clause dealing with an entirely different category of work.
118. The allocation of authorship in relation to cinematograph films under Section 2(d) (v) is the product of a distinct legislative policy. The Act recognised that a cinematograph film is the culmination of the collective efforts of numerous creative participants, including directors, scriptwriters, cinematographers, editors, composers, lyricists and technicians. However, in keeping with the architecture of section 2(d), the Legislature found that though there are other players, the producer of the film is the one who is the central business and logistical leader of a movie, conceiving the project, guiding the project from its initial stage through development, filming, post-production, and final distribution. The producer functions like the chief executive of the film, securing financing, hiring key crew and cast members, and ensuring the project is properly executed. So, he is the maker -conceiver of the movie. In keeping with the spirit of section 2(d) he is the natural legal author. It is notable here that the producer of the movie is the main reason or architect of the film, not just a significant contributor.
119. The producer may be a natural person or a juristic person already recognized by law, but such attribution flows directly from the statutory command contained in Section 2(d)(v).



120. DABUS performed the immediate computational process through which the expressive form emerged, but it did so within the architecture configured and the work-specific process caused by Dr. Thaler. The decisive point is not that DABUS is a person recognized in law or not, but whether Dr. Thaler or DABUS is the person whose acts, taken cumulatively, caused the particular work to be created.
121. Therefore it would not be appropriate to apply the rationale underlying Section 2(d)(v) into Section 2(d)(vi). To do so would be to rewrite the provision by substituting it for a different legislative standard drawn from another clause. Each clause of Section 2(d) is self-contained and operates within its own field. The Copyright Registry cannot disregard the specific language chosen by the Legislature for one category of work, borrow and apply the criteria applicable to one category to another.
122. Thus, the submission that DABUS should be recognized as the author merely because a producer of a cinematograph film may be a company (non-natural person) must, therefore, be rejected. The standard enacted by the Act in Section 2(d)(vi) cannot be diluted or displaced by importing into it the legislative rationale underlying Section 2(d)(v).

The Principle that the Same Expression Bears the Same Meaning cannot be applied in the present case

123. The Applicant has relied upon the principle of statutory interpretation that where the same expression is used repeatedly within the same enactment, it should ordinarily receive the same meaning unless the context otherwise requires. On that basis, it is contended that since the expression “person” occurring in Sections 2(d)(v) and 2(uu) is capable of including a company as the producer of a cinematograph film or sound recording, the same expression “person” occurring in Section 2(d) (vi) must likewise be interpreted broadly so as to include DABUS. In other words, the Applicant argues that DABUS is a ‘person’ and has caused the work to be created.
124. There can be no dispute with the principle relied upon by the Applicant. Ordinarily, the same expression used in the same statute should receive a consistent meaning. However, the Applicant’s difficulty lies not with the principle but with its application to the facts of the present case.



125. If the expression “person” is to receive the same meaning throughout the Copyright Act, then it must receive the same legal meaning and not merely the same grammatical meaning. Wherever the Act refers to a "person", it contemplates a legal person recognized by law: whether a natural person or, where the statute so permits, a juristic person such as a company. Such entities possess legal personality. They are capable of owning property, entering into contracts, assigning rights, instituting proceedings, bearing liabilities and exercising the various rights and obligations contemplated under the Copyright Act.
126. A producing company recognized under Sections 2(d)(v) and 2(uu) satisfies all these requirements because it is already a juristic person recognized under law. The Act did not, by those provisions, create a new category of legal persons. It merely identified that an existing legal person would be regarded as the author of a cinematograph film or sound recording. In the case at hand, DABUS is not an already recognized juristic person.
127. This Office is also of the view that the expression “the person who causes the work to be created” must be construed as one composite and indivisible statutory phrase. No part of it including the word “person” can be isolated and treated as determinative. The inquiry is not satisfied merely by locating a human being somewhere in the causal history of the work; equally, the causative words cannot be read independently of the person to whom the statute attributes creation. What must be identified is : who is the person who, having regard to the making of the particular work, exercised such creative control and made such proximate and material arrangements that the work can fairly be regarded as having been caused by that person. The provision requires a legally meaningful nexus between the identified person and the creation or origination of a specific work, not simply the existence of a person upstream from an autonomous chain of generation or a person having significant role in downstream process.
128. Once it is found that DABUS did not cause the particular work to be created within the meaning of Section 2(d)(vi), the further question whether DABUS is a “person” becomes academic and need not be determined. In any event, DABUS does not satisfy the legal attributes of personhood under the Copyright Act, nor has the Applicant advanced a case



that it possesses such status. The claim thus fails at the threshold: DABUS is not the "creator" contemplated by the statutory provision, and it has neither been shown nor even asserted to be a person capable of being recognised as an author under the Act.

The PIB Statement of 2024 Does Not Support Recognition of AI as the Author

129. The Applicant has placed considerable reliance on a statement published by the Press Information Bureau on 9th Feb 2024, recording as a reply given to a parliamentary question by the Hon'ble Minister of State for Commerce and Industry of the Union Minister of State for Commerce and Industry in the Rajya Sabha, to the effect that the existing legal framework under the Copyright Act is adequately equipped to protect AI-generated works, and that there is presently no requirement for creating a separate category of rights for such works. According to the Applicant, this statement demonstrates that The Act intended AI systems themselves to be recognized as authors under the existing statutory framework.

130. The relevant portion of the statement reads as under:

"....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 right so ram end the law in the context of AI-generated content...."

131. Upon careful consideration, I am of the opinion that the Ministerial reply in Parliament merely confirms that the existing Copyright Act is broad enough to extend statutory protection to works created with the assistance of artificial intelligence tools. This



position aligns with Section 2(d)(vi), which explicitly addresses “computer-generated” literary, dramatic, musical, and artistic works. Artificial intelligence software functions as an advanced computational tool; accordingly, outputs created through its deployment are eligible for copyright protection under the current framework without the need for any separate legislative amendment.

132. The Ministerial statement does not suggest either directly or by necessary implication that AI systems themselves possess legal personality or can be designated as authors. The statutory mechanism for determining authorship in computer-generated works remains explicitly tied to “the person who causes the work to be created”. Executive clarifications or Parliamentary replies cannot alter or expand plain statutory language; they must be read in harmony with Section 2(d)(vi), which allocates authorship exclusively to a recognized legal person.
133. To accept the Applicant's construction would require reading into the Ministerial statement words that it does not contain and, more significantly permitting an executive statement to modify the plain language enacted by The Act. It is a settled principle of statutory interpretation that parliamentary debates, ministerial explanations, or executive statements may assist in understanding the legislative background where genuine ambiguity exists, but they cannot override, amend or rewrite the clear language of the statute. Where the Act has expressly prescribed the legal standard for determining authorship, that statutory command must prevail.
134. The Applicant's interpretation also overlooks the fact that the Ministerial statement and Section 2(d)(vi) are capable of being read in complete harmony. The existing law is indeed sufficient to protect AI-generated works not because the artificial intelligence system is recognized as the author, but because The Act has already enacted a specific statutory rule identifying the person who causes the work to be created as the author of such works. The legislative scheme therefore accommodates AI-generated outputs without conferring legal authorship upon the AI system itself.
135. I am of the opinion that the Ministerial reply relied upon by the Applicant does not support the proposition that DABUS may be recognised as the author of the subject work. The identity of the author of such works continues to be governed exclusively by Section 2(d)(vi), which attributes authorship to the person who causes the work to be



created, that is to say, to the principal architect of the work and not to the executor thereof.

Deity jurisprudence:

136. Although the Applicant does not appear to ultimately press the analogy of a deity acting through a next friend or shebait, submissions having been addressed on this aspect, it is necessary to clarify that the said analogy does not advance the Applicant's case. The doctrine of representation through a next friend does not itself create legal personality. It is only a procedural mechanism by which an entity already recognised by law as capable of holding rights may be represented. A minor sues through a guardian because the minor is already a legal person; a company acts through directors because the company is first incorporated by statute; and a Hindu idol may be represented through a shebait because Indian law has, for specific and limited purposes, recognised such idol as a juristic person. In each case, legal personality precedes representation; it is not derived from representation.
137. DABUS stands on a materially different footing. It has no statutory recognition, no proprietary status, no civil personality, no treaty identity, and no legal capacity independent of its human creator or controller. To permit an autonomous software system to be treated as an author merely because a human being seeks to act for it would invert the doctrine of representation and would, in effect, create a new class of technological juristic persons through administrative interpretation. Such a consequence cannot be read into Section 2(d) (vi) of the Copyright Act, particularly when that provision itself attributes authorship of computer-generated works to “the person who causes the work to be created”, and not to the computer or software system which generates the output.
138. Accordingly, I am of the considered opinion that Section 2(d) must be construed as a complete legislative allocation of authorship for each category of copyright work. Once the Act has identified the person who shall be regarded as the author for a particular category of work, and that pattern is explicitly visible, that legislative allocation must not be ignored and should be given full effect. It cannot be displaced by examining the immediate instrumentality through which the work was ultimately generated.



139. For the reasons stated above, it is accordingly held that DABUS cannot be entered as author under Section 2(d)(vi).

(C2). Whether the claim of ownership made by Dr. Stephen L. Thaler is consistent with the authorship particulars furnished in the application and the scheme of Sections 17–19;

140. Authorship and ownership under the Act are conceptually distinct and may, in circumstances recognised by the Act, vest in different persons. That distinction does not, however, permit the name of an entity incapable of holding rights to be entered as author while ownership is asserted by another person without establishing any statutorily recognized manner of devolution of title.
141. The Applicant stated that DABUS is not a person in law capable of holding property, of executing an assignment or of transferring copyright under Sections 18 and 19 of the Act. DABUS is identified as the author in order to record the factual provenance of the work and its part in performing the generative process, and not in order to assert that it independently owns or is capable of transferring copyright.
142. The Applicant submits that Section 17 does not invariably require ownership to flow through an assignment from the immediate maker of the work. Reliance is placed upon the principle underlying Section 17(b), under which, in specified circumstances, first ownership vests in the person at whose instance and for whose benefit the work is made, in the absence of an agreement to the contrary. According to the Applicant, this demonstrates that authorship and first ownership need not necessarily vest in the same entity.
143. It is contended that Dr. Thaler conceived, created, developed, configured, trained and owns the DABUS system. The work was generated through the autonomous operation of that system only after Dr. Thaler undertook the necessary upstream acts and caused DABUS to generate outputs. There is no competing claimant, third-party interest or agreement vesting ownership in any other person. On these facts, the Applicant asserts that Dr. Thaler is entitled to claim first ownership directly, as the owner of DABUS and the person at whose instance, and through whose arrangements, the work came into existence.



144. The Applicant accordingly submits that no assignment, transfer document or no-objection certificate from DABUS is necessary. Its case is that DABUS may be recorded as the factual generator and author of the work, while ownership and exploitation rights vest directly in Dr. Thaler by reason of his ownership, control and upstream causal responsibility for the system and its output.
145. The main contention of the Applicant is that an assignment as contemplated by section 18-19 is not required in the present factual matrix.

Submissions of the *Amicus Curiae* on first ownership

146. The *Amicus Curiae* submitted that the Applicant's dual claim i.e. different author and owner creates an unresolved dichotomy between authorship and ownership. DABUS is named as the author, while Dr. Thaler claims to be the first owner. Under Section 17, however, the author of a work is its first owner, subject only to the specific statutory exceptions. However, even for section 17(1) to operate, DABUS should be the employee of Dr. Thaler, which it is not.
147. Therefore, as per the *Amicus*, if DABUS is incapable of being a legal person, it cannot hold copyright in the first instance and cannot assign, transfer or otherwise convey that copyright to Dr. Thaler under Sections 18 and 19. In the absence of a valid statutory route by which title moves from the stated author to the claimed owner, the chain of ownership remains legally incomplete.
148. The *Amicus Curiae* further submitted that Section 17(b) operates in specifically defined circumstances and in relation to specified categories of commissioned works made for valuable consideration. It does not establish a general rule that ownership of a machine or computer system automatically confers copyright in every output generated by it. Nor does the Act recognise a general "work-for-hire" doctrine based merely upon ownership or control of the instrument used to create the work.
149. The Registrar of Copyrights, it was argued, is not merely a record of the technological provenance of a work; it performs the important public function of providing legal certainty regarding authorship, ownership and the chain of title. The public is entitled to know who the author is, in whom copyright first vested and, where the author and owner are different, the legal basis on which the rights passed to the owner.



150. It was also argued that this information has practical significance because any person wishing to reproduce, publish, adapt or otherwise use the work must be able to identify the person legally competent to grant a licence. If one entity is named as the author and another as the owner without an intelligible statutory connection between them, a prospective licensee cannot determine whether the purported owner possesses valid title or authority to license the work. This creates the risk of conflicting claims and infringement proceedings, even where a member of the public has acted in reliance upon the Register.
151. It is also argued that Sections 17, 18 and 19 therefore protect not only the private interests of authors and owners but also the public interest in transparent and traceable copyright ownership. Recording DABUS as the author and the Applicant as the owner, without an applicable statutory exception or a valid assignment, would create rather than resolve uncertainty. The integrity of the Register requires a clear and legally sustainable connection between the recorded author, the first owner and any subsequent assignee.
152. Further, as per the Amicus this would leave the public without a coherent explanation of how ownership arose. The Applicant cannot simultaneously contend that DABUS is sufficiently capable of authorship, but legally incapable of holding or transmitting the rights that ordinarily arise in favour of an author.
153. The Amicus Curiae accordingly submitted that the structure of Sections 2(d), 17, 18, 19, 22 and 57 proceeds upon an author capable of bearing legal rights and obligations. The provisions governing first ownership, assignment, duration and moral rights are designed to operate in relation to a legally recognised person. Since DABUS is not such a person and cannot be the first owner or transferor of copyright, the Applicant's proposed separation of machine authorship from human ownership cannot be accommodated within the existing statutory framework. The requirements of Section 17 are therefore not satisfied.
154. The Amicus Curiae further submitted that the Act does not contemplate an unstructured separation between authorship and ownership in which the person claiming ownership may dispense altogether with the statutory requirements governing the vesting and transfer of copyright. Section 17 establishes the mandatory starting point that the author is the first owner, except where the case falls within one of the expressly enumerated statutory exceptions. Where the author and the person claiming ownership are different, the



claimant must either establish the application of a specific exception under Section 17 or demonstrate a legally valid transfer of rights in accordance with Sections 18 and 19.

155. It is argued that Sections 17, 18 and 19 are statutory mandates and cannot be avoided merely by characterising the claimed owner as the proprietor or controller of the system that produced the work. If DABUS is maintained to be the author but does not fall within any recognised employment, commissioning or other relationship contemplated by Section 17, ownership cannot vest directly in Dr. Thaler without a valid assignment. Conversely, if DABUS lacks the legal capacity to hold and assign copyright, the statutory chain of title cannot be completed. The Applicant's contention that no assignment is necessary therefore leaves unexplained the legal route by which Dr. Thaler became the owner of copyright in a work of which, in his own case, he is not the author.

Findings on the Applicant's claim to first ownership U/s 17-19

156. The present objection requires the Registrar of Copyrights to determine whether Dr. Stephen Thaler has established a legally cognisable basis a title chain for claiming first ownership of copyright in “A Recent Entrance to Paradise”, notwithstanding that DABUS and not Dr. Thaler has been named as the author in the application.
157. Section 17 lays down the general rule that, subject to the provisions of the Act, “the author of a work shall be the first owner of the copyright therein”. The provision thereafter identifies specified circumstances in which first ownership may vest in a person other than the author. The statutory scheme therefore begins with the author as the first owner and permits a departure from that position only where one of the stated exceptions or another applicable provision of the Act is established.
158. Section 17 of the Copyright Act 1957 is reproduced hereunder for ready reference-

17. First owner of copyright.-

Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that-



(a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

.....

(c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

159. In this regard, section 18 and 19 should also be analysed, which read as follows:

18. Assignment of copyright.-

(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and either generally or subject to limitations and either for the whole of the copyright or any part thereof:

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence:

Provided further that no such assignment shall be applied to any medium or mode of exploitation of the work which did not exist or was not in commercial use at the time when the assignment was made, unless the assignment specifically referred to such medium or mode of exploitation of the work:

19. Mode of assignment.-



(1) No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent....

160. It is apparent that Sections 17, 18 and 19 constitute a continuous statutory scheme governing the movement of copyright from authorship to ownership. Section 17 identifies the first owner, ordinarily the author, Section 18 enables that owner, or the prospective owner of a future work, to assign the copyright; and Section 19 prescribes the mandatory form and content of such assignment. Where the person claiming ownership differs from the person identified as the author, the claimant must either establish that the case falls within one of the express exceptions to Section 17, or demonstrate a valid assignment satisfying Sections 18 and 19.
161. In *Indian Performing Right Society Ltd. v. Eastern India Motion Pictures Association*, (1977) 2 SCC 820, the Hon'ble Supreme Court recognised that existing and future copyright is assignable subject to Section 18, and held that Section 19 requires the assignment to be in writing and to be signed by the assignor or by his duly authorised agent.
162. Section 19 is not merely evidentiary in character. It expressly declares that no assignment of copyright shall be valid unless it is in writing and signed by the assignor or by a duly authorised agent. The instrument must identify the work and specify the rights assigned, their duration and territorial extent, as well as the royalty and other consideration payable.
163. The statutory defaults contained in subsections (5) and (6) of section 19 prescribe a five-year duration where none is stated and territorial operation limited to India and operate only where an assignment otherwise validly exists. They however, cannot cure the complete absence of a written instrument or of a legally competent assignor.
164. The claim as presented in the application that DABUS is the author while Dr. Thaler is the owner, cannot be reconciled with Sections 17–19 of the Act. If DABUS were assumed to be the author, the Applicant would have to establish either a statutory exception under Section 17 vesting first ownership directly in Dr. Thaler or a valid transfer of copyright under Sections 18 and 19. No such statutory exception or transfer has been established.
165. The difficulty is not cured by Dr. Thaler's ownership of the DABUS system. Ownership of a computer, software or other instrument does not, without more, create a general statutory entitlement to copyright in every output generated through that instrument. Nor



can DABUS execute an assignment, being admittedly devoid of legal personality and contractual capacity.

166. That conclusion, however, applies to the case as pleaded in the application. The Registrar has independently concluded under Section 2(d)(vi) that, on the Applicant's own factual account, Dr. Thaler is the person who caused this particular work to be created. If Dr. Thaler is correctly identified as the statutory author, Section 17 would ordinarily operate to make him the first owner, subject to any applicable statutory exception or agreement to the contrary.
167. The substantive defect in the present application is therefore not that Dr. Thaler could under no circumstances possess title. It is that the verified particulars identify DABUS as author and Dr. Thaler as owner, thereby asserting a legally impossible separation for which no statutory route of vesting or transfer has been shown. The Register cannot contain particulars which the Registrar has found to be legally incorrect.
168. The absence of a rival claimant does not authorise the entry of legally inconsistent particulars. Registration is not granted merely because no person presently contests ownership. The Applicant must establish that the author and owner particulars proposed to be entered are consistent with the Act.
169. It is accordingly held that the ownership claim cannot be accepted on the basis on which it was presented: namely, DABUS as author and Dr. Thaler as owner. This is not to hold that Dr. Thaler is incapable of being the first owner if he is correctly identified as the author under Section 2(d)(vi). It means only that the authorship and ownership particulars contained in the application, as maintained, cannot lawfully be entered in the Register
170. The Applicant's submission that no assignment is necessary leaves the statutory chain of title incomplete. If DABUS is the author and consequently the putative first owner under the general rule in Section 17, DABUS must possess the legal capacity to hold and transfer copyright. If, as the Applicant concedes, DABUS possesses no such capacity, no copyright can pass from DABUS to Dr. Thaler. Conversely, if copyright is claimed to vest directly in Dr. Thaler, the Applicant must identify and satisfy a statutory provision displacing the general rule in Section 17. No such provision has been shown.
171. The authorship and ownership particulars presented in the application therefore cannot be accepted in their existing form. This conclusion is confined to the pleaded basis that



DABUS is the author and Dr. Thaler is the owner. In view of the finding that Dr. Thaler is the person who caused the particular work to be created, no question of an assignment from DABUS would arise if Dr. Thaler were correctly identified as author.

172. The objections under Sections 17–19 accordingly are maintained against the particulars as presently framed, but not against Dr. Thaler’s legal capacity to be first owner upon being correctly identified as the statutory author.
173. As submitted by the Amicus Curiae, we understand that there are public-interest functions of the Register of Copyrights. The Register is not merely a record of the technological process or provenance through which a work came into existence. It is intended to provide legal certainty regarding the identity of the author, the first owner of copyright and, where the author and the present owner are different, the chain through which title lawfully passed from one to the other.
174. This requirement has significant practical consequences. A member of the public wishing to reproduce, publish, adapt, communicate or otherwise use a registered work must be able to identify the person legally competent to grant a licence. Where one entity is recorded as the author and another as the owner without any legally recognised connection between them, a prospective licensee cannot ascertain whether the purported owner possesses valid title or authority to license the work. Such ambiguity may expose bona fide users to competing claims and infringement proceedings despite their reliance upon the particulars appearing in the Register.
175. I am of the considered opinion that Sections 17, 18 and 19 are the provisions which guide for transparent and traceable ownership of copyright; and that the integrity and reliability of the Register requires a clear and legally sustainable connection between the recorded author, the first owner and any subsequent assignee. The Registrar of Copyrights hereby concludes that the Applicant has failed to establish a legally sustainable basis for the claim to first or derivative ownership of the copyright in the subject work.
176. **For the reasons stated above, the Applicant has failed to establish a legally sustainable basis for claiming first or derivative ownership of the copyright in the work.**



D. Whether DABUS may be referred to as the technological generator without being recorded as author

177. As an alternative submission applicant stated that even if DABUS is not recognised as the author, Dr. Stephen L. Thaler may be recorded as the author under Section 2(d) (vi) with an appropriate remarks in the Register or in the certificate of registration recording that the work was generated by DABUS; that such a course lies within the discretion of the Office; that it is in the interests of full and fair disclosure; and that it would accurately reflect the factual provenance of the work. I am unable to accede to the submission.
178. This submission must be distinguished from the application actually presented and maintained before the Registrar. The verified Statement of Particulars continues to identify DABUS as the author and Dr Thaler as the owner. No amended Form XIV or Statement of Particulars has been filed identifying Dr Thaler unconditionally as author. Nor has the Applicant filed a separate and properly formulated request setting out the precise entry proposed to be made in the remarks column and the statutory basis upon which such an entry is sought.
179. The alternative submission made during the hearing is itself conditional. The Applicant has not accepted Dr Thaler's statutory authorship independently of the requirement that DABUS must also receive official recognition as the technological generator. The Registrar cannot convert such a conditional submission into an unconditional amendment of the verified particulars.
180. Two separate matters are involved. The first is the identity of the statutory author under Section 2(d)(vi). That question necessarily arises from the existing application and has been determined in this order. The second is whether, after the statutory author is correctly identified, the Register may additionally contain a legally neutral remark concerning the technological process through which the work was generated. The latter question is not required to be finally determined in the absence of corrected particulars and a specific, duly formulated request setting out the proposed entry.
181. The prescribed Form XIII contains a column for "Remarks, if any." The mere existence of that column does not, however, require the Registrar to formulate a remark on behalf of an applicant or to enter every factual circumstance relating to the creation of a work. In



particular, the remarks column cannot be employed to confer, directly or indirectly, authorship, ownership, legal personality or any other statutory status upon an artificial-intelligence system.

182. The Applicant has not placed before the Registrar a separate request confined to a legally neutral statement of technological provenance. Instead, the request has been presented as a condition attached to the substitution of Dr Thaler as author. The Registrar is therefore not called upon in the present proceeding to decide, in the abstract, whether a differently framed and legally neutral reference to DABUS may be entered in the remarks column.
183. If the Applicant desires to seek an entry identifying DABUS solely as the technological system through which the work was generated, without attributing authorship, ownership or legal personality to it, it shall be open to the Applicant to make an appropriate application or request in the manner permissible under the Copyright Act and the Copyright Rules and the same would be considered accordingly. The maintainability and merits of any such application or request are expressly left open. Nothing stated in this order shall be construed either as recognising a right to such an entry or as foreclosing the Registrar's authority to consider a properly formulated request in accordance with law.
184. The conditional alternative submission made in the present proceeding therefore does not cure the verified particulars, which continue to identify DABUS as author. It also does not require the Registrar to decide an independent question concerning technological provenance that has not been presented through corrected particulars or a separately formulated request.
185. The present proceedings do not require the Registrar to determine whether every use of artificial intelligence must, may or may not be descriptively disclosed in the Register. That larger administrative question may require a uniform policy or an amendment to the prescribed forms and cannot be conclusively settled through the facts of one application.
186. The Applicant's reliance upon considerations of transparency and full disclosure, though understandable as a matter of policy, cannot override the statutory framework of the Copyright Act. What may appear desirable from a technological or academic perspective cannot determine the contents of a statutory register. The Register must record what the Copyright Act requires it to record, not what an applicant considers desirable or more informative. In any case, no such application was made before this Office.



187. The Registrar cannot suo motu make additions/deletions to an existing application. The Registrar may identify a defect and afford an opportunity to correct it, but cannot unilaterally substitute a different author, reconstruct the asserted basis of title, or grant an application upon a case that the applicant has expressly declined to adopt. To enter Dr Thaler as author and DABUS as the system that created the work would amount to the Registrar making and allowing a materially different application on the Applicant's behalf.
188. **Accordingly, I am of the considered opinion that no case for making additional notation recognizing DABUS as the generator of the artwork has been made out.**

Observations:

189. For the reasons stated above, it is held that:
- (i) "A Recent Entrance to Paradise" satisfies the limited threshold of originality under Section 13 on the material presently placed before the Registrar;
 - (ii) DABUS is not a natural or juristic person recognised in law and cannot be entered as author under Section 2(d)(vi);
 - (iii) On the Applicant's own factual account, Dr. Stephen L. Thaler is the legally recognised person who caused the particular work to be created and is therefore the person capable of being identified as its statutory author;
 - (iv) the particulars presently contained in the application, identifying DABUS as author and Dr. Thaler as owner, are legally inconsistent with Sections 2(d)(vi) and 17–19 and cannot be entered in the Register; and
 - (v) no descriptive reference to DABUS can confer upon it the legal status of author or cure an application which continues to identify DABUS as author. It is notable that during the hearing, an option was given to make correction in the entry against "author" - the Applicant declined to amend the author entry and continued to insist on DABUS as author.

(vi) **Legislative Prerogative:** Whether legal personhood or authorship should ever be extended to autonomous artificial intelligence remains a policy decision strictly reserved for Parliament, and cannot be introduced via administrative reinterpretation.

190. Since the application, as verified and maintained, seeks registration upon the legally untenable basis that DABUS is the author, Diary No. 9356/2022-CO/A is rejected. This rejection does not preclude Dr. Stephen L. Thaler from pursuing such remedy as may be available in law on the basis of particulars correctly identifying the author and the corresponding basis of ownership. Rejection is not being ordered merely because the application initially contained incorrect particulars. It follows because the incorrect identification of the author remains the Applicant's deliberate and continuing case despite notice, hearing and an express opportunity to amend. The Registrar cannot register an application containing particulars that have been found to be legally inconsistent, nor can the Registrar compel the Applicant to seek registration on a basis that he has declined to adopt.

It is hereby ordered that DABUS cannot be recognized as an author under Section 2(d)(vi) of the Copyright Act, 1957, and the application was maintained exclusively on the premise of AI authorship, Application under Diary No. 9356/2022-CO/A is hereby REJECTED.

August 31, 2026
New Delhi



Unnat P Pandit
उन्नत पी. पंडित
Prof (Dr) Unnat P Pandit
Registrar of Copyrights