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THE DEMISE OF THE AUTHOR IN THE AGE OF ALGORITHMS: RECONSIDERING HUMAN AUTHORSHIP AND INTELLECTUAL PROPERTY IN THE ERA OF ARTIFICIAL INTELLIGENCE

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Abstract
The advent of generative artificial intelligence presents a profound challenge to traditional legal and philosophical concepts of authorship. With large language models capable of producing coherent, contextually relevant, and aesthetically nuanced literary content, the long-held notion of the author as the singular originator of creative work stands disrupted. This paper interrogates the decline of human-centric authorship through the lens of literary production, and art in general, questioning the validity of conventional intellectual property frameworks in the age of machine co-authorship. The paper examines how generative AI systems not only mimic human linguistic creativity but also reshape the role of the writer from that of an originator to that of a curator or prompt engineer. It explores emerging tensions between originality and replication, intent and automation, and creativity and computation. Drawing upon contemporary literary theory and legal philosophy, the paper also evaluates how the 'death of the author' once a poststructuralist metaphor finds new literal resonance in a machine-mediated creative ecosystem. Through case studies, literary outputs, and a comparative analysis of evolving copyright regimes, the paper calls for a re-evaluation of the criteria used to assign authorship, creativity, and ownership. It further considers whether current legal frameworks are equipped to address the blurred boundaries between human intention and algorithmic execution. Ultimately, the paper suggests that rather than resisting the encroachment of generative AI, literary scholarship and jurisprudence might benefit from embracing a hybrid model of authorship one that acknowledges the distributed, collaborative, and dynamic nature of the twenty-first-century creative production. Note: Author refers to creator of literature and art.

Keywords: Authorship, Artificial Intelligence, Copyright, Literary Theory, Intellectual Property.

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Introduction

1. The Existential Displacement of the Human Author

The notion of authorship has long been intertwined with human intellect and imagination. Historically, the author has been envisaged as both originator and proprietor of creative works, imbuing them with subjective intent and moral rights (Rose, 1993). This construct is embedded in legal doctrines, artistic valuation, and our philosophical understanding of creativity. The rise of generative AI, however, has destabilised this foundational paradigm. Large Language Models (LLMs), neural networks, and other algorithmic systems are now capable of producing texts, images, music, and codes that mirror, and in some cases surpass, human output in complexity and

coherence. Such nascent authorship by non-human agents necessitates a critical reassessment of existing legal, ethical, and aesthetic frameworks governing creative ownership. In India, the legal framework currently does not recognize non-human entities as authors. The Copyright Act, 1957, defines an author strictly in terms of a natural person or specific legal entities in the case of cinematographic or corporate works. (Copyright Act 1957). However, tensions are emerging. In 2021, a Mumbai-based cyborg artist, Harshit Agrawal, who uses AI to co-create visual art, sparked a debate when one of his works, generated in collaboration with a neural network, was auctioned and sold internationally (Agarwal, 2021). The ambiguity over authorship raised questions: Should Agrawal be seen as the author, or merely a curator of the AI's output? The lack of a clear legal precedent in Indian courts means such questions remain in a grey zone, where human intention is still presumed paramount but increasingly tenuous. Globally, the issue is no less contentious. In the United States, the U.S. Copyright Office ruled in 2023 that works created solely by AI without human involvement cannot be copyrighted (U.S. Copyright Office, 2023). This was reaffirmed in Thaler v. Perlmutter (2023), where a work generated by the Creativity Machine (an AI system) was denied copyright protection because the author was not human. Similarly, in Australia, a federal court ruled in 2021 that AI cannot be named as an inventor under current patent law (Stephen L. Thaler v. Commissioner of Patents), although this decision was later overturned, indicating the legal flux in this area. Conversely, China appears to be taking a more adaptive stance. In a landmark 2020 case, a Chinese court held that an AI-generated article published by the tech giant Tencent was entitled to copyright protection, recognizing the role of human input in guiding the algorithm (*Tencent v. Shanghai Yingxun*, 2020). This suggests a hybrid model, where AI-assisted creativity can still be attributed to a human initiator or programmer, an approach that may influence global policy debates. These developments signify a fundamental epistemological shift: creativity is no longer an exclusive human trait. While human beings still shape the datasets, training objectives, and applications of AI, the outputs of these systems often bear marks of novelty and stylistic coherence that challenge our traditional understanding of intention and originality. The displacement of the human author is not merely a legal or technical matter; it is an existential one, prompting us to reconsider what it means to create, to own, and to attribute value to a work of art or literature in the algorithmic age.

2. The Legal Centrality of the Human Author

Contemporary copyright systems continue to operate on the presumption that creativity is a unique human attribute. The Berne Convention for the Protection of Literary and Artistic Works (1886/1979), a foundational international treaty, stipulates protection for the literary and artistic works of authors, implicitly assuming the presence of a human originator. This anthropocentric framework is echoed in national laws across jurisdictions and is increasingly strained by the rise of generative artificial intelligence (AI) systems such as OpenAI's GPT-4 or Google's Gemini (OpenAI, 2023; Google DeepMind, 2023). In India, the Copyright Act of 1957 defines an author in human-centric terms. Section 2(d) assigns authorship based on the type of work, e.g., the writer for literary works, or the composer for music, all assumed to be natural persons (Copyright Act, 1957). In 2021, a copyright application for a painting allegedly co-created by an AI system named "RAGHAV" was rejected, with the Copyright Office reiterating that Indian law recognizes only human authors (Indian Copyright Office, 2021).

Consider a hypothetical example: an AI model trained on decades of Hindi film scripts generates an original screenplay in the style of Guru Dutt and Abrar Alvi, the primary screenplay writers. Who, then, is the author? Suppose this script mirrors the structure and emotional rhythm of a film

like Pyasa (1957), is the credit due to the programmers, the AI, or the copyrighted material it mimicked? Indian law offers no provision for attributing authorship to the AI, nor does it clarify the creative role of the developer if the output is largely autonomous.

The UK's *Copyright, Designs and Patents Act 1988*, in contrast, makes a limited concession in Section 9(3), where it defines the author of a computer-generated work as "the person by whom the arrangements necessary for the creation of the work are undertaken." (CDPA, 1988). While this seems to acknowledge the unique character of machine-generated content, it still anchors authorship in human intention and agency, precluding recognition of the AI as a creative subject.

In the United States, the well-known case of Naruto v. Slater (2018), where a macaque's selfie was denied copyright protection, illustrates the insistence on legal personhood for authorship (U.S. Court of Appeals for the Ninth Circuit, 2018). Though not an AI case, it demonstrates the prevailing judicial logic: if a being cannot hold rights or responsibilities, it cannot be an author. In Europe, the Court of Justice of the European Union (CJEU) emphasized in *Infopaq International A/S v. Danske Dagblades Forening (2009)* that copyright subsists only in works that are the "author's own intellectual creation", again requiring conscious, individual expression (CJEU, 2009).

The EU AI Act, passed in 2024, regulates the ethical and commercial deployment of AI but refrains from redefining authorship in copyright law European Parliament & Council, 2024). The legal emphasis on intention, originality, and moral responsibility excludes non-human creators by design. But as AI becomes capable of generating entire film scripts, novels, music scores, and visual art without ongoing human intervention, the boundaries of authorship grow murky. If an AI writes a Bollywood screenplay that captivates audiences, should it be dismissed solely because it lacks consciousness? Until legal procedures adapt to these cognitive changes, authorship remains yoked to an outdated paradigm, one in which creativity is a strictly human endeavour, despite mounting evidence to the contrary.

3. Ethical and Philosophical Dimensions of Machine Authorship

The ethical and philosophical stakes surrounding machine authorship are both intricate and contentious. Central to the concern is the displacement of the human author. For centuries, authorship has been imbued with a moral and intellectual aura: the author not only creates but also bears responsibility for the emotional, ethical, and social impact of their work. The intrusion of artificial intelligence into this space brings into question what it truly means to create, to feel, and to be responsible. Philosophers like Immanuel Kant and Benedetto Croce have emphasized that artistic creation arises from an individual's inner faculties: reason, sensibility, and moral judgment (Kant, 1790/2000; Croce, 1902/1995). According to this view, literary works are extensions of human consciousness, shaped by unique experiences, historical moments, and emotional textures. Sylvia Plath's Ariel (1965), for example, is inextricably linked to her personal trauma and existential turmoil (Plath, 1965/2004). Virginia Woolf's *To the Lighthouse (*1927) channels the ineffable inner lives of her characters through a feminist, modernist lens (Woolf, 1927/2005). These works are not merely combinations of words or formal innovations; they are deeply situated expressions of lived reality.

In contrast, artificial intelligence, however advanced, cannot feel, suffer, or remember. It generates text based on statistical probabilities and large corpora of data, devoid of intentionality or ethical awareness. While an AI can replicate the stylistic patterns of Plath or Woolf, it does so without any understanding of the emotional worlds their texts inhabit. Thus, critics argue that AI-generated literature constitutes a form of simulacra, an echo of creativity, not the real thing (Baudrillard,

1994). More problematically, AI authorship raises questions of accountability. Who is responsible when an AI produces biased, defamatory, or plagiaristic content? In 2020, researchers testing AI story generators found that outputs often contained racial stereotypes or glorified violence. Such outcomes might not be intended by the users, but nevertheless embedded in the training data (Bender et al., 2021; Weidinger et al., 2021). Without human authorship, the locus of responsibility diffuses, creating ethical ambiguities for publishers, programmers, and readers alike.

Despite these valid concerns, machine authorship also offers remarkable emancipatory potential. Post humanist theorists such as Rosi Braidotti (2013) and N. Katherine Hayles (1999) advocate for a decentring of the human subject, arguing that creativity need not be confined to biologically human agents. Instead, they envision new modes of hybrid authorship namely, collaborations between humans and machines that can redistribute access to creative expression. In this spirit, AI is already being used to democratise literature and creative writing. In Japan, a short story co-written by an AI, titled The Day a Computer Writes a Novel, was submitted to the Nikkei Hoshi Shinichi Literary Award and passed the first screening round, demonstrating the potential for human-machine collaboration (Goodfellow, 2016; Knight, 2016). The project included contributors with limited mobility and sight, who used the AI to structure narratives they could not physically write themselves.

Closer to home, in India, AI tools have been employed to preserve and promote endangered languages and oral traditions. Startups and non-profits use natural language processing models to co-create children's stories in regional languages like Konkani, Santali, and Bhojpuri (Joshi et al., 2020; Sengupta, 2021). These initiatives empower communities where formal education and literacy remain uneven, and where traditional authorship might otherwise be inaccessible. AI, in this context, becomes a tool of linguistic inclusion and cultural survival. Moreover, individuals with disabilities or limited literacy increasingly use AI to write poems, letters, or social media posts, activities once deemed inaccessible to them. (Joshi et al., 2020; Sengupta, 2021). Here, machine authorship does not replace human creativity but extends its reach.

In conclusion, the ethical terrain of machine authorship is not simply a battleground between authenticity and artificiality. Rather, it demands a nuanced recognition of both risk and opportunity. While AI challenges entrenched notions of emotional depth in literature, it also democratises the means of creative production. The task before us is not to dismiss AI authorship outright but to build ethical and literary frameworks that balance human values with technological possibility.

4. Copyright and the Problem of Ownership

Legal systems worldwide have been grappling with the complex question of who, if anyone, can claim ownership over AI-generated content. In the United States, the U.S. Copyright Office has issued guidance stating that works produced autonomously by artificial intelligence, without meaningful human creative input, are ineligible for copyright protection (U.S. Copyright Office, 2023a). This principle was recently underscored in *Thaler v. Perlmutter* (2023), where the U.S. District Court for the District of Columbia affirmed that "authorship" requires human involvement, rejecting copyright for a visual artwork generated entirely by an AI system without human direction (Thaler v. Perlmutter, 2023). The policy reflects an underlying assumption that creativity is inextricably linked to human cognition, intention, and cultural agency.

In contrast, the United Kingdom's *Copyright, Designs and Patents Act 1988*, under Section 9(3), adopts a more permissive approach for computer-generated works. It attributes authorship to "the person by whom the arrangements necessary for the creation of the work are undertaken" (CDPA,

1988). In practice, this means that an AI-generated short story commissioned and set in motion by a human for example, an editor specifying the plot, characters, and tone could be protected under the name of the commissioning human, even if the final expressive details were machine-generated. This reflects a functional, rather than philosophical, definition of authorship, prioritizing the chain of human causation.

India, which adheres to the Berne Convention framework, currently lacks explicit statutory language addressing AI authorship. Indian copyright jurisprudence traditionally emphasizes "skill, labour, and judgment," as articulated in *Eastern Book Company v. D.B. Modak* (2008). This makes it uncertain whether works generated entirely by AI would qualify for protection without human creative intervention (Supreme Court of India, 2008). The ambiguity is significant given the country's burgeoning creative industries, from Bollywood to digital art, which are already experimenting with AI-assisted storytelling, music composition, and visual design. For instance, if an AI tool were trained on classical Indian miniature paintings and generated a series of new images in the style of the Pahari school, Indian law would face a challenge in deciding whether the programmer, the dataset curator, or no one at all holds copyright.

However, the existing attribution models in all three jurisdictions show strain when applied to AI creativity. Assigning authorship to a programmer or end-user based solely on infrastructural contribution risks diluting the concept of authorship into a mere operational role rather than a substantive creative one. Consider, for example, an AI that composes poetry in the style of Rabindranath Tagore using training data from Tagore's corpus and related literary works. If a user merely presses "generate" without making creative decisions beyond that point, is their involvement sufficient to justify copyright? Under U.K. law, possibly yes; under U.S. law, likely no; and under Indian law, the answer remains legally uncertain.

The tension is not merely theoretical; it manifests in concrete creative contexts. In the U.S., visual artists have challenged AI-generated works trained on their copyrighted paintings, raising questions of derivative work and moral rights (Roose, 2023; Chayka, 2022). In the U.K., experimental theatre companies have staged AI-written scripts, crediting the human dramaturge who orchestrated the process (Vincent, 2021). In India, digital illustrators have begun incorporating AI-generated backdrops into graphic novels, sparking debates in creative communities about whether these hybrids undermine or extend traditional artistic authorship (Rao, 2023).

Ultimately, the evolving environment suggests that copyright regimes must reconsider whether authorship should remain tied to human creativity or whether new legal categories acknowledging the role of autonomous systems are needed. Without such reform, courts will continue to struggle with works that fall between the conceptual cracks, where human facilitation and machine creativity intermingle in ways the law has yet to fully comprehend.

5. Toward a Model of Symbiotic Authorship

The persistent tension in copyright law over AI-generated works arises from a binary distinction: authorship is conceived as either human or machine. This framework fails to capture the realities of contemporary creative practice, where generative systems are increasingly woven into human workflows. To address this doctrinal gap, this paper advances the concept of *symbiotic authorship*, a framework in which human and machine contributions are legally and conceptually co-recognized. Crucially, the model does not treat AI as an independent authorial subject but instead as a collaborator whose outputs are initiated, guided, and curated by humans.

Symbiotic authorship resists two extremes: the anthropocentric instinct to reduce AI to a mere instrument, and the anthropomorphic move to ascribe it autonomous personhood. Instead, it positions authorship as a continuum of interaction, ranging from minimal prompting (where the human's role is largely ideational) to intensive refinement (where human creators exercise substantial aesthetic judgment). This reconceptualization builds on doctrines of joint authorship and collective works in existing copyright law, both of which allow for qualitatively different contributions whether textual, visual, or editorial while still producing a single protectable work (Copyright, Designs and Patents Act, 1988; U.S. Copyright Act, 1976). Symbiotic authorship extends this logic to human–AI collaborations, validating machine input without conflating it with legal personality.

Case Studies in Human - AI Practice

1. Literary collaboration – 1 the Road

In 2018, artist and technologist Ross Goodwin mounted a neural network–based system on a car journey from New York to New Orleans. The system combined GPS, camera, and sensor data to generate a continuous text stream, which Goodwin later compiled into the experimental novel *1 the Road* (Goodwin, 2018). The project illustrates how AI can generate raw material while a human author exercises curatorial and structural control.

2. Film and screenwriting – *Sunspring*

The short film *Sunspring* (2016), directed by Oscar Sharp, was scripted entirely by an AI system known as "Benjamin," trained on a dataset of science-fiction screenplays. While the AI produced the script's dialogue and stage directions, the director and actors interpreted, staged, and performed the material (Sharp & Goodwin, 2016). This collaboration underscores how human artistic interpretation remains essential, even when machines generate textual content.

3. Visual arts – Mario Klingemann's generative portraits

German artist Mario Klingemann, a leading figure in AI art, has created works using generative adversarial networks (GANs) to produce evolving portraits and abstract images. His installations, exhibited at venues such as Ars Electronica and Christie's, explore how machine learning can act as a co-creator in the visual arts (Klingemann, 2018). Unlike traditional static artworks, these pieces highlight the fluid, algorithmic dimension of symbiotic authorship.

4. Emerging experiments in India

Although not yet well documented in the public record, Indian creative industries are beginning to test similar collaborations. For example, AI has been proposed as a tool for generating melodic frameworks in classical ragas, which composers could then adapt into film music. Likewise, Bollywood studios have reportedly explored AI-assisted story generation to test alternate plotlines. While these cases remain experimental, they suggest that symbiotic authorship is increasingly a global phenomenon, extending beyond Euro-American contexts (Sengupta, 2021).

Legal Implications

Adopting a symbiotic authorship model allows for differentiated tiers of copyright protection depending on the degree of human involvement.

- **High-input collaborations:** Where human editing, structuring, and interpretation are substantial, works should be fully protected under the human author's name.

- **Moderate-input collaborations:** Where humans shape conceptual parameters but rely heavily on machine generation, protection may extend only to human-authored portions or derivative rights in the composite work.
- **Minimal-input scenarios:** Where human involvement is negligible, such as issuing a single prompt and publishing raw output, protection could be limited or denied, consistent with the principle that copyright rewards intellectual labor rather than mere initiation (U.S. Copyright Office, 2023a).

This approach preserves copyright's foundation as a recognition of human creativity, while acknowledging that such creativity increasingly resides in acts of curation, orchestration, and conceptual design. By naming AI's role transparently, symbiotic authorship encourages honesty in attribution and allows audiences, markets, and courts to understand the provenance of works. It also aligns law with cultural practice: many of today's most compelling texts, images, and performances are already the result of intricate human machine partnerships. Ignoring this hybridity risks perpetuating legal fictions that no longer match the realities of creative production.

6. Literary Repercussions

The Aesthetics of Authorship in the Machine Age

The literary implications of AI-generated text are equally significant, for they touch upon the very foundations of how literature has historically been conceived. If literature is, as Virginia Woolf once suggested, bound up with the representation of the "human spirit," then works authored by machines provoke troubling questions about authenticity, memory, and aesthetic legitimacy (Woolf, 1925/2009). Traditional literary production has relied upon the presumption that writing arises from lived experience, shaped by trauma, memory, joy, or loss. These are elements that AI, lacking consciousness, cannot truly embody. Thus, when one compares an AI-generated poem with Sylvia Plath's *Ariel* (1965), which pulsates with the urgency of personal pain (Plath, 1965/2004), or with Kamala Das's confessional prose in *My Story* (1976) (Das, 1976/2009), a stark absence of inwardness becomes evident.

Yet, literary theory complicates this duality between authentic human expression and mechanical imitation. Roland Barthes's essay "The Death of the Author" (1967) famously destabilizes the idea that the meaning of a text resides in the author's intention (Barthes, 1967/1977). For Barthes, it is the reader who brings the text alive, producing an interpretive plurality that renders the author whether human or machine epistemologically secondary. Wolfgang Iser's reader-response theory similarly foregrounds the act of reading as a creative process, in which gaps in the text are filled by the imagination of the reader (Iser, 1978). Within such frameworks, the source of the text, human or AI, becomes less important than the process of interpretation. This perspective invites us to consider AI-authored texts not essentially as aberrations but as cultural artefacts open to the same processes of sense-making as any other.

Take, for instance, the fragmented modernism of T. S. Eliot's *The Waste Land* (1922), a poem often described as a collage of voices, quotations, and intertexts (Eliot, 1922/2001). In many ways, its technique anticipates the algorithmic assembling of language models, blurring the distinction between human authorship and machine-generated pastiche. If Eliot could be celebrated for his intertextuality, could not AI-generated intertextual writing also be valued, albeit with critical caution? In the Indian context, authors such as Salman Rushdie (*Midnight's Children*, 1981) and Amitav Ghosh (*The Shadow Lines*, 1988) have woven intricate networks of memory, history, and myth, producing narratives that thrive on multiplicity (Rushdie, 1981; Ghosh, 1988). AI-generated narratives may mimic this complexity, but they lack the embodied cultural memory of the Partition

or the lived dislocations of migration. However, as reader-response theorists would argue, even such mechanically assembled narratives can still provoke affective responses in readers who project their own cultural contexts onto them (Iser, 1978).

Similarly, in native-language traditions, writers such as Premchand in Hindi (*Godaan*, 1936) or Mahasweta Devi in Bengali (*Hajar Churashir Ma*/*Mother of 1084*, 1974) inscribed social realities into literature (Premchand, 1936/2002; Devi, 1974/1997). While AI cannot feel caste oppression or political violence, it can still produce narratives that readers interpret against those backdrops, opening questions about whether the influence lies in the author or in the act of reception. American literature, too, offers instructive parallels. Walt Whitman's *Leaves of Grass* (1855) celebrated an expansive, democratic voice that sought to embody the collective consciousness of America (Whitman, 1855/2002). In contrast, the postmodern playfulness of Thomas Pynchon's *Gravity's Rainbow* (1973) revels in fragmentation, parody, and textual excess (Pynchon, 1973). Both extremes Whitman's collectivism and Pynchon's postmodern abiguity resonate with what AI text production can achieve: either a synthetic universalism or a fragmented intertextuality. The question remains whether these qualities, when AI-produced, diminish their aesthetic worth or simply shift the criteria by which we evaluate literature.

7. Conclusion: Reimagining the Author in a Post-Human Context

As artificial intelligence continues to reshape the contours of creativity, the law must shed its anachronistic allegiance to anthropocentrism. The solitary, Romantic author-genius is no longer tenable in an age of meaning created through machine-mediation. The future lies not in choosing between human and machine, but in articulating a nuanced legal, ethical, and aesthetic grammar that accounts for their interdependence. The proposed framework of symbiotic authorship offers a middle path. It preserves the sanctity of human intellectual endeavour while embracing the transformative potential of artificial intelligence. Rather than lamenting the decline of the author, it invites us to reimagine authorship as a dynamic, shared, and evolving construct.

Indian literary traditions offer a compelling precedent. Texts like the *Mahabharata* and *Ramayana*, though attributed to Vyasa and Valmiki, are layered, accretive works shaped by centuries of oral retellings and regional adaptations. Authorship here is already distributed, echoing what Sheldon Pollock calls the cosmopolitanism of Sanskrit literary culture

Contemporary writers such as Salman Rushdie and Arundhati Roy have similarly embraced dialogic authorship, situating their work within broader cultural and linguistic matrices. In this light, AI-assisted writing may not be a rupture, but a continuation—another voice in the chorus of collaborative creation.

To deny AI's role outright would be to ignore India's longstanding recognition that meaning emerges through networks: of humans, communities, traditions—and now, machines. Symbiotic authorship does not erase the human; it reframes the author in a post-human context, where creativity is entangled, dialogical, and shared across biological and non-biological intelligences.

The legal imagination must now follow where literature and culture have long led: toward an expansive, pluralized conception of authorship.

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