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WHO IS GUILTY?: CRIMINALIZING INTELLECTUAL PROPERTY INFRINGEMENT IN THE AGE OF ARTIFICIAL INTELLIGENCE.

[1]Amama Waseem
[1]Final Year Law Student, BBA. LLB. (Hons.)
[1]University of Mumbai Law Academy, Mumbai, India

ABSTRACT: The rise of artificial intelligence (AI) has revolutionized creative and technical production, undermining established intellectual property (IP) legal frameworks. AI-generated content complicates attribution, intent, and accountability, creating serious concerns about criminal culpability. This study investigates whether consumers, developers, or companies should bear responsibility when AI violates intellectual property rights. It investigates doctrinal limits, comparative jurisdictional methods, and new liability models, such as hybrid and vicarious frameworks. The report advocates for balanced policies that include proportional accountability, due diligence protections, and technological safeguards while encouraging innovation. International cooperation and adaptive legislation are critical to ensuring that creators' rights are preserved in the AI era.

1. INTRODUCTION

The introduction of artificial intelligence (AI) has altered the environment of intellectual creativity and technical innovation. From composing music and creating digital art to authoring complicated documents and even devising innovations, AI systems are increasingly capable of delivering results that approach, if not outperform, human ingenuity. While this technological revolution presents numerous opportunities, it also poses significant legal concerns, particularly in the area of intellectual property (IP) rights. Historically, intellectual property law was intended to protect human authors and innovators. The traditional structure envisions a distinct relationship between the creator, the work, and the infringement. However, when AI systems generate works on their own or assist large-scale unlawful reproductions, the question arises: who is responsible?

Infringement of intellectual property, particularly in the digital era, is not a new issue. What distinguishes the AI-driven scenario is the difficulty in determining responsibility. If AI software trained on protected material produces almost identical output, may the creator, the user who installed the tool, or the corporation that published it be held liable? Unlike civil remedies, which may suffice with damages and injunctions, criminalizing intellectual property infringement raises the culpability bar, requiring not just an unlawful act (actus reus) but also a guilty intent. When an autonomous algorithm does an infringing conduct without human intervention, traditional conceptions of criminal responsibility are strained.

When you consider the policy goals that underpin criminal law, the situation gets much more complicated. Criminal sanctions are meant to punish, prevent, and demonstrate public censure of wrongdoing. Assigning such blame implies the presence of a being capable of intent, choice, and moral culpability. AI, as a computer without consciousness, cannot meet these conditions. However, absolving all human actors on the basis of technical autonomy may create a perilous accountability vacuum in which infringement can occur without consequence. This tension is central to the current scientific inquiry.

The primary issue addressed in this study is who is responsible when AI infringes on intellectual property rights. Should the law impose a penalty on end users who misuse AI tools, developers who fail to design safeguards, and corporations that profit from AI applications, or should it evolve to recognize AI as a separate legal entity with limited liability? The answers to these concerns have far-reaching ramifications, not only for intellectual property enforcement, but also for innovation, technological advancement, and global legislation.

This article aims to investigate the interaction of artificial intelligence, intellectual property, and criminal culpability. It will look at the doctrinal limitations of current laws, disputes about AI personhood, cross-jurisdictional methods, and prospective liability frameworks. Finally, the goal is to contribute to the ongoing discussion by proposing a balanced approach that protects creator rights while encouraging responsible AI innovation.

2. UNDERSTANDING INTELLECTUAL PROPERTY INFRINGEMENT IN THE AI ERA.

Intellectual property (IP) law has traditionally been based on the notion that creative outputs come from humans, who may subsequently be designated as authors or inventors. Copyright, patents, and trademarks are based on the human act of writing, originality, and innovation. However, the rise of artificial intelligence (AI) systems calls into question this fundamental assumption. When a machine creates an artistic piece, a musical composition, or even technical inventions on its own, the fundamental question arises: who owns the rights, and who can be held culpable if they are violated?

2.1. Traditional Framework of IP Infringement

Under traditional systems, infringement occurs when a protected work is reproduced, distributed, conveyed, or altered without the permission of the rights holder. For example, **Section 51** of **the Indian Copyright conduct of 1957** states that copyright is violated when any person, without a license, performs any conduct that is the exclusive right of the copyright holder. The **U.S. Copyright Act, 1976 (17 U.S.C. Section 501)** defines infringement as unlawful copying of copyrighted works. In both systems, responsibility is typically contingent on human will.

The criminal nature of infringement is heavily highlighted in statutes. In India, **Section 63** of the **Copyright Act of 1957** punishes knowing infringement with imprisonment and fines. In the United States, **17 U.S.C. § 506** and **18 U.S.C. § 2319** provide criminal penalties for willful infringement for commercial gain. These clauses assume the existence of purpose (mens rea), which is problematic in an AI-powered environment.

2.2. AI and the Disruption of the Human-Creator Paradigm

Artificial intelligence complicates this framework by introducing outputs created without direct human innovation. AI models like OpenAI's GPT series, Google's DeepMind, and creative tools like DALL·E or MidJourney can create textual, audio, and visual pieces that mimic copyrighted content. The ***Getty photos v. Stability AI***[1]case demonstrates this issue. Getty claimed that Stability AI illegally collected millions of copyrighted photos to train its diffusion model, resulting in outputs that breached Getty's copyright. This case demonstrates that AI is more than just a passive technology; the training process itself may constitute infringement.

Similarly, in ***Thaler v. Comptroller-General of Patents***[2], the court considered whether an AI system (DABUS) may be designated as an inventor under the Patents Act. The court ruled that an inventor must be a natural person and rejected the concept of AI personhood for patents. While this decision did not directly address infringement, it demonstrates the judiciary's unwillingness to extend authorship or inventorship to AI, leaving accountability to human actors.

2.3. Civil vs. Criminal Liability in AI Infringement

Civil liability seeks to compensate the wronged party, whereas criminal liability necessitates proof of intentional or reckless behavior. Machines cannot develop intent, hence AI poses a problem to them. In ***Sony Corp. of America v. Universal City Studios***[3], the Court ruled that technology manufacturers were not responsible for contributory infringement if their goods were "capable of substantial non-infringing uses."

[1] Getty photos v. Stability AI (2023, UK High Court)
[2] Thaler v. Comptroller-General of Patents (2021, UK Court of Appeal) [2021] EWCA Civ 1374
[3] Sony Corp. of America v. Universal City Studios (1984, United States Supreme Court)

This idea has resurfaced in discussions about AI developers: should they be held accountable if their technologies are used for infringement, even if they serve legitimate purposes?

The Indian context has similar issues. For example, under **Section 79 of the Information Technology Act of 2000**, intermediaries are not liable if they act just as platforms and undertake due diligence. The question therefore becomes whether AI developers and corporations may be classified as intermediaries or active infringers, especially if their datasets are curated from copyrighted sources.

2.4. Large-Scale Infringement and Enforcement Challenges

AI also allows for unprecedented levels of violation. Generative models can generate thousands of infringing works in seconds, exacerbating the harm to copyright holders. Traditional enforcement measures, which are intended for human infringers, are inadequate to combat such widespread replication. The Napster litigation (***A&M Records v. Napster***[4]), which predates current AI, highlights the dangers of systems that allow for large-scale copyright breaches. Courts ruled Napster accountable for contributory infringement, implying that platforms that facilitate systemic infringement may incur culpability.

Applying this logic to AI, one could argue that firms that release AI tools without protections should face responsibility similar to Napster. However, applying this analogy to the criminal sphere complicates matters further: unlike Napster, where executives could be demonstrated to be aware of infringing activities, AI's autonomous learning makes attribution of intent more dubious.

2.5. The Dilemma of Attribution

Attributing authorship and guilt is a common issue in AI-driven infringement. If a user enters prompts into an AI system, which generates a derivative of a copyrighted song, the user may claim that they had no influence over the training data. Alternatively, the developer may claim that the breach was unforeseeable. In the future, courts will most likely have to strike a balance between opposing claims. Statutes such as the **EU Directive 2019/790 on Copyright in the Digital Single Market (DSM Directive)** are already taking steps to clarify text-and-data mining exceptions, but they do not address criminal culpability.

Thus, whereas traditional IP law provides clear grounds for human-caused infringement, the emergence of AI undermines these concepts by disguising authorship, volition, and intent. Existing civil remedies are adaptive, but criminal culpability for AI-related intellectual property violation is unknown and controversial. The following parts must therefore address whether AI may be considered a legal topic, and if not, which human actors -users, developers, or corporations- should be held legally liable.

3. AI AS A LEGAL PERSON? THE DILEMMA OF LIABILITY

One of the most contentious issues in the field of AI and intellectual property infringement is whether AI can or should be recognized as a legal subject capable of bearing liability. Criminal law usually requires the presence of an individual with purpose and moral culpability. Intellectual property law similarly believes that authors, inventors, or infringers are real or legal people. The rise of autonomous AI systems calls into question fundamental assumptions, raising the question of whether AI may be recognized as a legal person, or if culpability must still be attributed to human actors.

3.1. Legal Personhood in Jurisprudence

The concept of legal personality does not only apply to natural individuals. Corporations, states, and even ships (under admiralty law) are recognized as "persons" with rights and duties. As famously stated in ***Salomon v. Salomon & Co.***[5], corporations are recognized as different legal entities from their members. By example, some experts have suggested that AI should be recognized as a distinct legal person with limited rights and obligations.

In its Resolution on Civil Law Rules on Robotics dated February 16, 2017, the European Parliament proposed the introduction of "electronic personhood" for the most capable autonomous robots. Although this plan was highly condemned and was not enacted, it shows the ongoing debate over attaching legal subjectivity to AI.

[4] A&M Records v. Napster, 239 F.3d 1004, 9th Cir. 2001
[5] Salomon v. Salomon & Co.

3.2. The Case Against AI Personhood

Despite these considerations, judges and governments have been hesitant to grant personality to AI. In ***Thaler v. Comptroller-General of Patents, Designs and Trade Marks***[6], the UK Court of Appeal rejected the application designating the AI system "DABUS" as an inventor under the Patents Act. The court determined that an inventor must be a real person, and that AI cannot hold or transfer rights. Similarly, in ***Thaler v. Hirshfeld***[7], the court affirmed that under US patent law, inventorship needs a human individual. These instances show a court consensus that AI cannot yet be recognized as an autonomous rights holder, let alone a bearer of criminal culpability.

The fundamental impediment is the lack of consciousness or mens rea. Unlike companies, which use human agents, AI relies on algorithms and machine learning, not choice or understanding. Criminal liability is based on blameworthiness, and as Lord Denning noted in ***H.L. Bolton (Engineering) Co. Ltd. v. T.J. Graham & Sons Ltd.***[8], companies are held liable for the actions and minds of their directors or management. There is no "directing mind" in artificial intelligence.

3.3. AI as a Tool vs. Autonomous Actor

Courts and scholars disagree on whether AI should be viewed as a smart tool or an autonomous agent. If AI is a tool, the human who uses or programs it bears full responsibility, just as a pistol used to commit a crime does. This is consistent with the rationale in **Sony Corp. v. Universal City Studios (1984, U.S. Supreme Court)**[9], which stated that liability cannot attach simply because a tool is capable of misuse.

However, proponents of autonomy believe that powerful AI systems make decisions that are beyond human comprehension. Generative adversarial networks (GANs), for example, can create new works without requiring direct human input. In such instances, imposing blame only on the user or developer may appear unfair. This has resulted in proposals for hybrid liability models in which AI is viewed as a "quasi-agent" with actions attributed to supervising humans or companies.

3.4. Comparative Approaches

The **European Union's AI Act** (2024, pending complete adoption) takes a risk-based approach to regulating AI inventors and deployers rather than recognizing AI persons. In contrast, US jurisprudence continues to emphasize human accountability while rejecting the notion of AI as a separate legal subject. In India, there is currently no legislative framework that recognizes AI personhood; instead, liability is split between users and intermediaries under the Copyright Act of 1957 and the Information Technology Act of 2000.

Internationally, the **World Intellectual Property Organization (WIPO)** acknowledges AI's expanding importance in creative processes but does not recognize AI personhood. Instead, the World Intellectual Property Organization's 2020 study on AI and IP underlines the importance of human accountability in enforcement.

3.5. The Attribution Dilemma in Criminal Law

Even if AI cannot be considered a legal person, the problem of attribution remains. If AI develops infringing works on its own, who will be held criminally liable?

- Users may argue that the AI produced unpredictable results, implying a lack of intent.
- Developers may claim they just built a tool, and misuse is beyond their control.
- Corporations may claim that they only offered platforms for innovation.

Without recognizing AI as a legal issue, courts must fill the void by expanding vicarious liability, strict liability, or corporate criminal liability doctrines. Analogies can be drawn from the Napster litigation (A&M Records v. Napster), in which contributory liability was placed on a platform that enabled widespread infringement. A similar strategy might be applied to AI businesses in the criminal domain.

4. CRIMINALIZING IP INFRINGEMENT IN THE CONTEXT OF AI

4.1. Civil vs. Criminal Remedies in IP Law

[6] Supra Note 2
[7] Thaler v. Hirshfeld (2021, U.S. Federal Circuit)
[8] H.L. Bolton (Engineering) Co. Ltd. v. T.J. Graham & Sons Ltd. [1957] 1 QB 159
[9] Supra Note 3

Traditionally, intellectual property issues have been settled by civil remedies such as damages, injunctions, and account of profits. Criminal culpability, on the other hand, is asserted in circumstances of willful, large-scale infringement that is injurious to the public interest. For example, under Section 63 of the Indian Copyright Act of 1957, knowing violation results in jail and fines. Similarly, 17 U.S.C. § 506 criminalizes willful copyright infringement in the United States.

The motivation for criminalization is deterrence, certain crimes, like piracy and counterfeiting, are so common that civil sanctions are insufficient. However, when AI is used as a tool or actor to generate infringing material, meeting the mens rea standard becomes problematic.

4.2. The Elements of Crime and AI Challenges

Criminal law involves two essential elements: actus reus (the unlawful act) and mens rea (the guilty mind). Using AI:

- Actus reus can be satisfied (for example, creating a counterfeit design).
- Mens rea is difficult because AI lacks consciousness.

Courts have faced similar quandaries in technology contexts. ***MGM Studios v. Grokster (2005, United States Supreme Court)***[10] held developers who advertised their software liable for infringement. The Court stressed purpose as inferred from conduct. Translating this to AI, developers may be held criminally accountable if they purposefully created or marketed systems for unauthorized use.

4.3. Strict Liability and Corporate Criminal Liability

Given the lack of AI intent, some experts advocate strict liability models that hold developers or businesses accountable regardless of intent, comparable to environmental or product liability law. Corporations are already recognized as criminal actors (***Standard Chartered Bank v. Directorate of Enforcement)***[11], and the Supreme Court confirmed that firms can be held criminally accountable. By extension, AI businesses may be held liable for infringing outputs generated by their systems.

However, severe responsibility may stifle innovation by punishing developers for unanticipated infringements. A balanced model may thus necessitate due diligence defenses, such to Section 79 of the Information Technology operate, 2000 (India), which protects intermediaries who operate with due diligence.

4.4. Proportionality and Over-Criminalization Concerns

There is a danger of overcriminalizing AI-related intellectual property infringement. For example, a student utilizing an AI art generator may unintentionally create a derivative image that resembles a copyrighted piece. Criminalizing such behavior risks hurting innocent users. In ***Cartier International AG v. British Sky Broadcasting (2014, UKHC)***[12], the court acknowledged the significance of proportional remedies in balancing enforcement and individual rights. This approach should guide AI-related criminal law, ensuring that penalties are reserved for purposeful or reckless misuse.

4.5. International Perspectives

The **WIPO Advisory Committee on Enforcement (2020)** acknowledged that AI complicates enforcement by disguising authorship and intent, and recommended international cooperation. The **EU AI Act (2024)** does not directly punish infringement, but instead puts compliance duties on high-risk AI systems, so indirectly restricting infringing behavior. Meanwhile, the United States continues to use the principles of contributory infringement and vicarious responsibility.

5. POSSIBLE LIABLE ACTORS: WHO SHOULD BE GUILTY?

5.1. User Liability

Users are the primary actors who implement AI tools. If a user instructs an AI system to "recreate a Taylor Swift song" or "generate Disney-style characters," the result could violate copyright. Unauthorized reproduction is considered infringement under Section 51 of the Copyright Act of India and **17 U.S.C. § 501** in the United States. Criminal culpability may arise if the user behaved willfully and commercially.

However, users frequently lack control over datasets and algorithms. ***In CCH Canadian Ltd. v. Law Society***

[10] MGM Studios v. Grokster (2005, United States Supreme Court)
[11] Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530, India)
[12] Cartier International AG v. British Sky Broadcasting (2014, UKHC)

of Upper Canada (2004, SCC)[13], the Canadian Supreme Court stressed user fairness, ruling that the mere distribution of a tool (photocopiers in libraries) did not constitute infringement absent intent. This rationale may protect innocent AI users.

5.2. Developer Liability

If AI model developers use infringing datasets on purpose, they may face legal consequences. The ***Getty Images v. Stability AI (2023, UK)***[14] case established a solid precedent in which developers were sued for improper picture scraping. If demonstrated, such conduct may warrant criminal responsibility, particularly where commercial advantage is apparent.

Developers may argue that they simply created tools. ***Grokster (2005)***[15], on the other hand, argues that marketing and design choices can be used to infer intent. If an AI system is educated in ways that are likely to create infringing outputs, the developers may bear primary culpability.

5.3. Corporate Liability

Corporations that use AI models benefit from infringing outcomes, making them prime targets for liability. In ***Union Carbide Corporation v. Union of India (Bhopal Gas Case, 1989)***[16], the Indian Supreme Court emphasized the notion of enterprise liability: those who profit from dangerous actions must carry responsibility. By analogy, AI businesses that release infringing systems could face criminal charges.

This is consistent with corporate criminal liability concepts established in ***Tesco Supermarkets Ltd v. Nattrass***[17] and Indian law under ***Iridium India Telecom Ltd v. Motorola Inc.***[18], which confirmed that corporations can form mens rea through agents.

5.4. Shared or Vicarious Liability Models

Another option is shared liability among users, developers, and corporations, which acknowledges that blame for AI-generated infringement can be distributed rather than assigned to a single actor. Vicarious liability is recognized under US law when a party has the potential to control infringing action and benefits from it, even if they did not directly do the infringing act. This was utilized in ***A&M Records v. Napster, 239 F.3d 1004 (9th Cir. 2001)***[19], when the platform was found accountable for facilitating systematic copyright infringement via its peer-to-peer network.

In the case of AI, organizations that deploy, promote, or profit from AI systems capable of producing copyrighted content may also face vicarious liability if they fail to apply appropriate protections. Shared liability models also allow for proportional responsibility, with developers held accountable for faulty design or dataset curation, users for intentional misuse, and companies for systemic exploitation. Such a strategy assures that accountability is feasible, equitable, and deterrent, addressing the complex multi-actor environment created by AI systems without unfairly punishing one party while others avoid responsibility.

6. COMPARATIVE JURISDICTIONS & EMERGING LEGAL APPROACHES

The issues created by AI-generated intellectual property infringement are not limited to a single country; courts and lawmakers around the world are dealing with how to allocate liability while encouraging innovation. Comparative analysis provides information on evolving frameworks and the extent to which criminal culpability is being explored.

6.1. European Union

The European Union (EU) has embraced a proactive, risk-based approach to regulating artificial intelligence. The **EU AI Act (2024)** categorizes AI systems based on their risk, with "high-risk" systems required to install safeguards, provide transparency, and preserve output traceability. Although AI is not directly subject to criminal culpability, developers and deployers may face penalties if they fail to meet safety obligations.

[13] In CCH Canadian Ltd. v. Law Society of Upper Canada (2004, SCC)
[14] Supra Note 1
[15] Supra Note 10
[16] Union Carbide Corporation v. Union of India (Bhopal Gas Case, 1989), 1989, SC (Bhopal Gas Case)
[17] Tesco Supermarkets Ltd v. Nattrass [1972] AC 153 (HL)
[18] Iridium India Telecom Ltd v. Motorola Inc. (2011) 1 SCC 74
[19] Supra Note 4

In terms of intellectual property, the **Directive 2019/790 on Copyright in the Digital Single Market (DSM Directive)** exempts text-and-data mining (TDM), which facilitates AI research while protecting authors' rights. Member states are required to incorporate these standards into national legislation, resulting in a unified approach to AI-related IP challenges. The EU also emphasizes proportionality and due diligence; a user or developer may be exempt from liability if the violation was accidental and sufficient protections were used.

6.2. United States

The United States continues to impose accountability on human actors under copyright law. 17 U.S.C. Section 501 offers civil remedies for infringement, whereas § 506 criminalizes willful infringement for economic gain. In ***Authors Guild v. Google***[20], the court determined that large-scale digitalization for research purposes qualified fair use, demonstrating that some AI-driven outputs can be lawful. However, willful manipulation of AI to replicate copyrighted information is still criminal.

The United States also employs contributory and vicarious liability concepts, as seen in ***A&M Records v. Napster (2001)***, in which Napster was held accountable for facilitating massive infringement. This precedent shows that AI systems or developers who promote or benefit from infringement could face criminal charges under similar circumstances.

6.3. India

Copyright infringement is criminalized in India under **Sections 63-70 of the Copyright Act of 1957**. Additionally, **Section 79 of the Information Technology Act of 2000** provides a safe harbor for intermediates that act with reasonable diligence. However, AI developers or deployers that deliberately curate training datasets including copyrighted information may fall outside of this protection, leaving them liable.

The Indian legal system is still changing. While the **NITI Aayog National AI Strategy (2018)** focuses on ethical AI and accountability, no AI-specific legislation exists. Courts are expected to draw on similarities from existing IP law, corporate criminal responsibility concepts, and contributory liability frameworks.

6.4. China

China has quickly adjusted its intellectual property and artificial intelligence regulatory frameworks. The Measures for Generative AI Services (2023) require providers to ensure that their outputs respect copyright and do not infringe on existing works. Non-compliance may result in administrative or criminal fines. China's strategy focuses on preventive regulation, requiring developers to incorporate protections and monitor AI outputs proactively.

6.5. United Kingdom

In the United Kingdom, the courts have ruled that AI cannot be an inventor or author. ***Thaler v. Comptroller-General of Patents (2021) EWCA Civ 1374*** denied DABUS as an invention, demonstrating the importance of human agency. Text-and-data mining exclusions for academic purposes are recognized in UK copyright law, although commercial misuse is still illegal. The UK has also looked into regulatory options as part of its **UK AI Strategy (2021)**, which emphasizes developer and user accountability.

6.6. Observations and Trends

Across jurisdictions, similar themes emerge:

1. AI is not recognized as a legal entity; liability falls on humans or companies.
2. Due diligence and protections are crucial for evaluating culpability.
3. Hybrid methods to civil and criminal liability are emerging.
4. International cooperation is promoted to prevent cross-border infringement.

These comparative observations show that, while AI's creative potential is encouraged, accountability frameworks value human action and proportionality when allocating blame.

7. POLICY CONSIDERATIONS & FUTURE FRAMEWORK

The rapid evolution of artificial intelligence needs a strategic legal and policy response to intellectual property infringement. One critical question is whether AI should be accorded any type of legal personhood. Current

[20] Authors Guild v. Google (2015, 2d Cir.)

jurisprudence, like ***Thaler v. Comptroller-General of Patents [2021] EWCA Civ 1374***, dismisses AI as an inventor, emphasizing that culpability must be borne by human actors. As a result, policy frameworks should focus on functional liability, holding users, developers, and companies accountable for their roles in creating or facilitating infringing outputs.

Hybrid liability models appear to be the most realistic, distributing responsibility proportionally across stakeholders. Users who intentionally misuse data can be held liable, developers who irresponsibly train AI on infringement datasets may be held accountable, and businesses profiting from systemic exploitation may face vicarious or strict liability. Incorporating due diligence defenses, such to **Section 79 of the IT Act, 2000 (India)**, guarantees that only individuals who fail to take adequate safeguards are punished, preventing overcriminalization.

Technological safeguards are equally important. Policies requiring dataset transparency, watermarking of AI-generated content, and audit trails can reduce infringement concerns and offer evidence of accountability. Furthermore, proportionality in criminal consequences is required; only purposeful or large-scale violations should result in serious fines, whilst minor or accidental violations can be dealt civilly.

Finally, international coordination under the **WIPO** and **TRIPS** frameworks is critical. AI-enabled violation crosses boundaries, necessitating consistent enforcement standards, data governance principles, and cross-border cooperation. A balanced policy strategy that incorporates legal, technological, and international methods can safeguard artists' rights while encouraging responsible AI innovation.

8. CONLUSION

Artificial intelligence has profoundly altered the creation and dissemination of intellectual property, undermining traditional legal frameworks that assume human authorship and purpose. While AI can develop creative products on its own, it lacks consciousness and moral responsibility, hence direct criminal accountability is not relevant. As a result, the law must focus on human actors, users, developers, and corporations, who promote, profit from, or recklessly allow infringing acts.

A balanced strategy is required, combining hybrid liability models, due diligence defenses, and proportional fines to ensure accountability without suffocating innovation. Technological measures such as dataset transparency, watermarking, and audit trails can help to limit infringement concerns. Furthermore, international cooperation is required to handle the cross-border issues raised by AI-generated works. Finally, successful legislation should protect creators' rights, discourage purposeful infringement, and promote responsible AI development and deployment, encouraging an environment in which innovation and intellectual property rights live together.

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