

Exploratory Note

ANI Media Pvt Ltd vs OpenAI OpCo LLC
(2026)



Objective

DSCI notes the pronouncement by the Single Bench of the High Court of Delhi (“DHC”) in [*AN/ Media Pvt. Ltd. v. OpenAI OpCo LLC*](#) (2026), delivered on July 24, 2026. This judgment is the first substantive Indian judicial interpretation of how copyright law applies to the training and operation of large language models (LLMs) such as ChatGPT, and establishes the first judicial framework for assessing artificial intelligence (“AI”) training under the Copyright Act, 1957 (“Copyright Act”).

It, however, is pertinent to note that this judgment was delivered at the interim stage of the proceedings and does not finally decide the issues.

The dispute raised four key questions:

- Does storing copyrighted material to train an AI model amount to copyright infringement?
- Does an AI system infringe copyright if it reproduces protected content in its responses?
- Can AI training qualify for the Copyright Act's "fair dealing" exception?
- Can Indian courts hear copyright disputes involving AI companies whose servers are located overseas?

The DHC declined to grant interim relief and stated that its findings constitute a *prima facie* framework rather than a settled statement of Indian law and should not be treated as a binding interpretation of the Copyright Act.

The intent of this exploratory note is to summarize and interpret the key elements of the judgment, and to identify areas which may require further judicial clarification or regulatory guidance.

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Introduction

| Case Background

ANI Media Pvt. Ltd. ("ANI"), an Indian news agency, instituted proceedings against OpenAI OpCo LLC ("OpenAI"), an American AI research organization that has developed the GPT series of generative AI models, alleging unauthorized use of its copyrighted works on two counts:

Training Claim	Output Claim
Concerning the copying and storage of ANI's content for the purpose of training the LLM underlying ChatGPT	Concerning the appearance of ANI's works in responses generated for users of ChatGPT.

The suit was instituted in November 2024, with issues being framed in the same year. However, ANI's claim of false attribution of hallucinations was not decided at the present stage and remains pending. The DHC has also appointed two *amici curiae* and permitted intervention applications as well.

The DHC, while adjudicating the interim application, framed the following issues:

1. Whether Indian Courts have the territorial jurisdiction to adjudicate the matter, given that OpenAI's servers are in the United States of America ("US")'
2. Whether storing ANI's data to train ChatGPT would amount to copyright infringement;
3. Whether the responses produced by ChatGPT, that reproduce ANI's data, would amount to copyright infringement; and
4. Whether OpenAI's use of ANI's works fall under the fair dealing exception of the Copyright Act.

Explainer

AI hallucinations are instances where an AI system produces outputs that sound plausible but are factually wrong, irrelevant or entirely fabricated.

| Technical Understanding of Large Language Models

Before considering the legal issues listed above, the DHC explained the operation mechanism of LLMs, as copyright issues arise directly from the way these systems developed and are used.

Explainer

- An LLM is an AI model trained on massive amounts of data to understand and generate human-like language.
- AI refers to technology that allows machines to simulate human thinking, learning, and problem solving.

An LLM model, vis-à-vis using scraping and storing data in which copyright subsists, was elaborated upon in the following five stages:

- **Training Data:** The collection of hundreds of billions of words, as data, from web scraping and licensed materials, alongside the critical quality and safety filtering processes.
- **Data Preparation and Model Training:** The conversion of text into numerical Token IDs and semantic vectors, followed by the iterative statistical refinement process where the model learns to predict sequences.
- **Post-Training:** Fine-tuning using instruction-response pairs to improve tasks like summarizing and coding, as well as final safety adjustments.
- **User Interaction:** The role of prompts and prompt engineering and notes the legal significance of adversarial prompts designed to manipulate model outputs.
- **Retrieval-Augmented Generation (RAG):** The operative distinction between a system recalling from its training and consulting an external, authoritative knowledge base to generate grounded responses.

Explainer

RAG is an AI technique that connects a language model to an external database to search for accurate, up-to-date facts before generating a response. This process ensures the AI's answers are grounded in verifiable sources, significantly reducing mistakes and hallucinations.

The DHC distinguished AI training from retrieval, noting that training improves a model through data processing, while retrieval merely accesses external information in response to user queries. It held that retrieval raises distinct copyright considerations and observed that website operators can use technical measures to block automated web scraping of their content.

Training	Retrieval
Process of using large amounts of data to teach an AI model patterns, relationships, and language rules, enabling it to generate responses and perform tasks.	Process of accessing and presenting existing external information in response to a user's query, without altering or updating the AI model itself.

Explainer

Web Scraping refers to the method of extracting large amounts of data automatically, with the help of a computer program or a bot. It is used to retrieve specific data which is then saved in the form of a database.

Global Determinations

Courts across jurisdictions have been examining substantially the same questions, and the table below summarises the principal judicial determinations on generative AI across multiple jurisdictions, along with the specific issue in dispute in each.

Case Title	Country	Core issue
<i>In re OpenAI Copyright Infringement Litigation (incl. The New York Times Co. v. Microsoft and OpenAI)</i>	USA	Training on news archives, regurgitation and summarization, output log preservation.
<i>Bartz v. Anthropic PBC</i>	USA	Training on books held fair use where the copies were lawfully acquired; retention of a pirated library was not
<i>Kadrey v. Meta Platforms Inc.</i>	USA	Training LLaMA AI model on books held fair use on the record those plaintiffs made
<i>Concord Music Group, Inc v. Anthropic PBC</i>	USA	Use of song lyrics in training and their appearance in outputs
<i>Like Company v. Google Ireland Ltd.</i>	European Union	Whether training an LLM on press publications is reproduction, and whether the Article 4 TDM exception covers it ; whether chatbot outputs are communication to the public and the scope of press publishers' rights under Article 15
<i>GEMA v. OpenAI</i>	Germany	Memorization of lyrics in model parameters held to be reproduction; TDM exception unavailable beyond initial data compilation
<i>Getty Images (US) Inc & Ors v. Stability AI Ltd</i>	United Kingdom	Scraping and training on licensed image libraries' primary copyright and database right claims not taken up during the trial as the infringement could not be proven to have taken place in the UK; claims of secondary infringement rejected

Upon reading the table, what is pertinent to note is that courts globally have reached different conclusions on the same underlying technology, with such decisions being based on evidence and territoriality as opposed to any explicit doctrine.

Indian Statutory Framework on Copyright Law and LLMs

The DHC's judgment is firmly grounded in the Copyright Act. To assess its implications, it is necessary to understand what the Act protects, who can enforce those rights, the remedies available, and the exceptions that permit unauthorised use. This section outlines these key elements.

Explainer

A copyright is a form of an intellectual property right that protects one's use of their work, giving the owner an exclusive legal right to copy, distribute, adapt, display, and perform the work.

| Works and the Requirement of Originality

Section 13 of the Copyright Act identifies the categories of works that can receive copyright protection: original literary, dramatic, musical and artistic works, cinematograph films, and sound recordings. Material must fall within one of these categories to be protected.

- **Literary works:** This category broadly covers books, articles, computer programs, databases, compilations, and journalistic content.
- **Originality matters:** Copyright requires a minimum degree of creativity or the exercise of skill and judgment; mere effort, investment, or collection of information is insufficient.
- **Ideas vs. expression:** Copyright protects the expression of ideas, not the underlying facts, data, or events. In news reporting, protection extends to the presentation and arrangement of information, not the events themselves.
- **Foreign works:** Works first published outside India may also receive copyright protection in India under the International Copyright Order, 1999, where the relevant international copyright arrangements such as the Berne Convention, the Universal Copyright Convention, and the TRIPS Agreement apply. However, which country's law governs copying that takes place outside India is a separate question.

Policy Takeaway

Copyright protects original expression, not information itself. For news and other factual content, the key question is therefore whether what has been copied reflects the creator's original expression, rather than merely the underlying facts or information.

| Ownership and the First Owner of Copyright

Section 17 of the Copyright Act generally recognises the author as the first owner of copyright. However, this can change when content is created as part of employment or for a media organisation. This is important because the person who creates the content is not always the person who legally owns the rights to it.

- **Independent creators:** Authors who create works independently generally own the copyright and may assign or license their rights.
- **Newspapers and periodicals:** For works created by journalists in the course of employment, the publisher typically owns rights relating to publication and reproduction for the periodical, while the author may retain other rights.
- **Other employees:** Works created under a contract of employment are generally owned by the employer, unless otherwise agreed. Freelancers and independent contributors usually retain ownership unless they assign it.
- **Public speeches and interviews:** Copyright in a public speech generally belongs to the speaker or the person on whose behalf it is delivered, even if another party arranges or records it. Similar principles may apply to recorded interviews.

Policy Takeaway

When determining who can enforce copyright, it is important to look beyond who created the content and examine the nature of the working relationship, the purpose for which the content was created, and the contractual terms governing ownership.

| The Exclusive Rights and the Scope of Reproduction

Section 14 of the Copyright Act gives copyright owners the exclusive right to carry out, or authorise others to carry out, certain acts in relation to their work. For literary works, these include copying, distributing, communicating to the public, adapting and translating the work.

- **Electronic storage can amount to reproduction:** Storing a work electronically may constitute reproduction. This is particularly relevant to digital technologies and AI model training, as creating and retaining electronic copies of protected content can engage the reproduction right even in the absence of a physical copy.

- **Communication to the public:** A work is communicated to the public when it is made accessible to the public, even if not everyone actually accesses it. This may be relevant where AI-generated outputs reproduce protected expression.
- **When is copyright infringed?** Unauthorised exercise of any exclusive right generally amounts to infringement, subject to statutory exceptions such as those under Section 52 of the Copyright Act.
- **The whole work need not be copied:** Infringement can occur through copying a substantial part of a work, assessed by the importance and quality of the material copied rather than its quantity. Facts, common information, and independently expressed ideas are generally not protected.

Policy Takeaway

Copyright covers a range of activities beyond simply making a visible copy. In the digital context, electronic storage, reproduction and making protected expression available to others can all raise copyright questions. Copyright however, at the same time, does not give ownership over facts or information themselves.

Fair Dealing and the Enumerated Nature of Section 52

Section 52 of the Copyright Act sets out situations where the use of copyrighted material does not amount to infringement. It is therefore central to balancing copyright protection with public interests such as research, criticism and access to information.

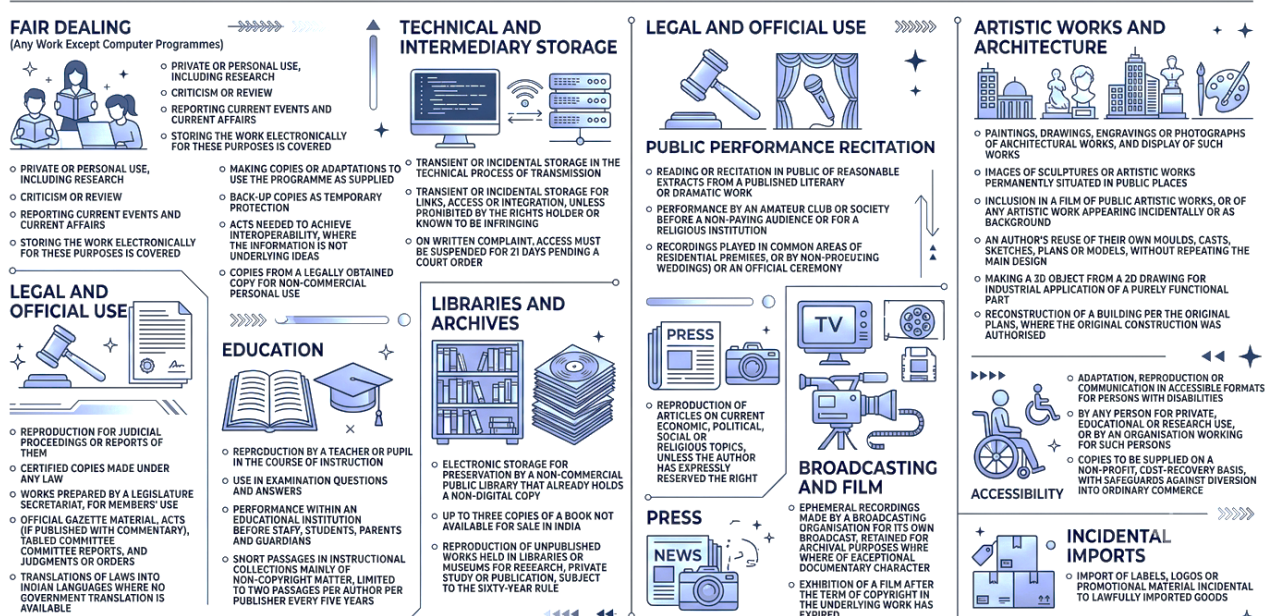
- **A closed list of purposes:** Unlike the open-ended fair use doctrine in the United States, Section 52 contains an exhaustive list of permitted uses. The DHC held that the analysis is twofold: first, whether the use falls within a specified exception, and second, whether the dealing is fair.
- **Private use, research and reporting:** Section 52(1)(a) of the Copyright Act permits fair dealing with certain works for private or personal use (including research), criticism or review, and reporting current events. It also allows electronic storage when undertaken for one of these permitted purposes, but does not create a general exception for electronic storage of copyrighted material. The provision further permits storage of computer programs that are not infringing copies.
- **Assessing fairness:** The Copyright Act does not provide a fixed test to assess fair use. Courts have generally considered factors such as the purpose of the use, nature of the work, amount and importance of the material used, and its impact on the market or value of the original work. How these factors apply to emerging uses, such as training LLMs, remains an evolving area.
- **Transient and incidental storage:** Sections 52(1)(b) and 52(1)(c) exempt certain temporary or incidental storage occurring as part of electronic transmission, communication, linking, or access to content.

- **The absence of a text and data mining exception:** Unlike jurisdictions such as the EU, Japan, and Singapore, India has no dedicated exception for text and data mining (TDM). As a result, the legality of AI training must be assessed under the existing exceptions in Section 52 of the Copyright Act.

Explainer

TDM is the automated process of scanning and analysing large amounts of digital information, such as documents, databases and web pages, to identify patterns, trends and insights that may be difficult to find manually.

WHAT DOES NOT CONSTITUTE COPYRIGHT INFRINGEMENT



*Created Using Generative AI

Policy Takeaway

India's copyright framework provides exceptions, but they are purpose-specific rather than open-ended. This creates uncertainty for AI training, where large volumes of copyrighted material may be copied and analyzed for purposes that were not specifically contemplated when Section 52 of the Copyright Act was drafted.

Key Areas of Adjudication

| Jurisdiction of Indian Courts in AI-related Copyright Disputes

The DHC held that Indian courts have territorial jurisdiction under both the Copyright Act and the Code of Civil Procedure, 1908, as ANI's registered and principal offices are in New Delhi, and OpenAI offers subscription services to Indian users. Rejecting OpenAI's argument that Indian copyright law does not apply because AI training occurs on US servers, the DHC held that the process begins with accessing and transmitting ANI's works from India. It observed that focusing only on the final stage of processing would allow entities to circumvent the Copyright Act by routing parts of their operations offshore.

Explainer

Territorial jurisdiction refers to the power of a court to hear a case within a geographical boundary. Under the Copyright Act, a copyright owner may file a case for infringement where it resides or carries on business, while under the Code of Civil Procedure, jurisdiction also lies where the defendant resides or where the cause of action, wholly or in part, arises.

| Ownership and Subsistence of Copyright in News Content

The DHC rejected ANI's output-based infringement claim at the interim stage. While it held that ANI's news articles, reports, and interviews are original literary works protected under the Copyright Act and that ANI had established a *prima facie* case of ownership, it reaffirmed that public availability of content does not diminish copyright protection. The Court also observed that copyright in interviews and public speeches, including translation rights, *prima facie* vests in the speaker unless validly assigned.

On infringement, the DHC found that ChatGPT's outputs did not *prima facie* infringe ANI's copyrights for two reasons:

- **Training timeline:** The articles relied upon by ANI were published after the training cut-off dates for GPT-4 and GPT-4o, making it unlikely that they formed part of the training data. The Court considered the outputs more likely attributable to retrieval mechanisms than memorisation or verbatim reproduction.
- **Lack of substantial similarity:** The DHC found that ChatGPT's outputs were not substantially similar to ANI's articles, noting that factual overlap is inevitable in news reporting and that each allegedly infringing output must be assessed on its own merits.

Reaffirming established principles, the DHC emphasized that copyright protects original expression, not underlying facts. It also distinguished the foreign cases cited by ANI, observing that they involved verbatim copying or direct scraping, neither of which was established in the present case.

| Storage for Training as Reproduction under the Copyright Act

The DHC held that electronic storage of copyrighted works during AI training constitutes reproduction under the Copyright Act, and that later deletion does not negate this act of reproduction. While OpenAI's admitted storage of ANI's works *prima facie* amounted to reproduction, the DHC found the use protected by fair dealing at the interim stage. It left open for trial whether processes such as tokenization, vectorization, and memorisation independently infringe copyright. The DHC also found no factual basis for ANI's training-related claim, as the relied-upon articles post-dated the models' training cut-off dates, suggesting that the disputed outputs likely resulted from RAG rather than training.

| Interpretation of the Fair Dealing Exception and Copyright Law

The DHC's treatment of fair dealing is the first detailed consideration by an Indian court of whether the storage of copyrighted works for AI training engages the reproduction right and, if so, whether it is protected under the fair dealing exception under the Copyright Act.

The DHC held that storing copyrighted works during training constitutes reproduction under the law, and emphasized that such reproduction is expressly subject to the exceptions under the Copyright Act. Accordingly, an action falling within the fair dealing exception is not infringing at all, and the questions of reproduction and infringement must be analyzed together. In doing so, the DHC placed reliance on the following tests:

Purpose Test	Fairness Test
Asks whether the use falls within a statutorily permitted purpose, such as private or personal use (including research), criticism or review, or reporting of current events.	Evaluates whether the dealing is aligns genuinely with the stated objective and whether it functions in a non-commercial or transformative manner.
Held that fair dealing is not limited to non-commercial uses and that LLM training may qualify as private or personal use, including research. It was also found the training remained private because the dataset was accessible only to OpenAI's models.	No <i>prima facie</i> evidence that OpenAI reproduced or memorized ANI's works beyond training, no indication that ChatGPT substitutes for ANI's business or causes market harm, and recognized the broader public interest served by generative AI.

Applying both the tests, the DHC held that both were satisfied at the *prima facie* stage and that OpenAI's storage of ANI's works for training fell within the fair dealing exception under the Copyright Act.

Balance of Convenience and Refusal of Interim Relief

Having found that OpenAI had raised substantial arguable defences, the DHC assessed the requirements for interim relief and identified three factors of broader significance:

- **Availability of technical measures:** The DHC noted that ANI could have used technical tools to block OpenAI's crawlers from accessing its website for training or retrieval purposes but had not done so. While this approach is contested, as copyright protection does not ordinarily depend on technological restrictions, the Court treated the absence of such measures as relevant to the balance of equities.
- **Adequacy of monetary damages:** The DHC held that any harm suffered by ANI could be compensated through damages if infringement were ultimately established. ANI's offer to license its content to OpenAI for USD 7.5 million was cited as evidence that the alleged harm was capable of monetary valuation.
- **Public interest in AI development:** The DHC considered that an injunction restraining AI training could have wider consequences beyond the parties, given the reliance of generative AI systems on publicly available data and the broader impact on users and technological innovation.

| Issues Left Open to be Determined

As the DHC's findings are only *prima facie*, several key issues remain unresolved, including whether specific stages of AI training constitute copyright infringement, the role of memorisation and regurgitation, the copyright implications of retrieval-augmented generation, ownership of individual works, and the scope of fair dealing under Section 52 of the Copyright Act. ANI's separate claim concerning the false attribution of AI-generated content also remains pending and may ultimately have significant implications for information integrity and trust.

Implications for Data Protection and the AI Economy

The DHC's judgment, despite being interim and subject to final adjudication, has now introduced some implications that would have an impact not only on the intersectional jurisprudence on generative AI and LLM training and copyrights, but also when read in conjunction with data protection principles and the Digital Personal Data Protection Act, 2023 (DPDP Act).

| Implications for AI Training and Outputs

Following the DHC's judgment, output-based infringement claims may pose a lower immediate risk for LLM developers where the disputed content post-dates the training data, outputs are not

substantially similar to the source works, and reproduction occurs only through targeted prompting. However, the DHC left open the possibility of liability where memorisation or verbatim reproduction is proven at trial.

If upheld, the judgment could significantly broaden the scope of fair dealing for AI training in India, allowing developers to train on lawfully accessible online content, including for commercial purposes, so long as the use remains internal and does not result in public reproduction. This may increase the importance of technical measures, such as paywalls and crawler blocks, for copyright owners.

The judgment is also notable for recognising that the commercial nature of an AI system does not, by itself, preclude AI training from qualifying as ‘research’ under the Copyright Act. However, this reasoning remains tentative, as it is tied to the DHC’s interpretation of ‘private use’ under Section 52(1)(a)(i) of the Copyright Act, which may be revisited on later.

| Implications for Data Protection

The DHC’s interpretation of ‘research’ may also have implications under the DPDP Act, particularly for LLM training, which often involves processing publicly available personal data. By recognising that commercial AI training can constitute ‘research’, the judgment may support arguments that AI developers can rely on the DPDP Act’s research exemption, subject to the statutory safeguards and conditions applicable to such processing.

However, the relevance of the judgment is limited. Copyright law and data protection law protect different interests, and a finding that AI training qualifies as ‘research’ under the Copyright Act does not, by itself, make the processing of personal data lawful under the DPDP Act. AI developers would still need to independently satisfy the DPDP Act’s requirements, including safeguards relating to data minimisation, purpose limitation, and security.

| Purpose Limitation, Fairness and Public Interest

The DHC’s fair dealing analysis may provide a useful framework for future data protection questions. In assessing AI training, the DHC considered whether the use was limited to the stated purpose, whether it prejudiced the rights holder’s interests, and whether it served broader public interests such as research, innovation, access to information, and knowledge dissemination.

These considerations mirror key data protection principles, particularly purpose limitation, minimisation of harm, and balancing societal benefits against individual interests. However, important questions remain unresolved, including what constitutes a sufficiently specific research purpose for AI training, how data minimisation applies to large-scale training datasets, and when commercial deployment ceases to be connected to a research purpose.

| AI Outputs and Individual-Level Decision-Making

A further distinction between the copyright and data protection implications of the judgment arises at the output stage. While the DHC’s copyright analysis focuses principally on whether AI outputs substantially reproduce protected expression, the DPDP Act is concerned with the

processing and use of personal data and, in the context of the research exemption, contains a specific restriction against using personal data to make decisions specific to a Data Principal.

This could become significant as AI systems move beyond general-purpose information and content generation towards applications involving individual-level decisions. Even if the initial processing of personal data for model training were capable of falling within the research exemption, questions would remain as to whether subsequent use of the resulting system for decisions concerning identifiable individuals is compatible with the conditions of that exemption. The judgment does not resolve this issue, but its recognition of a distinction between the purpose of training and the subsequent use of AI outputs provides an important starting point for considering the question.

| The Regulatory Position Going Forward

The DHC clarified that the location of servers alone will not insulate foreign AI companies from Indian copyright claims. Where copyrighted content is accessed from India and AI services are offered to Indian users, Indian courts may still assume jurisdiction, reflecting the cross-border nature of digital technologies.

The judgment also does not create a blanket exemption for AI developers processing personal data. Instead, its significance lies in recognising that AI model training may qualify as ‘research’, shifting the focus to whether a particular use satisfies the statutory conditions attached to that purpose. Developers must still address issues such as data provenance, purpose limitation, data minimisation, security safeguards, and model deployment.

At this stage, *ANI Media* (2025) is best viewed not as resolving the relationship between AI training and data protection, but as providing an important foundation for future legal and regulatory debate.

Conclusion

The judgment in *ANI Media* (2026) marks a significant development in Indian copyright law. It confirms territorial jurisdiction over foreign AI developers, holds that temporary electronic storage during AI training constitutes reproduction, treats fair dealing as an integral user right, and interprets private use and research broadly to encompass AI training.

The DHC also recognized public interest as a distinct factor in deciding interim injunctions, emphasizing the societal benefits of generative AI and observing that requiring licenses from every copyright holder would be economically impractical and could impede AI development. While the interim ruling favors AI developers, it is closely tied to the facts before the DHC, including the use of lawfully accessible content, the absence of public reproduction or market substitution, and the internal nature of model training.

From a policy perspective, the judgment is likely to influence ongoing debates on AI governance and copyright reform. It may strengthen the case for developing clearer rules on lawful access, transparency around training data, technical opt-out mechanisms, and appropriate safeguards for rights holders, rather than requiring ex-ante licensing of all training data. At the same time, the absence of a dedicated TDM exception under Indian copyright law, along with unresolved questions on retrieval-based outputs and other technical aspects of AI systems, means that legislative and judicial clarification will remain important as India's AI ecosystem evolves.

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About DSCI

The Data Security Council of India (DSCI), a Nasscom initiative, is a premier think tank on data protection, cyber security and emerging tech in India.

DSCI engages with governments, regulators, industry, and academia to build a secure and trusted cyberspace through policy advocacy, thought leadership, and capacity-building initiatives.

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