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An AI just lost a copyright case in India.

Its painting won.



Illustration: AI-generated artwork

By order dated 31 August 2026, the Registrar of Copyrights has rejected Dr. Stephen Thaler’s application to have his AI system, DABUS, recorded as the author of “A Recent Entrance to Paradise”, an artwork the system generated on its own, with no prompt and no human choosing the final image.

Read past the headline and the order gets interesting.

The painting itself cleared the originality bar. Section 13 asks for independent creation and a minimal degree of creativity. The Registrar found both, and held that generation by a machine does not by itself make a work unoriginal.

Authorship went the other way. Section 2(d)(vi) attributes a computer-generated work to “the person who causes the work to be created”. The Registrar read this as the human mind behind the process: the person who conceived the system, supplied and curated its inputs, and set it in motion. On the Applicant’s own account, that person was Dr. Thaler. The AI was the instrument.

Why did the application fail, then? Because Dr. Thaler was expressly offered the chance to record himself as author, declined, and maintained DABUS as author while claiming ownership for himself. Sections 17 to 19 cannot accommodate that position. An entity without legal personality can neither hold copyright nor assign it, so the chain of title stayed broken and the application was rejected.



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The practical position now: works created with AI assistance are registrable in India, provided the human who caused the creation is recorded as the author. Who supplied the inputs, who curated them, who set the process running. These are the facts that now decide authorship, and they are worth recording from the start.

A word of caution before this order is applied to every generative-AI output. DABUS is an unusual machine. Dr. Thaler built it and trained it on a closed dataset he assembled himself, from his own photographs and his own curated language material. There was no ocean of scraped public works behind the output, nothing on record the composition could be traced back to, and his connection to the work was direct because he had supplied everything the system ever learned from. Compare a prompt typed into a model trained on the public internet. That output must survive comparison against a vast corpus of existing works, and the user's contribution to its creation is far thinner. The Registrar confined the ruling to this application, observing that the degree and character of human involvement may vary materially from one system and one work to another. The harder cases remain open.

The machine can paint. It cannot yet sign the form.