Generative AI and Moral Rights: Can Authors Claim Attribution When their Works Train the Machines?

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Abstract

In order to answer a crucial query in contemporary intellectual property law, this paper examines the developing relationship between generative artificial intelligence (AI) and moral rights: are authors entitled to credit when their works are used to train AI models? Deep questions about authorship, recognition, and integrity are brought up by systems like Google Gemini, DALL·E, and ChatGPT, which create original content by analysing enormous databases of human-generated data. The study looks at how traditional legal frameworks which were intended for tangible reproductions rather than data-driven replications of human creativity are challenged by AI's statistical abstraction of creative works.

The paper illustrates the shortcomings of the current legal mechanisms under the Berne Convention and domestic copyright laws in addressing these issues through a comparative analysis of jurisdictions such as the United States, France, Canada, India, and the European Union. The digital age compromises the moral rights of attribution and integrity, as evidenced by landmark cases like Amarnath Sehgal v. Union of India and Snow v. Eaton Centre, as well as more recent disputes like Google's Gemini Nano Banana.

A revised framework for author protection in the age of generative AI is put forth in the paper. It includes reforms like collective licensing models, attribution-by-design procedures, dataset transparency requirements, and an AI-specific moral rights regime. In order to ensure that the human identity and creativity inherent in AI systems are properly recognised, these measures seek to strike a balance between innovation and ethical accountability. In order to maintain cultural integrity, creative dignity, and the essence of human authorship, the study argues that upholding moral rights in the era of artificial intelligence is not only required by law but also morally necessary.

Keywords: *Generative Artificial Intelligence, Moral Rights, Dataset Transparency, Artificial Intelligence Ethics.*

I. INTRODUCTION

Consider the lawsuit filed by artists against Stability AI, Midjourney, and DeviantArt, where they alleged that AI image generators copied their distinctive artistic styles without consent or compensation.[1] In a similar vein, musicians have raised concerns about AI systems trained on their songs producing eerily similar outputs, while novelists worry about AI models that mimic their narrative voice.[2] These situations are no longer hypothetical. By identifying patterns in massive databases of human-generated content, generative AI which includes programs like Google Gemini, DALL·E, Midjourney, and OpenAI's ChatGPT creates text, graphics, and other creative works. Although these technologies promise unprecedented levels of invention, they rely covertly on human labour, frequently without acknowledgment, approval, or payment.

AI's capacity for creativity has advanced quickly. Simple writing or music was produced by early rule-based algorithms in the 1960s and 1970s.[3] Although the results were frequently rudimentary, machine learning models were statistically capable of imitating styles by the 1990s. Deep neural networks and enormous datasets are used by today's generative AI to create material that is almost identical to human-produced content. This technology advancement raises moral, legal, and financial concerns for creators everywhere by bringing creativity into a digital economy.[4]

[1] Andersen, McKernan, Ortiz et al. v. Stability AI, Midjourney, DeviantArt and Runway, U.S. District Court (N.D. Cal., 8 May 2024), reported in Blake Brittain, "Stability AI, Midjourney should face artists' copyright case, judge says," Reuters, 8 May 2024, available at https://www.reuters.com/legal/litigation/stability-ai-midjourney-should-face-artists-copyright-case-judge-says-2024-05-08/ (last visited 27 Sept. 2025).
[2] Adi Robertson, "George R.R. Martin and Other Authors Sue OpenAI for Copyright Infringement," The Verge, 20 Sept. 2023, available at https://www.theverge.com/2023/9/20/george-r-r-martin-lawsuit-openai-copyright-infringement (last visited 27 Sept. 2025).
[3] Taylor Dafoe, "Three Artists Have Filed a Lawsuit Against AI Generators DeviantArt, Midjourney, and Stable Diffusion for Scraping Their Work," Artnet News, 16 Jan. 2023, available at https://news.artnet.com/news/class-action-lawsuit-ai-generators-deviantart-midjourney-stable-diffusion-2246770 (last visited 27 Sept. 2025).
[4] Alison Flood, "Authors Call for AI Companies to Stop Using Their Work Without Consent," The Guardian, 20 July 2023, available at https://www.theguardian.com/books/2023/jul/20/authors-call-for-ai-companies-to-stop-using-their-work-without-consent (last visited 27 Sept. 2025).

Conventional moral rights frameworks are challenged by generative AI. AI abstracts work into statistical patterns, as opposed to direct copying. No single work is replicated exactly, but the creative influence of human writers is still fundamental. This presents a new idea: moral rights in abstraction, according to which acknowledgement needs to be given to both visible and unseen contributions that are included into AI training datasets. These works' attribution, integrity, and dignity are all called into question when they are used without permission.[5]

This essay makes the case that these rights are not sufficiently protected by the laws in place, but moral rights principles require that writers' contributions to AI training be acknowledged. This essay examines how to protect human dignity in the era of artificial intelligence while promoting responsible innovation by fusing historical, legal, ethical, and policy viewpoints, examining seminal examples alongside current AI disputes, such as Google Gemini's Nano Banana fad.[6]

II. MORAL RIGHTS: CONCEPT AND SCOPE

A key component of copyright law that highlights the intimate, non-commercial relationship between an author and their creation is moral rights. Moral rights safeguard the author's identity, character, and reputation as portrayed in their work, in contrast to economic rights, which deal with the exploitation and commercialisation of creative effort. The reasoning for this is that a creative work is more than just a product; it is an expression of the creator's personality, and any alterations, misquotations, or destruction of the work can damage the author's reputation, dignity, and social status.[7]

The theory of droit morals, which established the notion that writers possess eternal, unalienable rights to assert authorship (paternity) and to forbid any alteration or mutilation of their works (integrity), is where the current idea of moral rights first emerged in 19th-century

[5] Amarnath Sehgal v. Union of India, 2005 (30) PTC 253 (Del); see also Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd., AIR 1987 Del 13.
[6] Section 57, Copyright Act, 1957 (as amended), India Code, available at https://www.indiacode.nic.in/handle/123456789/1760?view_type=browse&sam_handle=123456789/1362 (last visited 27 Sept. 2025) .
[7] R.G. Patil, Copyright and Moral Rights in India, (New Delhi: NLU Press, 2019) 45–47.

France.[8] French courts emphasise a philosophical and ethical commitment to human dignity by continuously recognising that moral rights exist independently of economic rights and cannot be renounced or transferred.[9]

Internationally, moral rights are codified in Article 6bis of the Berne Convention (1971), which requires member states to guarantee authors' rights to claim authorship of their work and to object to any alteration, mutilation, or distortion that might harm their honour or reputation.[10] The article demonstrates how moral rights are universally seen as a crucial defence of the cultural and individual worth of artistic expression. Crucially, moral rights are distinct from and independent of economic rights, as emphasised by Article 6bis, which guarantees protection even after a work has been assigned or licensed.

Comparative Analysis of Moral Rights Jurisdictions:

- ***France & European Union***:

  French law and the EU Copyright Directive strongly protect moral rights.[11] Even after the transfer of commercial rights, EU courts continuously protect writers' rights to integrity and attribution. The European Court of Justice has acknowledged the importance of moral rights in upholding the cultural and societal worth of artistic creations as well as the creators' individual identities. For example, EU courts have frequently awarded remedies beyond monetary compensation in cases of unauthorized alterations, such as injunctions and public acknowledgements.[12]

[8] Jane C. Ginsburg, "Moral Rights in a Common Law System," The Cambridge Law Journal, Vol. 1, No. 1 (1990) 20.
[9] John Henry Merryman, "The Refrigerator of Bernard Buffet," Stanford Law Review, Vol. 27, No. 5 (1975) 1120.
[10] Berne Convention for the Protection of Literary and Artistic Works, 9 Sept. 1886, as revised at Paris, 24 July 1971, Art. 6bis. Text available at WIPO: https://www.wipo.int/treaties/en/ip/berne/ (last visited 27 Sept. 2025).
[11] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, OJ L 167, 22/06/2001.
[12] Séverine Dusollier, "Moral Rights in the EU Copyright Directive," European Intellectual Property Review, Vol. 24, No. 2 (2002) 72.

- ***India***:

Moral rights are enshrined in Section 57 of the Indian Copyright Act, 1957, which gives authors the right to assert authorship and to stop their works from being altered, mutilated, or distorted in any way that would harm their reputation.[13] When a government agency destroyed the artist's mural, the Delhi High Court affirmed the artist's right to integrity in Amarnath Sehgal v. Union of India (2005 (30) PTC 253 (Del.).[14] Asserting that the destruction of creative work causes the artist to suffer both material and immaterial harm, the court underlined that moral rights safeguard the intimate bond between an author and their product. The case proves that moral rights are not just a legal formality but are recognized by Indian law as a cultural and ethical guarantee.

- ***Canada***:

Under the Copyright Act, Canadian law also acknowledges moral rights, enabling writers to protest changes or uses that harm their reputation or honor. In Snow v. Eaton Centre ([1982] 70 CPR 105 (Ont. HC), the court determined that Michael Snow's moral rights were breached by the unapproved Christmas ornaments added on his artwork.[15] This landmark case protects a work's reputation and artistic integrity in public spaces, demonstrating that moral rights transcend traditional notions of property.

[13] Section 57, Copyright Act, 1957 (as amended), India Code, available at https://www.indiacode.nic.in/handle/123456789/1760?view_type=browse&sam_handle=123456789/1362 (last visited 27 Sept. 2025).
[14] Amarnath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).
[15] Snow v. Eaton Centre Ltd., [1982] 70 CPR (2d) 105 (Ont. HC).

- ***United States****:*

  The Visual Artists Rights Act (VARA) of 1990, which protects visual works like paintings, sculptures, and drawings, offers some limited protection in the United States.[16] Digital, musical, and literary works are not given much protection under the moral rights doctrine. Although VARA acknowledges the rights of attribution and integrity, its application is limited, frequently leaving non-visual creative work creators without legal protection in cases where their creations are changed, exploited, or included in AI databases without their permission.

Together, these instances show how moral rights serve as a defense of human identity, dignity, and cultural legacy and are acknowledged everywhere, though to differing degrees. However, these principles face hitherto unheard-of difficulties in the era of generative AI. Without exactly replicating any one piece, AI models rely on vast collections of previously produced human-created works, abstracting styles, narrative voices, and visual patterns. This poses important questions: how can moral rights, particularly the rights of credit and integrity be applied when AI outputs imitate an author's style or covertly repurpose their original expression? There is a legal and ethical vacuum in the protection of authorship in the digital and artificial intelligence era since traditional frameworks, which were created for tangible works, frequently neglect to take into consideration the invisible, statistical influence of human creativity.

By situating moral rights within this comparative, historical, and philosophical context, it becomes clear that the concept of moral rights must evolve to address challenges posed by generative AI, ensuring that creators retain recognition, dignity, and ethical oversight over their contributions, even when absorbed into complex AI systems.

[16] Visual Artists Rights Act of 1990, 17 U.S.C. § 106A; see also Roberta Rosenthal Kwall, The Soul of Creativity: Forging a Moral Rights Law for the United States (Stanford University Press, 2010) 121–25.

III. GENERATIVE AI TRAINING AND USE OF WORKS

Large quantities of human-generated content, including writings, photos, music, and more, are used to train the models of generative AI systems like Google's Gemini and OpenAI's ChatGPT. To create new material, these algorithms examine structures, styles, and patterns. But frequently, this process takes place without the original authors' express permission or recognition.[17]

A. The Amarnath Sehgal Case: A Precedent for Moral Rights

The Delhi High Court held in Amarnath Sehgal v. Union of India (2005) that the artist's destruction of a mural was a violation of his moral rights, particularly his right to integrity.[18] The court underlined that even after economic rights have been transferred, moral rights preserve the intimate bond between an author and their creation.[19] This example emphasises how crucial it is to acknowledge and protect the integrity of an artist's work, a principle that is becoming more and more important in AI-generated entertainment.

B. Google Gemini & Nano Banana: Contemporary Ethical Challenges

In August 2025, Google unveiled "Nano Banana," a component of the Gemini 2.5 Flash Image package.[20] With specific instructions, users can create hyper-realistic images with an AI model, which has gained popularity on social media for producing pictures that mimic high-end celebrity portraits of Elon Musk, Shah Rukh Khan, and Virat Kohli.[21]

But when the model was abused to produce obscene pictures of BTS members RM, V, and Jungkook without their permission, controversy arose. Since people's likenesses are seen as

[17] Google, "Image editing in Gemini just got a major upgrade," Google Blog (26 Aug. 2025), available at https://blog.google/products/gemini/updated-image-editing-model/ (last visited 27 Sept. 2025).
[18] Amarnath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).
[19] WIPO, "Copyright in the Courts: How Moral Rights Won the Battle of the Mural," WIPO Magazine (on Amar Nath Sehgal), available at https://www.wipo.int/web/wipo-magazine/articles/copyright-in-the-courts-how-moral-rights-won-the-battle-of-the-mural-35628 (last visited 27 Sept. 2025).
[20] Google, "Introducing Gemini 2.5 Flash Image (aka nano-banana)," Google Developers Blog (26 Aug. 2025), available at https://developers.googleblog.com/en/introducing-gemini-2-5-flash-image/ (last visited 27 Sept. 2025).
[21] Sarah Perez, "Gemini tops the App Store thanks to new AI image model, Nano Banana," TechCrunch (16 Sept. 2025), available at https://techcrunch.com/2025/09/16/gemini-tops-the-app-store-thanks-to-new-ai-image-model-nano-banana/ (last visited 27 Sept. 2025).

creative inputs for AI outputs, this poses ethical rights problems of attribution, permission, and integrity.

Concerns about authenticity and privacy were also raised by the Indian practice of creating traditional saree selfies with Nano Banana, underscoring the possibility of image editing and distortion. In response, Google added invisible SynthID tags and diamond-shaped watermarks on AI-generated photos, although others claim these steps are not enough.[22] This demonstrates how difficult it is to assign creators and subjects in AI training datasets in an ethical and legal manner.

These illustrations show how AI products, occasionally without recognition, depend on human creativity and identity, which is comparable to more conventional moral rights abuses in concrete cases like Amarnath Sehgal or Snow v. Eaton Centre.[23]

IV. ATTRIBUTION AND TRAINING DATA: LEGAL ANALYSIS

Large collections of human-produced writings, photos, music, and other types of information are used by generative AI to train models that can generate complex outputs. This promotes creativity, but it also brings up important moral and legal issues pertaining to authors' rights, especially moral rights.[24]

A. Current Legal Frameworks

Fair Use (United States):

AI developers frequently claim that using copyrighted content for training is an example of transformative fair use. Courts consider market impact, amount used, nature, and intent. Authors argue that even statistical abstraction or stylistic replication violates their rights by taking advantage of the unique fingerprint of creation without giving credit, even if some have approved transformative use because outputs are not exact replicas. This conflict is

[22] Google, "Image editing in Gemini just got a major upgrade," Google Blog (26 Aug. 2025) (describing watermarking / SynthID).
[23] Snow v. Eaton Centre Ltd., [1982] 70 CPR (2d) 105 (Ont. HC). (classic Canadian moral rights case)
[24] Peter Henderson, Xuechen Li, Dan Jurafsky, Tatsunori Hashimoto & Percy Liang, "Foundation Models and Fair Use," arXiv preprint (28 Mar. 2023).

demonstrated in Authors Guild v. OpenAI, which focuses on allegations that works were illegally utilized to train AI models.[25]

Fair Dealing / Text & Data Mining Exceptions (European Union):

Text and data mining (TDM) for research purposes is permitted by Directive 2019/790, although authors have the option to opt out.[26] It strikes a balance between authorship protection and innovation, but it falls short in addressing moral rights issues like integrity and attribution for works that are statistically abstracted rather than replicated.

Comparative International Approaches:

- ***India:*** The Copyright Act's Section 57 safeguards writers' rights to credit and to avoid disparaging remarks. Amarnath Sehgal v. Union of India underscores the importance of moral rights and the personal connection between author and work.[27]
- ***Canada:*** In Snow v. Eaton Centre, the court held that unauthorized modifications that alter public perception of a work violate moral rights.[28]
  - ***Global Guidance:*** WIPO consultations (2021–2023) stress adapting moral rights frameworks to AI situations, given the inadequacy of current safeguards for works used indirectly in AI training.[29]

B. Moral Rights Challenges in AI Contexts

- ***Attribution:*** Authors' contributions are not always readily apparent. AI outputs without recognition systems exploit artistic expression without credit.
- ***Integrity:*** AI-produced results may misrepresent original styles. For instance, Google Gemini Nano Banana produced lifelike images of celebrities such as Virat Kohli, Shah Rukh Khan, and Elon Musk, alongside explicit content involving BTS members, raising concerns about potential moral rights abuses.

[25] Authors Guild et al. v. OpenAI, Inc. et al., No. 1:23-cv-08292 (S.D.N.Y., filed 19 Sept. 2023).
[26] Directive 2019/790 of the European Parliament and of the Council of 17 Apr. 2019 on copyright and related rights in the Digital Single Market, Art. 3 and Art. 4 (EU).
[27] Amarnath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).
[28] Snow v. Eaton Centre Ltd., (1982) 70 CPR (2d) 105 (Ont. H.C.).
[29] WIPO, "Deepfakes, AI & Law: Protecting Celebrity Rights India," IndiaLaw.in Blog (Sept. 2025).

- ***Personhood and Dignity:*** AI abstraction conceals the human labor and cultural context embedded in creative works. Courts have yet to acknowledge statistical abstraction as grounds for moral rights claims, even though it remains ethically significant. Similar concerns arise in personality rights disputes in India, where actors such as Aishwarya Rai Bachchan and Amitabh Bachchan have sought legal protection against unauthorized AI-generated use of their likeness and voices.[30] These cases highlight that both creative work and personal identity are at risk of misappropriation in AI contexts, reinforcing the need for stronger moral rights recognition.

C. Synthesis and Implications

AI developers benefit from current frameworks that prioritize innovation over attribution, such as fair use in the U.S., TDM in the EU, and moral rights laws in Canada and India. However, there is a moral and legal void caused by authors' contributions being invisible. Moral rights must be extended to statistical and abstracted influence, as shown by cases such as Amarnath Sehgal, Snow v. Eaton Centre, and contemporary disputes (Authors Guild v. OpenAI, Getty Images v. Stability AI).[31]

The Gemini Nano Banana debate, alongside personality rights cases like those involving Aishwarya Rai Bachchan, demonstrates that even with transformative outputs, human contributions and identities remain fundamental yet unrecognized. Reconciling technological advancement with creators' identity, integrity, and dignity requires reforms such as attribution-by-design, transparent metadata, and collective licensing.[32]

V. POLICY AND ETHICAL CONSIDERATIONS

Debates over striking a balance between innovation and the preservation of creators' moral rights have heated up in response to the quick development of generative AI, which is best illustrated by Google's Gemini Nano Banana. This section looks at worldwide policy trends

[30] "Persona, Name, Images Being Misused Through AI: Delhi High Court Grants Relief to Aishwarya Rai Bachchan Against Violation of Her Personality Rights," Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors. CS(COMM) 956/2025 (Delhi H.C.) (interim order), holding that attributes of persona including name, image, etc. are misused without authorization, including by employing AI.
[31] Snow v. Eaton Centre Ltd., (1982) 70 CPR (2d) 105; Authors Guild et al. v. OpenAI, Inc. et al., No. 1:23-cv-08292 (S.D.N.Y., filed 19 Sept. 2023).
[32] Delhi High Court, "Delhi HC bars unauthorised use of Aishwarya Rai's photos, name, likeness," Business Standard (11 Sept. 2025).

through 2025, ethical considerations about human recognition, and arguments for and against attribution.[33]

A. Arguments for and Against Attribution

Arguments for Attribution:

- ***Maintaining Creator Dignity:*** By guaranteeing that creators are acknowledged, attribution protects their reputation and their intimate relationship to their creations. The integrity of creative identity is preserved when human contributions are acknowledged in AI training datasets.
- ***Encouraging Accountability and Transparency:*** Attribution makes it possible to track down the source of AI-generated material, preventing abuse and guaranteeing moral principles.
- ***Promoting Ethical AI Development:*** Developers are encouraged to protect intellectual property and follow ethical practices by having clear attribution standards that discourage unauthorised usage of copyrighted content.

Arguments Against Attribution:

- ***Realistic Difficulties:*** Large datasets make it logistically challenging to track and attribute every task, which could reduce AI effectiveness.

- ***Higher Costs:*** Smaller developers and startups are disproportionately affected by the resource-intensive nature of implementing attribution mechanisms.

- ***Dilution of Meaning:*** If invisible attribution is not apparent to end users, it may not adequately acknowledge creators, which lessens its ethical significance.[34]

[33] UNESCO, Recommendation on the Ethics of Artificial Intelligence, adopted 25 Nov. 2021, UNESCO Doc. 40 C/65, chs. on transparency, fairness, human oversight (hereafter UNESCO Recommendation, 2021). (unesco.org (last visited 27 Sept. 2025))
[34] European Commission, Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 on Artificial Intelligence (AI Act), OJ L 1689, 12 July 2024.

B. Ethical Reflection: Balancing AI Progress and Human Recognition

Finding a balance between AI innovation and human creativity is the ethical conundrum. The following should be given top priority in ethical AI development:

- Human-Centered Design: creating AI systems that are in line with society impact and human values.
- Respecting cultural contexts to prevent distortion is known as cultural sensitivity.
- To meet a variety of viewpoints and issues, inclusive practices involve a wide range of stakeholders.[35]

C. Global Policy Trends (Up to 2025)

- The UNESCO AI Ethics Recommendation (2021) emphasises responsibility, transparency, and human oversight in AI systems while promoting the protection of human rights and dignity.[36]
- The EU AI Act (2024) creates a framework for law that classifies AI systems according to their level of risk, requires ethical adherence, and guarantees that they respect fundamental rights.[37]
- India Draft National AI Strategy (2022–2023): Establishes India as a pioneer in responsible AI by advancing human-centered AI concepts including accountability, transparency, and inclusivity.
- The first EU nation to implement full AI regulation, Italy's AI Legislation (2025) enforces stringent transparency, oversight, and sanctions for detrimental AI usage.
- UNESCO Ongoing Efforts (2023–2025): Keeps consulting with countries throughout the world to modify AI ethical guidelines to new problems, guaranteeing that human rights continue to be at the centre of AI policy.[38]

[35] Claudio Novelli, Philipp Hacker, Jessica Morley, Jarle Trondal & Luciano Floridi, "A Robust Governance for the AI Act: AI Office, AI Board, Scientific Panel, and National Authorities," arXiv preprint (2024).
[36] UNESCO Recommendation, 2021 (see chs. on human rights, dignity, responsibility & transparency).
[37] European Commission, AI Act Enters into Force- Press Release, 1 Aug. 2024.
[38] UNESCO Recommendation and ongoing member-state dialogues (2023-2025) as mentioned in UNESCO's AI ethics website.

D. Case Study: Google Gemini Nano Banana

The controversy around Gemini Nano Banana serves as an example of the complicated ethical issues surrounding AI. Although its sophisticated image generating is novel, the possibility of abuse is highlighted by the creation of explicit content without consent. Among the most important lessons are:

- ***Strong Ethical Safeguards:*** Actions to stop the creation of damaging content.
- ***Improved Transparency:*** Explicit details on the origins and constraints of outputs produced by AI.
- ***Accountability Mechanisms:*** Organisational and legal structures to make developers and users answerable for using AI in an ethical manner.

VI. POSSIBLE MODELS OF REFORM

The shortcomings of the existing legal frameworks in defending moral rights have been made clear by the spread of generative AI. Traditional ideas of attribution and integrity are challenged when human ingenuity is subtly included into AI training datasets. To solve this, a number of reform models technological, ethical, and legal can safeguard writers while promoting ethical AI development.

A. Dataset Transparency Obligations

An essential first step towards moral AI is transparency. Developers ought to reveal the authorship, license, and usage rights of any sources they use for AI training. This enables creators to challenge unapproved inclusion and claim their moral rights. To create hyper-realistic photos, for example, Google Gemini Nano Banana used massive databases, some of which produced unethically sensitive content without permission. Transparency would allow artists to monitor how their creations are being used and hold developers responsible.

These duties also promote public trust and are in line with international norms, such as the EU AI Act (2024) and UNESCO's Recommendation on the Ethics of Artificial Intelligence (2021), which both stress the importance of transparency for moral AI governance.[39] [40]

B. Attribution-by-Design

Technical tools for capturing, monitoring, and displaying authorship metadata in AI-generated outputs are integrated into attribution-by-design. When a creator's work contributes to AI outputs, tools like embedded metadata or blockchain-based provenance can guarantee that creators are given credit. Metadata tracking might have openly recorded celebrity likenesses and creative contributions in the Gemini Nano Banana controversy, minimising abuse and improving accountability.

This method promotes ethical AI development, enables the enforcement of moral rights, and maintains the intimate bond between creator and work.

C. Collective Attribution and Licensing Models

The size of AI datasets may make individual attribution impracticable. Collective management organisations could negotiate licenses, provide appropriate recognition, and govern moral and economic rights. This is similar to methods found in the publishing and music industries, where societies oversee usage and administer payments on behalf of several producers.

In addition to addressing statistical or abstract influence, collective attribution makes sure that creators are acknowledged even in cases when their contributions are scattered and not readily apparent in AI outputs.

[39] Recommendation on the Ethics of Artificial Intelligence, UNESCO, 2021, available at: https://www.unesco.org/en/articles/recommendation-ethics-artificial-intelligence.

[40] AI Act | Shaping Europe's digital future, European Union, 2024, available at :https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai.

D. AI-Specific Moral Rights Regime

A customised moral rights framework that protects abstract contributions is required for generative AI. The visual, narrative, or stylistic effect of human producers is morally meaningful even when outputs do not replicate a work exactly. Among the salient characteristics are:

- Recognition of Statistical Influence: Rights of attribution for works that indirectly contribute to AI outputs.
- As demonstrated by the Gemini Nano Banana controversy, integrity protections provide legal redress against outputs that mislead or distort a creator's style or identity.
- Duration and Enforcement: Clearly defined timeframes and procedures for claiming rights that are adjusted to the quick advancement of technology.

By guaranteeing that authors continue to be acknowledged and visible participants in AI ecosystems, this regime upholds human dignity, creativity, and cultural integrity.

E. Synthesis and Feasibility

Collective licensing, attribution-by-design, dataset transparency, and AI-specific moral rights strike a compromise between creator protection and AI innovation. These improvements ethically support human creativity and cultural values while being technically possible through the use of blockchain, metadata, and automated tracking.

Both necessity and application are demonstrated by the Gemini Nano Banana example. Reputations are protected, misuse is avoided, and AI advancements are made without undermining fundamental moral rights by enforcing transparency, attribution, and integrity measures.

VII. CONCLUSION

The field of creativity is undergoing a significant shift thanks to generative AI. Artificial intelligence models provide outputs that are frequently inventive, artistically complex, and economically beneficial by using enormous collections of human-created works. However, the work, creativity, and artistic expression of human creators are insidiously necessary for this astounding technical advancement. AI abstracts operate statistically, making the impact of individual creators undetectable, in contrast to traditional copyright infringement, where copying is palpable and traceable. Since moral rights are intrinsically linked to the integrity, acknowledgement, and attribution of the author's creative identity, this invisibility poses a special issue.

AI's abstract use of creative works is not adequately addressed by current legal frameworks, which range from Section 57 of India's Copyright Act[41] to the Visual Artists Rights Act in the United States[42] and EU guidelines[43]. Although they precede the complicated realities of AI-driven production, seminal decisions like Amarnath Sehgal v. Union of India[44] and Snow v. Eaton Centre[45] highlight the significance of acknowledging human and reputational stakes in creative effort. Even modified AI outputs can misrepresent, distort, or appropriate human creativity, as demonstrated by current problems like Google Gemini's Nano Banana creating explicit content or altering celebrity photos, posing serious ethical and legal issues.

Human-centered reforms that unite moral responsibility and creativity are necessary to address these issues. A viable way forward is provided by communal licensing mechanisms, attribution-by-design through provenance tracking and metadata, transparency requirements in dataset curation, and an AI-specific moral rights regime. Even when the influence is statistical

[41] Copyright Act, 1957, §57 (India).
[42] Snow v. Eaton Centre Ltd., [1982] 70 CPR (2d) 105 (Ont. H.C.); Visual Artists Rights Act (VARA), 17 U.S.C. §§106A, 113(d) (United States)
[43] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society; and Directive 2019/790 on copyright and related rights in the Digital Single Market (EU)
[44] Amarnath Sehgal v. Union of India, 2005 (30) PTC 253 (Del).
[45] Snow v. Eaton Centre Ltd., [1982] 70 CPR (2d) 105 (Ont. H.C.).

or abstract, such reforms guarantee that creators' contributions are recognised, their integrity is protected, and their dignity is upheld.[46]

In the end, acknowledging authorship in AI training is a moral requirement rather than just a formality. It defends creative and cultural heritage, promotes the human identity inherent in creation, and argues that technological progress should enhance rather than diminish human inventiveness. Societies can guarantee that creativity is a visible, respected, and morally protected human endeavour even as robots contribute more to content creation by adjusting moral rights to the AI era. Regardless of the media, the idea that human dignity is inextricably linked to the creative process must serve as the foundation for the ongoing discussion between ethics, technology, and the law.

[46] UNESCO, Recommendation on the Ethics of Artificial Intelligence, 2021, available at: https://www.unesco.org/en/articles/recommendation-ethics-artificial-intelligence.