



Artificial Intelligence and the Creative Industries: Challenges and Opportunities in Sri Lankan Journalism

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Abstract

The rapidly advancing field of artificial intelligence (AI), particularly generative AI, has raised important questions about the nature and scope of intellectual property rights, especially copyright, and its implications for the future of journalism. The ability of autonomous artificial intelligence systems to create literary, artistic, and journalistic works that closely resemble or match human-created content presents an unprecedented challenge to existing global copyright regimes. This article examines the complex relationships between artificial intelligence, copyright law, and the digital media landscape in Sri Lanka. In particular, it investigates how the concepts of "authorship," "originality," and "work" under the 2003 Act apply or fail to apply to AI-generated news and creative content. The article further compares Sri Lanka's approaches adopted in the United Kingdom and the United States, in order to identify gaps and reform pathways. It argues that Sri Lanka must be proactive in addressing both the challenges and opportunities presented by AI-generated works, while promoting innovation in media practices and protecting the interests of human creations. The article concludes that copyright law requires reform to remain relevant in the era of AI-driven journalism and offers recommendations.

Keywords: Artificial Intelligence, generative AI, copyright, authorship, originality, journalism, intellectual property, Sri Lanka

1. Introduction

The Daily Mirror was the first Sri Lankan print newsroom to roll out an artificial intelligence (AI) based article summarization tool, dubbed ‘Mirror AI’ (dailymirror.lk), to highlight this change. Likewise, Sri Lanka Rupavahini Corporation (SLRC) began using AI versions of its popular news presenters for news bulletins and became the first Sri Lankan television network to use the technology for a main news programme. The rise of AI is especially notable in the multilingual media landscape of Sri Lanka, a place where media outlets operate in three languages (Sinhala, Tamil and English), and the adoption of AI, language equity and editorial integrity have inherent cultural and legal implications. The application of AI to generate and edit ideas, news articles, narratives, content, and images has become a part of journalism globally (Diakopoulos, 2020; Carlson, 2023).

A landmark development in AI has been the rise of generative systems, which are capable of autonomously completing tasks traditionally viewed as tasks of human cognition and creativity (WIPO 2024a, 2024b). Sophisticated AI models (including generative AI, also known as language models (LM) or large language models (LLM) can create original content in various forms, including text, pictures, music, visual arts, and more, in response to user prompts (WIPO 2024a). Tools such as ChatGPT can be used to write essays and poems, while DALL-E2 and Midjourney autonomously generate images, music, code, and visual art with minimal human intervention (Briot & Pachet, 2017; Elgammal, et al., 2018).

Another key issue that arises, especially when AI is employed, is the generation of highly convincing fake content, including deepfakes and synthetic news articles, that can mislead the public (Tyagi, 2023; Josan, 2024). This raises further concerns about liability and the integrity and reliability of both traditional and visual journalism (Mohammed, 2024). The materials used to generate AI products in journalism are often drawn from existing copyrighted works, raising significant legal concerns about potential infringement of authors’ rights (Gillotte, 2019; Naqvi, 2020; Muray, 2023).

In Sri Lanka, protection of copyright is governed by the Intellectual Property Act No.36 of 2003 (the 2003 Act), and such conflict scenarios are of particular concern. The 2003 Act does not make any specific reference to the use of AI tools when developing content. Consequently, it is not certain whether AI tools help to craft AI-assisted or AI-generated content. More

generally, however, Sri Lankan copyright and media laws are not well-equipped to address challenges posed by the increasing use of AI in journalism. While research into AI, copyright, and journalism continues to grow in various parts of the world, the legal impact of AI on the Sri Lankan media has received little attention. As a result, the literature lacks much on how existing copyright principles will apply to AI-assisted journalistic works in Sri Lanka.

This article explores the intersection of AI, copyright, and journalism, highlighting the issues and prospects that arise from these developments in the news industry in Sri Lanka. In particular, this article discusses the following questions:

- (1) How does the current copyright law in Sri Lanka, as per the 2003 Act, deal with AI-generated works in journalism?
- (2) Identify any gaps in definitions and concepts of authorship and originality that exist in the context of AI?
- (3) What are the proposed legislation changes that could make Sri Lanka's copyright law effective for the protection of AI-generated journalistic works?

The article includes a comparative analysis of copyright legislation in selected jurisdictions, which supports the proposed legislative measures. The proposed legislative measures are based on a comparative analysis of copyright legislation of selected jurisdictions, which is included in the article. The Article ends with legislative recommendations to deal with work produced by AI and its interaction with journalism and mass communication. The article is divided into four sections: Section 2 discusses the literature, Section 3 discusses the methodology, and Section 4 presents the results and discussion.

2. Literature Review

2. 1. Introduction: AI and the Copyright Challenge

Over the past few years, the intersection of AI and copyright law has attracted more scholars, particularly within the creative industries (Gervais, 2020; Kaminski, & Urban, 2021; Kaminski, 2023). AI has posed a threat to the concept of copyright. It has quickly transformed the global media landscape, altering how news is reported, gathered, produced, and disseminated. Concurrently, there is growing scholarly interest in how the concept of AI disrupts journalism and affects the conventional principles of copyright. Many articles have been written about the possibility of considering works created by AI systems as "original" and who the "author"

should be (Samuelson, 2023). Researchers point out that the production of AI-generated content poses a challenge to traditional notions of authorship and editorial responsibility and ethics (Carlson, 2023; Diakopoulos, 2019).

The creative industry covers literature, publishing, journalism, films, music, advertising and digital media, all of which rely heavily on intellectual creativity and protection of intellectual property. However, AI has considerably transformed the digital creative sector. The use of AI systems and their outputs has given rise to significant legal and ethical questions, particularly in the media sector when it comes to authorship and originality. When AI produces something that closely resembles or is identical to an existing copyrighted work, it risks being categorized as an unauthorized copy or a derivative work. It is challenging to identify the author of the new work. The resulting confusion between human and machine creation undermines the very philosophical principles underlying the concept of authorship and the economic competitiveness of human creators (WIPO, 2024a). As an example, in cases where such works may be attributed to authorship, there is a strong necessity to find out whether a particular person can be referred to as an author and how to enforce copyright claims to AI generated works.

2.2. Understanding AI and Generative AI

Although the definition of AI is complex and subject to substantial controversy, all definitions broadly describe the development of computer systems' capability to simulate human cognitive functions. Academics, researchers, and legal entities have understood the concept of AI in diverse ways, depending on the circumstances and the intent of the definition.

In general, AI refers to computer systems designed to perform tasks that usually require human intelligence. The World Intellectual Property Organization (WIPO) defines AI as a sub-discipline of computer science that seeks to develop systems and machines capable of performing tasks traditionally dependent on human intelligence, with or without minimal human intervention (WIPO, 2020). According to U.S. Code (2023), AI is defined as "a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments" (15 U.S.C. § 9401). According to Article 3 of the AI Act (European Union, 2024), an AI system is defined as "a machine-based system designed to operate with varying levels of autonomy." On the other hand, the UK Artificial Intelligence (Regulation) Bill, 2024 defines AI as technology that

enables a device or software to process data in a way that mimics human cognition - allowing it to perceive environments, interpret data, and make decisions or recommendations to achieve specific goals (UK Artificial Intelligence (Regulation) Bill, 2024).

Generative AI

A concise legal definition of Generative Artificial Intelligence (GAI) is still under construction globally. However, Generative AI or generative artificial intelligence refers to a class of AI models designed to create new content, like written text, images, music, audio, and videos, that resemble the data they were trained on. This transformative potential has warranted a re-evaluation of the well-established legal norms of copyright, which historically attribute rights based on human intellect and creative expression. Furthermore, to train these generative AI systems, a large amount of copyrighted material is required. Trained on large datasets that predominantly use copyrighted works downloaded from the internet, generative AI systems generate works that are indistinguishable from human-authored works. This unauthorized, uncompensated use of copyrighted content potentially violates the exclusive rights of copyright owners (Sag, 2023; Lee et al., 2024; Zirpoli, 2023).

2. 3. AI in Modern Journalism

In the past, AI was not used in journalism as it is used today. However, modern journalism is rapidly changing because of technological advancements, especially AI. From a technological perspective, journalism relies on assistive, generative and distributive technologies. AI in journalism refers to the use of computational systems, such as machine learning, automation, natural language processing, and data analysis, to perform journalistic tasks that traditionally require human intelligence (Diakopoulos, 2019; Pavlik, 2023).

Journalistic work, spanning from simple news briefs to more elaborate features and articles, falls within the protection of copyright works. When an organization generates news using AI, an important question arises about who owns the authorship of the content and whether it can be used to train language models (LM). If copyright protection is granted to automated news, it would create a copyright regime that supports journalism, treats news as a literary work, and protects AI-generated work. It is worth noting, however, that data and facts, as such, are not the subject of copyright protection. Furthermore, copyright concerns of AI-driven journalism are also complicated by distinct challenges of accountability and journalism ethics that AI technologies pose (Carlson, 2023; Diakopoulos, 2019).

2. 4. Authorship, Originality and Divergent Jurisdictional Approaches

As AI becomes more prevalent in content creation, it has sparked fundamental questions about authorship and originality at the core of copyright law (Fenwick & Jurcys, 2023; Mazzi, 2024; Gaffar & Albarashdi, 2025). Various jurisdictions have taken different steps to tackle the copyrightability question of AI-generated works and the rights of creators and developers. For example, the US typically demands human authorship, for instance, *Naruto v. Slater* (2018) and *Thaler v. Perlmutter* (2023), whereas the UK provides limited protection for computer-generated works. The various approaches show that there is no single standard for regulating AI-generated content. This makes it hard to achieve international legal uniformity and complicates academic research. In AI-driven journalism, the idea of "author" is growing more complex. AI-generated content challenges the traditional view of authorship, which has always relied on human creativity. Existing legal frameworks are not ready to deal with these changes (Samuelson, 2023).

2. 5. Copyright Law in Sri Lanka and the Challenge of AI

2. 5.1 The Sri Lankan Copyright Framework

Copyright law serves to safeguard the rights of creators, foster the development of new works, and balance public interests (USPTO). It provides the author with rights to his or her creation, including rights to reproduction, distribution, adaptation and public display (Berne Convention, 1886; section 9 of the 2003 Act).

In Sri Lanka, the copyright regime is governed by the 2003 Act. Although the term 'copyright' is not explicitly defined in the Act, under Section 6 of the Act 2003, copyright protection is granted to a broad range of original intellectual creations in the literary, artistic and scientific domains.

However, the Act does not require artistic merit or aesthetic creativity as a prerequisite for copyright protection. In alignment with the universally recognized principles, it does not evaluate the merit or usefulness of the work when determining eligibility for protection. Accordingly, Section 6(2) of the 2003 Act provides that protection for literary, artistic and scientific works is granted by the sole fact of their creation and irrespective of their mode or form of expression, as well as of their content, quality and purpose. Like most Berne Convention countries, no registration or deposit procedure is required for copyright protection

in Sri Lanka. Unlike in some other jurisdictions, there is no fixation requirement under the Act, and copyright protection therefore arises automatically upon the creation of the works. Copyright in a literary, artistic and scientific work lasts for the author's lifetime plus a further 70 years.

For a work to qualify for copyright protection in Sri Lanka, it must fit into one of the three categories stipulated in Section 26 of the 2003 Act, namely:

- (a) Works of authors who are nationals of or have their habitual residence in Sri Lanka.
- (b) Works first published in Sri Lanka, works first published in another country and thereupon published in Sri Lanka within thirty days from such publication, irrespective of the nationality or residence of their authors.
- (c) Works that are protected in Sri Lanka by virtue of, and in accordance with, an international convention or any agreement to which Sri Lanka is a party.

Section 5 of the same Act provides that “author” means the physical person who has created the work. Accordingly, a work is not protected unless it originates from a human author. Originality is the intellectual creation of the author. This implies that the work should not be copied and should be the original product of the author’s own intellect. In *Wijesinghe Mahanamahewa and another v Austin Cantor*, the Court had the opportunity to consider the meaning of originality, which it held to be the exercise of the author's own skill and effort, rather than the mechanical copying of other works.

2. 5.2 The AI Authorship Problem under Sri Lankan Law

The use of AI-generated content introduces significant challenges to the existing copyright system in Sri Lanka. All these considerations indicate that Sri Lankan copyright law does not currently address non-human authorship and does not provide explicit guidance on the copyright implications of AI-generated works. It is therefore not possible to consider the AI system itself as the author. Consequently, the issue of human authorship arises in both AI-assisted and AI-generated works, particularly in journalism. With the growing adoption of AI tools in newsrooms, the lack of legal clarity regarding authorship, ownership, and infringement of AI-generated content leaves these issues unanswered. While there is increasing research on AI and copyright worldwide, in contrast, Sri Lankan law and academic literature remain completely underdeveloped in this field, and the implications of AI-generated journalism have not been systematically explored. This study aims to fill this gap in the literature.

3. Research Methodology

This study adopts a qualitative doctrinal legal research methodology. Doctrinal legal research focuses on the systematic analysis of legal rules and principles, and on their application to specific legal problems, without relying on empirical data collection. This analysis research primarily examines statutes, case law, journal articles, policy papers, and international legal instruments relevant to artificial intelligence, copyright and journalism.

The main sources of this study are the legislation and international instruments, namely the 2003 Act, international copyright conventions, and legislative materials of the European Union, the United States, and the United Kingdom. When necessary, references are also made to judicial decisions from both Sri Lanka and foreign courts. Secondary sources are those that cite or rely upon primary sources such as peer-reviewed journal articles, legal commentary, academic reports and policy documents from institutions such as the World Intellectual Property Organization (WIPO).

Using a comparative approach, best practices are identified at the international level for relationships that are similar to the Sri Lankan context. This research examines legal challenges, policy constraints and regulatory issues stemming from the intersection of AI and the creative industries, particularly journalism.

This study has some drawbacks, however. In particular, there is a lack of precedent in Sri Lanka that directly tackles the copyright concerns arising from AI in the context of journalism. Hence, this analysis is based on legal interpretation and doctrinal commentaries. Furthermore, the research is not empirical (based on surveys of the industry, fieldwork, etc.) but is a theoretical analysis of the law as it stands. Despite these constraints, this study will contribute to the current efforts of research on the topic of AI and copyright law in Sri Lanka within the creative industries, with a view to familiarize the policy makers, academia and media professionals with the challenges in the regulatory landscape.

4. Results and Discussion

4. 1. The Inadequacy of the Human Authorship Requirement in the Age of AI-Generated Journalism

The first question is whether the traditional tenet of human authorship remains sufficient in the age of AI-generated journalism. This study shows that the current copyright system in Sri Lanka is not adequate to tackle the issues of authorship and ownership that arise from using AI in journalism.

The copyright protection in Sri Lanka is based on human authorship, in accordance with the 2003 Act. Section 5 of the 2003 Act sets out who is considered to be the author, and section 6 makes it abundantly clear that protection is given on the basis of the act of creation. Together, these provisions reflect the traditional doctrine of the Berne Convention, which treat copyright as the reward of human intellectual creativity. Generative AI directly and fundamentally challenges this principle.

Consequently, if a Sri Lankan news organization uses a computer system to generate a financial report, a weather forecast, or a court report, the output does not reflect the level of skill, judgment, and creativity that have traditionally been needed to be copyrightable. This uncertainty creates legal challenges, as the 2003 Act is premised on the assumption that only human authors create copyrightable works.

Such output either falls into the public domain at the time of creation, as there is no human author to claim it, or exists in a legal "no-man's land" where ownership is unclear. This creates novel issues for news organisations that invest in developing, acquiring, or licensing AI technologies for content creation.

This position is consistent with the broader global scholarship. Samuelson (2023) has suggested that the originality and authorship issues with AI-generated creations reveal a fundamental tension between legal systems designed to incentivise human creativity and technological systems capable of producing machine-generated content. This tension is particularly visible in the Sri Lankan context, where the 2003 Act does not recognize non-human authorship.

4. 2. How to determine when humans step away from the picture?

Another, and potentially more immediately practical, aspect of the authorship issue focuses not on AI-generated content, but on AI-assisted content - that is, content created with the help of an AI tool, in which the human journalist plays a central role in the creation process. In practice, this distinction is highly significant, as most of the AI use in newsrooms right now falls into this category. For instance, a journalist might input a source into a generative AI system to generate an article, lead, summary, or outline, and then edit and publish it as their own.

The current Sri Lankan law does not give any guidelines for deciding the level of contribution needed for a piece of work to be protected by copyright. It is not known at this time which contributions are too small to be considered the work of an individual. The Wijesinghe case does not aid in clarifying the application of the originality test where the machine mirrors, delegates or otherwise significantly enhances the ability of its owner. This is not just a theoretical issue. The distinction between the journalist as content creator and the journalist as editor of AI-generated content will grow increasingly blurred as AI technologies evolve and increasingly shape the journalist's practice.

There is little guidance and no consensus from the international experience. The United States Copyright Office has consistently maintained that AI-generated works must be authored by a human being to be protected by copyright and has denied registration of AI-generated works in *Thaler v Perlmutter* (2023). In contrast, the UK has adopted a different approach under Section 9(3) of the Copyright, Designs and Patents Act 1988 which provides that in the case of a "computer generated" work (that is where a computer generates the work in a context where there is no human author) the author is deemed to be the person who made the necessary arrangements for its creation. Section 178 further reinforces this position that a work "generated by computer in circumstances such that there is no human author of the work" - the author is deemed to be the person who made the necessary arrangements for the creation of the work. This "arranger" or "programmer" view is designed to help close the loop between the work of the human and the work of the machine by considering the party responsible for placing the AI system into operation as a "deemed" author of the system. This has been confirmed in *Nova Productions Ltd v Mazooma Games Ltd*, where computer-generated frames in a video game constituted copyright works, with authorship vesting in the person who made the necessary arrangements for their creation - in that case, the game's designer.

Comparative analysis suggests that there is no uniform solution currently existing. In the absence of an equivalent provision, Sri Lanka is facing a complete legislative vacuum in addressing AI-related authorship issues. It may therefore be considered whether Sri Lanka should adopt a similar “deemed author” framework, either by recognising the journalist or news organisation deploying the AI system as the author of the resulting work, or by introducing a provision analogous to section 9(3) of the UK Copyright, Designs and Patents Act 1988.

4. 3. Training Data, Copyright Infringement and the Sri Lankan Journalism Sector

In addition to the authorship aspect, this study addresses a second critical dimension of AI and copyright in journalism: the unauthorized use of existing journalistic works in training generative AI models. The generative AI models rely on large-scale datasets that, in most instances, incorporate substantial quantities of copyrighted materials scraped or copied from the internet without the consent of creators (Sag, 2023; Lee et al., 2024; Zirpoli, 2023). Consequently, when a news organisation in Sri Lanka publishes an article, it can be scraped and integrated into the training datasets of third-party AI systems without authorization, attribution or financial compensation. Such conduct would not only infringe the author’s economic rights but would also amount to an infringement of their moral rights (Section 10 of the 2003 Act).

Under section 9 of the 2003 Act, copyright owners are granted the exclusive right to reproduce, translate, distribute and adapt the work. On a literal interpretation, the use of journalistic content for AI training purposes that fall outside the original purpose of publication may therefore constitute infringement. The Act, however, does not specifically mention text and data mining or AI training as permissible activities. Furthermore, it does not contain any explicit fair use exception, such as private study, criticism, or news reporting that would cover such use and does not extend to automated machine learning. This absence of specific statutory provisions creates a significant enforcement gap, leaving uncertain the legal remedies available to Sri Lankan news organisations whose content is used in this manner—a question that has not yet been tested before Sri Lankan courts.

This legal vacuum contrasts with other jurisdictions. In the United States, several significant litigation efforts are underway to determine whether using copyrighted works for AI training is fair use, as in *Andersen v. Stability AI and others*. Meanwhile, the European Union's AI Act of 2024 has established a dual layer of protection and the Text and Data Mining (TDM)

exceptions under the Copyright in the Digital Single Market Directive. These frameworks mandate developer transparency regarding training datasets while reserving the right for content creators to opt out of data harvesting. In contrast, Sri Lankan law contains no equivalent safeguards, transparency requirements, or opt-out mechanisms, thereby leaving journalists and media organisations particularly vulnerable to unauthorised exploitation of their published works.

4. 4. Who Owns AI-Generated News – Employer, Developer or Nobody?

Beyond the issue of training data, a further unresolved question concerns the ownership of AI-generated news content within newsroom settings. These issues cannot be settled by the 2003 Act. In conventional employment relationships, section 14(4) of the Act provides that where a work is created by an author in the course of employment, the employer is deemed to be the first owner of the copyright, unless otherwise agreed.

This presupposes the requirement of a human author working in the organisation. If the "author" of the work is an AI system, the employer provision does not apply straightforwardly, as there is no human employee whose copyright can vest in the employer.

This analysis leads to three potential ownership outcomes, none of which is clearly resolved in current law. First, the news organisation could own it because it deployed and operated it, as in the "arranger" approach adopted in the UK. However, for this to be viable, it would need a statutory basis, which Sri Lanka does not currently have. Second, ownership could reside with the developer of the AI system because the work is the system the developer developed. Thirdly - and most unsatisfactorily - it can be unprotected, so that anyone else could copy and publish it as well. This latter possibility carries significant implications for news organisations that depend on the commercial value of their content and raises broader concerns regarding the sustainability and legal protection of AI-driven journalism in Sri Lanka.

4.5. The demand for legislation change is made based on comparative jurisdictions.

The conclusions of this study all converge to a single message: there is a pressing need for a new law. While generally consistent with Sri Lanka's international obligations under the Berne Convention, the 2003 Act was drafted before generative AI was foreseeable. It is not feasible to interpret it to fit the authorship, ownership and infringement issues that arise with AI-written journalism. These gaps are unlikely to be fully addressed by judicial interpretation in the

absence of any domestic judicial guidance on the subject and the basic nature of the changes to be implemented.

This comparative analysis has identified some reform options for Sri Lanka to consider. The UK approach of attributing a work to a deemed author, namely the party making the necessary arrangements, is a sensible way forward to resolve this ownership issue. However, it has been noted that it could lead to an overcompensation of AI-generated works at the expense of the human creator (Kaminski, 2021). The EU's plan to create a balanced system to protect existing rights holders, such as news publishers, in the context of AI training is seen as a more effective way to address copyright concerns. WIPO's current activities in AI and IP policy offer another normative benchmark for policymakers in Sri Lanka (WIPO, 2024a).

As per the comparative analysis, it is clear that none of those models can be directly applied in the Sri Lankan context. Sri Lanka (as a dualist state) does not automatically make international law a part of national law; it has to be incorporated into the national law before it can be enforced in the country. pass for the same. The context of Sri Lankan media and the capabilities of the legal and regulatory frameworks are key points to be taken into account, as is the need to respond to the valid concerns of the media, AI developers, media workers and media consumers.

5. Summary of Key Findings

Based on the analysis in this study, the main findings are as follows: First, Sri Lankan copyright law does not provide any protection for works produced by non-human AI, leaving a fundamental void in copyright protection for AI-generated journalistic works. Second, the distinction between AI-assisted and AI-generated labour is legally important but practically hard to differentiate, as is now the case within the existing copyright law system. Third, there is a clear concern that the availability of news as AI training data infringes on journalistic works, which is not covered by any fair use exceptions in Sri Lankan law. Fourth, the ownership of such news content created by AI in a newsroom setting is unclear and may carry ramifications for how commercial journalism is done with AI. Fifth, the copyright gap is exacerbated by an accountability gap that undermines the ethics of journalism. Sixth, a new legal framework, grounded in comparative best practices, is required to develop a Sri Lankan solution to the problems AI poses for copyright in the creative sector.

6. Conclusion

The purpose of this study was to explore copyright issues related to AI in Journalism, with a focus on Sri Lankan copyright law. The study has shown that the implications of AI in journalism raise far-reaching legal concerns that are not adequately addressed by Sri Lanka's current copyright law. The 2003 Act, Sri Lanka's main copyright law, was passed when machine-generated content was not a legal issue to be considered. As a result, its provisions are grounded in assumptions about human authorship, originality, and creative effort in news production, which are increasingly challenged in a media context where AI systems can now generate journalistic texts that are, in many ways, indistinguishable from those written by human journalists.

The study has pinpointed the following interdependent legal gaps. First, the concept of an author as a physical person under Section 5 of the 2003 Act renders Sri Lankan copyright law, as it stands, inapplicable to works wholly created by AI. As a result, works that are "wholly" created by an AI cannot be protected. This creates a legal ambiguity for news organization that spend money on AI tools for content creation, as they will not have a solid basis to claim ownership of AI-generated content. The situation becomes more complicated when dealing with AI-assisted works, which can range from minimal to substantial human creative input, and where there is no legal threshold for assessing when such contribution is sufficient to establish copyright protection for the work.

Second, in addition to issues to authorship and ownership, the use of published journalistic content for training AI systems raises the unresolved question of infringement. The Act of 2003 does not have a remedy to date. It presents Sri Lankan news organisations with a form of systematic exploitation of their published content, for which they currently lack clearly defined remedies.

The comparative examination in this study has demonstrated that other jurisdictions are facing similar issues, though with different legislative instruments and varying success. Sri Lanka's provisions on deemed authorship of computer-generated works, together with the European Union's transparency requirements and opt-out mechanisms for AI training data, provide useful models for Sri Lankan policymakers when developing a legal framework for artificial

intelligence. However, as the comparative analysis shows, there is no single perfect foreign model for it. Any legislation to reform Sri Lankan copyright law would need to be more finely tuned to the country's domestic media landscape, the current structure of Sri Lankan copyright legislation under the Intellectual Property Act, and Sri Lanka's commitments under international copyright instruments such as the Berne Convention.

In light of these findings, this study recommends reform of the 2003 Act to address three key areas: (i) to include at least provisions on authorship and ownership of works produced by AI and AI-assisted creation, (ii) to draw a threshold for the degree of human originality necessary to benefit from the protection of copyright, and to offer clarity on the permissibility or otherwise of reproducing copyrighted works for AI training purposes. Alongside these, sector-specific guidelines from relevant regulatory authorities and media industry bodies are recommended to address the ethical and accountability aspects of AI in the news media, provided that legislative measures are also adopted to reflect them.

This study acknowledges certain limitations. The absence of Sri Lankan case law on AI-related copyright issues arising in the context of AI in journalism restricts the scope of analysis to statutory interpretation, doctrinal commentary, and comparative materials. Furthermore, as a theoretical and doctrinal study rather than an empirical one, it does not reflect the day-to-day operations of journalists and news organisations in Sri Lanka regarding these issues. Future empirical studies, including interviews with legal practitioners, media professionals, and policymakers, would provide valuable insights into how these legal gaps impact real-life situations and how they may be addressed more effectively.

Despite these limitations, this study aims to provide helpful insights into the ongoing debate on copyright and AI in Sri Lanka. It should also serve as a valuable context for future policy discussions. Technology will not pause for the law to catch up. The central question is therefore not whether reform is necessary, but when and how it should be undertaken.

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