

Copyright Ownership of AI-Generated Content in Bangladesh: Legal Gaps, Doctrinal Analysis, and Policy Reform

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ABSTRACT

With generation leap in Artificial intelligence (AI), it has begun to generate poetry, music, news articles and design images that mirror human creativity. Now, the question of who owns copyright in such outputs is especially pressing in Bangladesh, where the government promulgated a new Copyright Act 2023 (CA 2023) amid a national agenda of digital transformation. This article investigates whether AI-generated and AI-assisted works are protectable under Bangladeshi law, assesses the concepts of authorship and ownership considering doctrinal and comparative principles, and proposes reforms tailored to the country's legal and institutional context. The paper finds that the CA 2023 contains an innovative category, "information technology-based digital works", and deems the commissioning party the first owner of such works, yet it does not explicitly recognize non-human authors; originality and moral rights remain anthropocentric; and enforcement mechanisms are not at par with modern technological advancement. Comparative insights from the United Kingdom's legal fiction for computer-generated works, the EU AI Act's transparency obligations, and India's attribution rule for computer-generated works illuminate reform options. The article proposes statutory amendments clarifying that AI-assisted works remain authored by humans, that fully AI-generated outputs are owned by the person or entity making the necessary arrangements, and that creators must disclose AI involvement.

KEYWORDS

Artificial Intelligence, Copyright, Authorship, Information Technology-based digital work, Bangladesh, Law Reform, AI governance.

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INTRODUCTION

In the current state of the world, artificial intelligence is capable of replicating many of the tasks that humans can perform. For example, AI can create logos, artworks, song lyrics, and written essays and even compose music. The development often raises a fundamental question about copyright law. If work is created by AI, will it be protected by AI? If the answer is yes, then who should own it? And how will the fact that it is not created by humans be dealt with within the law? In recent times, Bangladesh has adopted some digital technologies, including the National Strategy for Artificial Intelligence 2020 and Smart Bangladesh Vision 2041. As a result, legal questions in this field have become more important. The national AI strategy mostly focuses on working on the specific areas like manufacturing, agriculture and finance, and public services. There should be a deeper examination for more research, gaining better skills, ethical use of AI, and a strong data system.² In Bangladesh, there is no complete and single AI law yet introduced. The policy documents presume that the government of Bangladesh is interested in enacting an AI law by 2024 or 2025³. As there is no specific law exist so, the AI-created work has to be analysed using the existing intellectual property law.

The new Copyright Act 2023 will replace the previous Copyright Act 2000. It came with a new law for giving protection to the online content and digital work. According to section 14 of this Act, it enumerates the classes of works which are related to copyright work and cover digital work which is based on information, and also includes dramatic, artistic, literary, musical, sound recording works, and cinematographic works⁴. Normally, according to Section 15 of the Copyright Act, the first inventor of a work is usually called the first owner of that work. But there are some exceptional cases; as for information-technology-based digital works, the first owner will be the person who is the employer or the commissioning party of the copyright act, unless otherwise agreed⁵. The statute shows both sides, as it reflects innovation as well as ambiguity. It acknowledged digital works, but there is a lack of explanation of AI-generated or AI-assisted outputs. It only focuses on the copyright act, the only human-centric notion in the

² Old Bailey Chambers, 'Legal Framework of Artificial Intelligence in Bangladesh' (Old Bailey Chambers, 2024) <https://oldbaileybd.com/legal-framework-of-artificial-intelligence-in-bangladesh/> accessed 18 January 2026.

³ The Business Standard, 'Draft AI law will be ready by September' (18 March 2024) <https://www.tbsnews.net/bangladesh/draft-law-ai-and-its-use-be-formulated-september-law-minister-812951> accessed 18 January 2026.

⁴ Copyright Act 2023 (Bangladesh) s 14.

⁵ Copyright Act 2023 (Bangladesh) s 15.

case of its authorship. The legal expert in Bangladesh pointed out that the law does not introduce clear laws related to AI-driven work.

The broader policy environment also underscores the urgency of addressing AI-generated content. The National Strategy for Artificial Intelligence 2020 defines AI as the simulation of human intelligence processes by machine learning and identifies seven national priority sectors public service delivery, manufacturing, agriculture, smart mobility and transportation, skill and education, finance and trade, and health supported by six strategic pillars: and these are as follows, research and development; skilling and reskilling of the AI workforce; data and digital infrastructure; ethics, privacy, security and regulation; funding and accelerating AI start-ups; and industrialization for AI technologies. The greater emphasis is on the basic moral, ethical, and inclusive rules to avoid unintended harm, and on the importance of clear, complete law to impose greater oversight on data governance and intellectual property rights.

The government of Bangladesh when introduced a vision called Smart Bangladesh Vision 2041, that vision has a specific goal: to build a digitally empowered society based on four pillars. They are: 1. Smart citizen. 2. Smart government. 3. Smart economy. 4. Smart society.

With that goal in mind, Artificial Intelligence (AI) is seen as the most important tool for achieving these specific goals. There are two proposals for regulation regards to AI was given, the draft National Artificial Intelligence Policy 2024 on the advancement of AI in Bangladesh by the government. Firstly, they suggest introducing a National AI Center of Excellence, and secondly, they propose to implement an AI Advisory Council. With this suggestion, they want to use AI in the most human-focused, inclusive, and responsible way so that human values will be respected and AI will benefit everyone⁶. The policy recommends that the laws be changed and updated to deal with the important issues related to AI work. It suggests that a long data storage system, common standards should be set, certification of the AI system should be obtained, ethical rules of AI should be followed, and the owner of AI work should be decided. The Ministry of Law, Justice, and Parliamentary Affairs announced a big plan to draw up an AI law in September 2024, which was declared in March 2024⁷. In the present situation, the strategies are showing that Bangladesh is willing to use AI for development in every sector

⁶ Regulations.ai, 'Bangladesh AI Regulation Overview' (2024) <https://regulations.ai/country/bangladesh> and 'National Artificial Intelligence Policy 2024 (Draft)' (2024) <https://regulations.ai/policy/national-artificial-intelligence-policy-2024> accessed 18 January 2026.

⁷ Old Bailey Chambers, 'Legal Framework of Artificial Intelligence in Bangladesh' (Old Bailey Chambers, 2024) <https://oldbaileybd.com/legal-framework-of-artificial-intelligence-in-bangladesh/> accessed 18 January 2026

in this country. It is also asking for the legal recognition of the law implemented on the specific AI tools.

This article addresses three research questions:

1. Do AI-generated and AI-assisted works such as art, text or other work qualify for copyright protection under the CA 2023? The analysis examines definitions, subject-matter provisions and originality requirements, comparing them with international approaches?
2. How Bangladeshi law does provide authorship, protection and ownership in the context of AI-generated content? This involves exploring doctrinal notions of the “author”, first ownership exceptions, moral rights and corporate authorship.
3. What legal and policy reforms can bridge existing gaps while promoting innovation and protecting creators in Bangladesh’s digital sector?

The paper adopts a doctrinal methodology focusing on statutory interpretation, supported by comparative analysis of UK, EU and Indian law where relevant, and policy analysis drawing on official strategies and white papers. The research contributes original scholarship by systematically analysing the CA 2023 in the context of AI-generated content, identifying ambiguities and proposing reforms tailored to Bangladesh’s institutional capacity and economic priorities.

CONCEPTUAL FRAMEWORK: AI AND AUTHORSHIP

Traditional doctrines of authorship

Normally, copyright law is made to give protection to the work created by humans and grant the creator legal rights that encourage them to invent more. Different theories clearly define the existence of copyright. According to John Locke's labor theory, when people do hard work to invent something and put their heart and soul into creating something, naturally, they should be the owners of this invention. This right is gained by putting their hard work and skills into turning a material or raw ideas into a creative work. Hegel's theory of personality holds that a creative work reveals the author's moral values, personality, and will. This moral right exists in this work to protect the author's personal dignity and his connection with the work.

The utilitarian or incentive theory says that, for the benefit of society, we see it as a deal. The rights and rewards of the Copyright Act strongly encourage creators to invent and create more

scholarly works. But it is also noticed that these theories only assume that this work can only be created by humans, and the reward is only for human judgment, skill, personal creativity, and effort, not for the work created by artificial intelligence. So, almost all copyright laws require intellectual work to be made from human effort or an idea. Talking about the moral rights, it also gives the human authors safeguards for their integrity and reputation. For example, the UK courts said that originality is only required if the author made the invention with free and creative choices⁸.

At first, the content, which is made by AI, directly challenges these traditional theories and statutes. In terms of creating new content, AI needs a little human involvement. So it raises an important question of whether this human creativity, effort, and rewards for AI creators remain the same or not. According to labour theory, the supporters defend the developers by saying that they put a lot of hard work, dedication, and effort into creating the AI systems, so they should get the benefits. But according to personality theory critics, they argue that this theory does not apply to AI because AI does not have any feelings, a mind, or even moral rights. These moral rights only go with humans who contribute to a meaningful process. Utilitarians raise a question about granting exclusive rights to AI-driven work, causing both blessings and harm to any innovation. Such strong rights implied in AI work will encourage people or countries to invest more in AI, but on the other hand, there are some risks as well. Its impact may limit the human-made creation and reduce further creativity because everyone cannot freely build on the AI-originated work. With this different perspective, shape the debates on whether AI-originated work should get protection from law, by whom the right will be held, and how they will make a balance between access and creativity for structured incentives.

AI itself creates some problems for implementing this assumption. There is some AI work called Fully autonomous systems where AI can work without any human intervention, in this case, it interrupts the assumption that work must come from a person's intension or choice. On the other side, there is some AI-assisted work that still involves humans to guide because this work needs human prompts, editing, selection, and output as well. So, the importance of differentiating between AI-assisted work and AI-generated works because it determines the originality and ownership of that work. Normally, an AI-generated work is created by AI itself. The computer makes the result after its analysis of data and the basic instructions given by the

⁸ Authors Alliance, 'The UK's curious case of copyright for AI-generated works: what section 9(3) means today' (19 May 2025) <https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-93-means-today/> accessed 18 January 2026.

user; the computer shapes the creative part. No human can claim that part. But on the other side, AI-assisted works were invented with human involvement. The idea for this work is entirely the person's own; he uses AI only for the best output and writing prompts, and it also helps with editing.

Comparative legal approaches

Different countries adopted different rules for this non-human authorship. If we look them over and compare them across countries, it will help Bangladesh understand the legal criteria available for AI and select the most suitable for Bangladesh.

1. United Kingdom: According to section 9(3) of the Copyright, Designs and Patents Act 1988, it clearly explains that if a work is created by a computer, which can be any type, such as dramatic, literary, artistic, or musical. The author will be the person who commanded that work and made the necessary equipment for it". But the CDPA claims that computer-generated work only counts when this work is created by a computer and no human will be involved or identified as the author. This rule sometimes gives the person authorship if he collects necessary equipment, even if he or she did not invent it, and the moral right is not given to him. In the *Nova Productions Ltd v. Mazooma Games Ltd.*⁹ is an English case where English Court of Appeal described that some pictures that are shown during a video game will be protected by copyright law. The programmer of a game who sets the rules and code for the game is called the author of the game. The players who play the game are not the author because they don't make the creative arrangements of the games; they only follow the instructions given by the game author through the rules. Normally, the UK court always tries to find out the human author for all the works related to copyright, but they only depend on section 9(3) when no human author can be found¹⁰. The copyright protection only lasts for 50 years from the end of the year if the work is fully computer-generated. The short-term protection exists because this work is considered a lack of moral rights, and the artificial authorship is considered; there is no human involvement.
2. India: According to the Indian Copyright Act, 1957, a computer-generated work is defined as the sole invention of the author. The work was made because of his idea.

⁹ Nova Productions Ltd v. Mazooma Games Ltd., [2007] EWCA Civ 219, [2007] RPC 25.

¹⁰ Authors Alliance, 'The UK's curious case of copyright for AI-generated works: what section 9(3) means today' (19 May 2025) <https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-93-means-today/> accessed 18 January 2026.

This concept is mentioned in Section 2(d)(vi). Even the law recognizes computer compilations, databases, computer-based programs, and tables as literary works under Section 2(o). Digital music and digital art are also included as literary works under Indian law. But in India, copyright only protected work that involved human judgments and skills. But if a work that has no real human involvement is created only with an automatic or mechanical process, it won't be protected under copyright law. In a case in India called *Indian Performing Rights Society Ltd v. Wynk Music Ltd (2019)*,¹¹ the High Court of Bombay clearly states that the copyright law only protects those works that are created with hard work, dedication, and pure creativity by a person who actually made it. The court also pointed out with a clear statement that just creating a platform, such as a website or app, will not make someone the author of copyright, even if they did not make it by their own hand. India also focused on the same human-focused approach, which the UK already mentioned. If a computer-based work or an AI-made work, the law only considers the person as the author who commands the work or brings the necessary equipment to make the work. In terms of AI, it is not recognized as a legal person in the eyes of the law and does not get its own rights to that work.

3. United States: In the U.S. system of law, copyright law protects only those works that are created by human ideas and attempts. The Copyright Act of 1976 of U.S law protects those “authors” who are real persons in the eyes of the law. So the Copyright Act does not protect works produced by animals, machines, or nature. In U.S. copyright cases, the copyright office states that the works that are completely made by machine or any type of automatic process will not get any protection under copyright law. So, to get the copyright, the work must involve a human contribution¹². The principle was established in a case named *Naruto v. Slater (2018)*,¹³ where a US court stated that a monkey took a selfie, but he cannot own a copyright because only a human can be the copyright owner, as established in that case. Similarly, the copyright office in the US refuses to give a copy of a novel called *Zarya of the Dawn*, which is an AI-generated work, but gives copyright only to those parts that are human-written.

¹¹ Indian Performing Rights Society Ltd v. Wynk Music Ltd (2019), AIR ONLINE 2019 BOM 1452.

¹² Rashed Ahmed, ‘Unveiling the Dilemma: Navigating AI Authorship in Contemporary Legal Frameworks’ (2025) International Standard University Journal of Law [https://isu.ac.bd/assets/backend/pdf/journal/20250220055546.4.pdf#:~:text=This%20article%20undertakes%20a%20comprehensive%20examination%20of,Kingdom%20\(UK\)%2C%20the%20](https://isu.ac.bd/assets/backend/pdf/journal/20250220055546.4.pdf#:~:text=This%20article%20undertakes%20a%20comprehensive%20examination%20of,Kingdom%20(UK)%2C%20the%20) accessed 18 January 2026.

¹³ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

4. China: In China, the copyright law only protects works originating with organizations, individuals, or companies. Chinese statutory law does not directly recognize AI as an author, but recently, Chinese courts have begun to address content created by AI. In a case of 2018, called *Beijing Feilin Law Firm v. Baidu* (2018),¹⁴ the court of China did not fully refuse copyright protection on AI work. The court argues that, as in AI, work is directed by humans; humans mainly train AI to create more work, and for that reason, AI work can be counted as original work. In a case in China called *Shenzhen Tencent Computer System Co Ltd v. Shanghai Yingxun Technology Co Ltd* (2022),¹⁵ the court of Shenzhen states that AI content news generated by Tencent's Dreamwriter could be well protected under the copyright law of China. The courts further state that in this case, humans were involved in training the AI, designed by engineers, and the editor finally checked and approved the final content made by the AI. The court counts the company named Tencent as a corporate creator because AI does not have any legal personality in the eyes of the law. After this case judgment was published, the Chinese authorities required the companies that produce AI-generated content to make sure that it follows the copyright law of China.
5. European Union: The European Union only recognizes the rule that humans are the sole authors under copyright law. This concept stems from the InfoSoc Directive and the Berne Convention, which clearly state that work related to AI will not receive copyright protection. After some time, the Digital Single Market Directive (2019/790) permitted a limited exception for certain data mining and text. So, in case of data analysis or any type of AI training, copies of work can be made. But the owners of copyright can reject this via machine-readable notices¹⁶. Though the EU AI Act 2023 was recently proposed. This act does not provide full copyright protection for AI, but it imposes certain responsibilities on AI companies. The responsibilities are to publish copyright-compliant policies and AI training data. The Act's Recital 105 says that in the case of giving training, an AI system requires a vast amount of copyrighted content and points out that such use of content must be authorized or it should be covered by

¹⁴ *Beijing Feilin Law Firm v. Beijing Baidu Netcom Science & Technology Co., Ltd.*, (2018) Jing 0491 Min Chu No. 239 (Beijing Internet Court, 25 Apr. 2019).

¹⁵ *Shenzhen Tencent Computer System Co. Ltd. v. Shanghai Yingxun Technology Co. Ltd.*, (2019) Yue 0305 Min Chu No. 14010 (Nanshan District People's Court, Shenzhen, 24 Dec. 2019).

¹⁶ Directive (EU) 2019/790 on Copyright and Related Rights in the Digital Single Market, art 4.

some exceptions¹⁷. The EU focuses more on promoting transparency and following the law rather than giving legal rights to the AI-generated work.

6. Other Jurisdictions: Australia, Singapore, and New Zealand, these Commonwealth countries, adopt a rule similar to the UK's section 9(3); they say that the AI-generated work's author should be a human and that the person undertakes all the necessary arrangements for making that work. The Japanese copyright law includes provisions on data mining and neighboring rights that apply to some AI outputs. Still, in terms of authorship in the IP, the law clearly states that only humans can be authors of these copyrighted works. So, scholarly experts want to make AI a separate legal entity, but they are not ready to accept this idea and stay very careful under these situations. A comparison held in different countries clearly shows that only a legal person and a human can be the authors of a copyrighted work. No law of any country considers treating AI as an author. In the UK and India, the author should be a real person who commands and collects necessary arrangements for making that work. According to the EU and the United States, the work has to show the creativity of humans; AI alone cannot get copyright protection. In terms of China, they only give authorship to several individuals and companies who make AI-generated work with human efforts, and the content that is made by AI should be labelled separately. These approaches clearly offer Bangladesh useful guidance as well as a warning for considering and updating copyright laws.

Bangladeshi definitions and conceptual issues

The CA 2023 outlines some new terms that are relevant to AI. According to section 2(45), digital work means any work that is created and used directly or indirectly by computers or mobile-based digital devices. This work is done by processing data and information to get a specific result. Such work includes tables, code, data, graphs, charts, videos, sounds, images, written text, designs, signals, instructions, and overall guidelines on how to use that digital work¹⁸. The definition given in this act is very widely represented. It appears to include more work created by software in a computer, and it can be made by artificial intelligence (AI). According to section 2(31) of the CA 2023, the Act defines "person" as not only a human being but also including partnerships, firms, companies, various types of associations, and

¹⁷ Magdalena Serafin, 'The EU AI Act and copyrights compliance' IAPP (23 June 2023) <https://iapp.org/news/a/the-eu-ai-act-and-copyrights-compliance/> accessed 18 January 2026.

¹⁸ Copyright Act 2023 (Bangladesh) s 2(45).

more¹⁹. According to section 2(46) of this act, "author" means the person who himself creates a work or takes the necessary equipment for the work to be made.

So, this identifies clearly that if a company or a person request anyone to make a computer-based work for them, then in this case, this person can be treated as a legal author under this act. But in terms of AI content, the AI cannot be an author of its work because it does not have any legal rights, and it cannot be treated as a legal person because the act cannot give copyright to an AI generated work.²⁰

The CA 2023 identifies digital work in a wide way. But some are lacking in identifying AI-assisted work and AI-generated work. So, based on copyright rules, the decision is taken as to who is the owner and who is the author, and comparative jurisdiction uses it in the same way.

COPYRIGHT OWNERSHIP UNDER BANGLADESHI LAW

Scope of copyrightable subject-matter

Section 14 of the CA 2023 states that copyright protection is given to several classes of works, such as (a) dramatic works, (b) musical works, (c) literary works, (d) works of art, (e) digital content created by computer or other devices, (d) sound recordings, and (e) films²¹. The present law covers information technology-based digital works, which is an important new change in the law. So, with this perspective, work made with digital equipment such as multimedia, computer code, and data is officially recognized under this act. Previous CA 2000 included only computer programs under the criteria for literary works. There was no separate legal recognition of the work that is digital. So, the new law potentially recognizes the AI-generated outputs because the processing of data on digital devices is created through this.

First ownership and authorship

According to section 15 of CA 2023, the author is called the original owner of the copyright. But there are some exceptions in this case. If someone makes anything under in terms of his job (under a contract of service), then the owner will be the employer unless there is something different written on that contract. So, if the work is to create a photograph, sound recording,

¹⁹ Copyright Act 2023 (Bangladesh) ss 2(31), 2(46).

²⁰ Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.

²¹ Copyright Act 2023 (Bangladesh) s 14.

film, or any digital work that is given by someone for payment, then the first person who made the contract or pays the other party will be called the owner of that work. But in case of a different agreement exit between them, the agreement will decide the owner²². This rule is separate from the usual rule that the author of a copyright act is the first owner of that work. Here, the ownership of any digital work can be given to those companies or persons who gave orders and paid for that work when done.

This clearly states that the new law can understand that the digital work, which is created by a computer or computer-based software, is normally made in a company or any institution. So, in case of giving ownership, the law prefers to give it to the person or organizations who invested their own money and collected the necessary equipment to produce the work, instead of giving ownership to the individual creator of that work.

According to section 2 (46) of this act, an author can be a person who directly made or invented that work, or the author can be a person who collects important arrangements or gives instructions to someone else to create that specific work²³. So, according to this rule, an organization or a company can be the author of a digital work. Likewise, "person" also includes companies or legal persons, not only a real person required, and the company is considered the author legally, So the commissioning entity can also be said to be the author, but the law does not consider AI as a legal person, so AI in this case cannot be considered as an author of any digital work.²⁴

Term and moral rights

In a simple way, CA 2023 in Section 26 said that once a digital work is established, it will be protected for 60 years under the Copyright Act²⁵. But in other work, the rule of protection applies for the whole life of the author, with an additional 60 years. Section 78 of this act provides some moral rights to the author. The rights are: the authorship right can be claimed by him, and if someone is willing to damage, distort, or change his work, he can stop them. These rights will continue further even if the author transfers the copyright to someone. He cannot give up these rights in any situation²⁶. In the case of moral rights, it is only attached to

²² Copyright Act 2023 (Bangladesh) s 15.

²³ Copyright Act 2023 (Bangladesh) ss 2(31), 2(46).

²⁴ Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.

²⁵ Copyright Act 2023 (Bangladesh) s 26.

²⁶ Copyright Act 2023 (Bangladesh) s 78.

the human author, so if an information technology–based digital work is carried out by a specific legal person or a company, moral rights do not apply here. Even CA 2023 does not provide moral rights to artificial entities.

Implications for AI-generated and AI-assisted works

This framework will explore several important implications of AI.

1. AI-assisted works: Normally, a person uses AI for some tools, such as gathering drafts and then changing, editing, and choosing the content. So here the final work reflects the person's own creative idea. So, this work normally covers the artistic and literary work and the human, called the real owner. In case of doing this work as per the job requirements, the employer will be the first owner of that work.
2. AI-generated works commissioned by an entity: If the company hires someone to do that specific work, then the company will be the first owner of that creative work. So if using AI on that, AI cannot be the legal person for that work²⁷.
3. Unauthorized AI-generated works: The law does not clearly explain that on the ground, if someone uses AI for their own work without being commissioned or hired, in such cases, two possible views can be identified:
 - i. The specific person who offers the prompt and arranges the necessary things to make the work can be treated as the author. This idea matches the law of the UK and India, where the law explains that the person who arranges necessary things is called an author.
 - ii. On another view, the AI-generated work should get the copyright because there was no human involvement. So, in this case, the law is not specified, but the interpretation can possibly be implemented.

So, we can see the CA 2023 partially accepted the AI-generated digital work through the concept of information technology-based digital work on one side and attribution of ownership to the commissioning entity on the other side. But the law still has important gaps regarding unauthorized AI outputs and originality.

²⁷ Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.

Assignment, licensing and fair dealing

Though copyright is not an unlimited or complete right, the owner can transfer their right to someone else, and there are certain exceptions. Under CA 2023, the owner of copyright can assign all or some parts of the copyright work, grant licenses to others for use of that work, or impose certain conditions on that work. In case of assignment, it should be in writing and signed by the assignor or on behalf of the assignor. Licensing can be given exclusively, that is, to one person, or non-exclusively, meaning it can be given to many people. In terms of rights, a license can cover all the rights or some of the exclusive economic rights, which are the rights to sell, copy, or share the work. In the case of earning money from AI-generated work, the licensing is very important. For example, if a company has its own AI-generated dataset, it can allow others, including other companies, to create new works and conduct other data analysis. In CA 2023, Section 23 permits compulsory licenses in some special circumstances. Here, permission can be allowed for certain uses, which are making copies for visually impaired people or translating a work. Section 49 of the Act empowers the Copyright Office to issue public licences in the public interest. It is unclear whether these provisions will apply to AI-generated works, but they provide a basis for negotiating rights.

The CA 2023 also permits fair use according to Section 36, so people can use others' work in a very limited way without permission. For example, study, research, criticism, court cases, and news reporting. In the case of digital work, the rule can be used for researchers and developers using AI-oriented work for non-commercial research or training to use AI systems. However, there are some shortcomings in clarifying the exact limits of this exception, so there can be uncertainty about how far it can apply. In AI-generated content, using purpose, it is very important to understand how fair use applies. It really helps to make a core balance between protecting the rights of the creator and encouraging innovation. In comparative analysis, the EU Digital Single Market (DSM) Directive allows research institutions to use a text and data mining exception without requiring permission under certain conditions. In the US, a doctrine called the fair use doctrine occasionally permits transformative uses under a test called the four-factor test. So, Bangladesh can modify its law by expanding fair use rules to clearly include text and data mining and other AI training activities. For commercial purposes, there should be a safeguard to prevent the misuse of the law.

LEGAL AND PRACTICAL CHALLENGES

Absence of statutory recognition of AI authorship

If we look for the Bangladesh Copyright Act 2023, we find that the law only focuses on humans. Although CA 2023 explains about digital work and permits companies to be treated as the author of any digital work. But it still does not recognize AI as an author and does not give any legal rights to it. Even though there are no special laws in Bangladesh that directly control AI. So, in terms of judgement, AI must be analyzed under this present law, which is made for human creators, not for any AI machine.²⁸ So, it is an unclear situation in that the law does not give any specific decision on whether AI should be protected by AI or who should be called the real owner of AI work.

Originality and fixation requirements

Copyright protection always needs the original author to give safeguards. It means the work should originate from an author's creativity. But CA 2023, in this case, does not explain what originality requires. That's why the Bangladeshi court will normally follow the traditional common law principles. In the UK the originality comes with free and creative choices with a personal touch.²⁹ Generally, this AI-generated work does not have any personal creative thinking or human intention. So, it does not have the requirement to meet the legal requirement of originality. If a work is directly made by AI, there is no human who can say that they have the ultimate authority in making that work. So, in Bangladesh, there are no cases that have been filed under this issue, so the legal situation is still not clear and not certain³⁰.

Attribution and enforcement difficulties

When many people are involved in making AI-oriented work. For example, the developers who can train the AI. The user who arranges the prompts and the companies that provide the platform for AI-oriented work make it very hard to find out who gathers the necessary

²⁸ Old Bailey Chambers, 'Legal Framework of Artificial Intelligence in Bangladesh' (Old Bailey Chambers, 2024) <https://oldbaileybd.com/legal-framework-of-artificial-intelligence-in-bangladesh/> accessed 18 January 2026.

²⁹ Authors Alliance, 'The UK's curious case of copyright for AI-generated works: what section 9(3) means today' (19 May 2025) <https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-9-3-means-today/> accessed 18 January 2026.

³⁰ Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.

equipment for creating that work. In the UK, the programmer is known as the author when the rules of the game determine the output of that work.³¹

In India, the author should be that person who makes the work happen and who arranges or directs the creation of that work.³² In Bangladesh, there is no similar rule provided as in India, so the courts must depend on the existing legal definitions given under the existing law. Because there are no previous decisions on this issue and the legal system is still unclear and not fully developed yet.³³

Enforcement is a common practical challenge for copyright law. Reports show that there are many problems in Bangladesh with enforcement, including weak institutional capacity, privacy issues, and low public awareness. In recent times, radio and TV channels play music without paying royalties to the creator, and mobile phone companies also use songs or ringtones without paying the original creator. Now, people often buy pirated products from various resources, and they assume it is legal. The Business Standard states that a similar problem arises in some cases, as such, no special IP court, poor law enforcement, a lengthy process in the legal system, and weak public awareness about IP law and enforcement.³⁴ If the law states who owns AI-generated work, it will not be properly enforceable because the rules are unclear due the nature of how AI model works.

Risks to creators, employers, developers and start-ups

1. Human creators: Most writers and artists are worried about AI, as they think AI will replace their work or compete with their work, and reduce the value of human creativity. So, if no action is taken to protect the AI-created work with copyright protection, then anyone can easily copy it. It will result in plagiarized content being available in the market, which will reduce demand for human creativity and input. On the other hand, if the law protects the AI-created work and it is owned by several

³¹ Nova Productions Ltd v Mazooma Games Ltd [2007] EWCA Civ 219, [2007] RPC 25.

³² Khurana & Khurana, 'Protecting AI-generated works under Indian copyright law' (30 March 2023) <https://www.khuranaandkhurana.com/protecting-ai-generated-works-under-the-indian-copyright-law-the-emerging-void/> accessed 18 January 2026.

³³ Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.

³⁴ TBS Report, 'Why copyright law reform is crucial for Bangladesh' The Business Standard (18 December 2023) <https://www.tbsnews.net/thoughts/why-copyright-law-reform-crucial-bangladesh-999156> accessed 18 January 2026.

companies, then in that case, the human creativity will discourage hence an entire job section will be in danger.

2. Employers: Section 15 of CA 2023 states that if an employer asks someone else to create work for him, the employer may be considered the author of that work. But if the law cannot surely specify on what grounds a person can be called an author, it will create problems in writing contracts. So, this confusion can create a dispute between an employee, employer, and contractor who use the AI tool for the completion of that work.
3. AI developers: The developers invest a lot of money, time, and effort to train the AI models for use and create work. When they feel insecure for not getting any protection under IP law, they, in that case, feel discouraged to invest more in this field and create more work by using AI tools. Even when AI models are trained using vast amounts of data that are collected from the internet without proper permission, it causes a violation of copyright law. The EU AI Act clearly states that if this protected content is used for the training purpose of AI, permission should be obtained from the proper authority³⁵. Bangladeshi developers in this field face similar risks but lack clear guidance given under this IP law.
4. Start-ups and SMEs: The startup ecosystem is very important to implement in Bangladesh for digital growth. Though copyright rules are very unclear in giving safeguards to this creator, this is why it discourages the creator from creating more work. On the other hand, if the protection for AI-generated work is too strict, it will slow down the innovation of the big companies. So, a balanced legal system is much needed to support the start-up and give protection to the author as well as the investor.

Normative considerations and public interest

The present situation highlighted a debate on AI work and implicated the normative principles of personality, social welfare, labor, fairness, and investments. Many companies, developers, and engineers spend a lot of money, time, and effort to build an AI system and train it. The Lockean labor theory states that if someone works hard on something and uses all their resources to invent something, they should have the right to be called the owner of that specific

³⁵ Magdalena Serafin, 'The EU AI Act and copyrights compliance' IAPP (23 June 2023) <https://iapp.org/news/a/the-eu-ai-act-and-copyrights-compliance/> accessed 18 January 2026.

invention. So, according to this theory, the people or company who spend a lot on making and training AI can claim ownership over what AI outputs. Creative work in AI is normally not done by a single person. Some programmers often write the code, and the data curators organize and collect the training data; the users generally give the prompt, and finally, the output comes. So, there are many people who contribute to the work.

So, if the law gives full authorship to a single party or company, it may undervalue the efforts of others. This could unfairly benefit the platform owners, while the contributions of the other people, such as data curators, programmers, and users, will be ignored. It also raises a question on personality and human dignity because human creativity and effort should be well recognized and respected as well. Though AI doesn't have any personal feelings, mind, or interests. It works just like a machine. So, like a human author, it cannot have the moral right given under any act.

However, in creating any AI tools, people add their own creativity and ideas. They personally choose the prompt, select the result, edit it, and then decide how much of the portion they should keep. On this ground, we can say that the final work is the reflection of the human creator's personality and their effort. So, giving proper authorship to humans in AI-oriented work protects their dignity and ensures that they receive the proper credit and safeguards for their work. From a practical point of view, such as utilitarian and distributional effects, it also helps to reward and benefit the real human creators of AI-assisted work.

Permitting copyright in AI outputs will help to encourage investment in technology generation and help to grow economic growth. But on applying strict rules on protection that will limit access to knowledge, obstruct data mining and text essentials in doing research, and give powers to corporates. In another sense, without giving any protection, the companies will lose their interest in spending more money and leave their work vulnerable to misappropriation.

So, the policymaker should draft a balanced framework where the law can support innovation, which will result in business growth, and at the same time protect cultural diversity. Information should be given open access to everyone and safeguard the rights of the human creator in case of AI-oriented work. When the government is reforming the copyright law, it should keep in mind the public interest, such as research, education, and freedom of expression, and provide a strong public domain that helps everyone to use it.

POLICY AND LAW REFORM PROPOSALS

This section proposes the changes to solve the legal and practical problems that are discussed above:

Clarifying authorship and ownership of AI-generated works

First, the CA 2023 should clarify the definition of AI-generated work. It should be amended to define “AI-generated work” as work produced autonomously by artificial intelligence, with no human creativity involved. This clear definition will help differentiate AI-generated work from AI-assisted work and provide a basis for applying more specific rules to this.

1. Attribution of authorship: Bangladesh can modify their act by adopting a policy such as the UK's section 9(3) CDPA and the Indian Act's Section 2(d)(vi); the person or entity who collects the necessary equipment for inventing an AI-generated work will be called the first author of that specific work. It would provide clarity for those who invest a lot, and their investment and effort will be held by a real legal person. To align with the domestic terminology, Section 2(46) can be amended by giving exclusive rights to the person who arranges necessary things for AI-generated work, and section 15 can be amended by giving this entity the recognition of the first owner.
2. Recognition of AI-assisted works: The law should clarify the matter that if someone creates a work with their own idea and creativity with the help of AI tools, then it should belong to that person. That work should fall into the existence category, such as literary or artistic works. These types of approaches have already been taken by many developed countries, and they can protect the work and keep encouraging people to do more work.

Disclosure and labelling requirements

Transparency in AI involvement is very important for the readers and consumers to know about the origin of the work and enables the enforcement of copyright. The EU AI Act states that the companies that create AI models should publish a summary of the specific data that was used to train their AI.³⁶ China has fixed rules on AI. They said that the AI content must be clearly labeled. In the case of Bangladeshi law, they can also provide a similar law. Bangladesh could

³⁶ Magdalena Serafin, ‘The EU AI Act and copyrights compliance’ IAPP (23 June 2023) <https://iapp.org/news/a/the-eu-ai-act-and-copyrights-compliance/> accessed 18 January 2026.

launch a provision requiring the people, such as the producers and publishers of work related to AI, to mention the use of AI. This requirement should be enforced by the copyright office, and it will help the courts to decide the originality and authorship.

Default ownership and contractual freedom

According to Section 14 of CA 2023, the work that is made by AI under any agreement or job will belong to the company or employer who ordered that work. And that company or employer will be the first owner, but the people can make a difference agreement if they want to change. Through the changing of that agreement, it will clearly say who will be the owner: the employer, the employee, the user, or the developer. Standard contractual clauses can be modified by the Copyright Office or the National AI Centre of Excellence, as proposed in the draft National Artificial Intelligence Policy 2024³⁷.

AI training and copyright exceptions

So, here's the AI developer who needs a large dataset for training their systems, but if they use protected works without permission, it might cause infringement of copyright law. Bangladesh can introduce a new rule, such as the EU's Digital Single Market (DSM) Directive, which permits text and data mining for AI training if the copyright owner allows³⁸. To keep things fairer, the owner of copyright can be able to protect their innovation by adapting simple digital signals such as robots.txt. This will help other developers to follow the signals and respect the owner's rights in it.

Strengthening institutional capacity and enforcement

Legal reform is not enough; there must also be institutional strengthening. In Bangladesh, the courts and the copyright office need more technical training to deal with the case related to AI more smoothly. For that reason, there should be more intellectual property-related courts or special divisions for these special cases, which will result in more speedy and consistent trials with clear decisions. There should be more awareness campaigns so that the general public, creators, and developers can learn more about copyright and understand how AI-generated content is defined. Law enforcement agencies should be better trained and provided with

³⁷ Regulations.ai, 'Bangladesh AI Regulation Overview' (2024) [\(https://www.thedailystar.net/law-our-rights/law-vision/news/overview-bangladesh-national-artificial-intelligence-policy-2024-3590351#:~:text=While%20the%20AI%20Policy%202024,integration%20and%20'National%20Artificial%20Intelligence%20Policy%202024%20\(Draft\)'\) \(2024\) <https://www.dataguidance.com/news/bangladesh-ict-department-publishes-draft-ai-policy> accessed 18 January 2026.](https://www.thedailystar.net/law-our-rights/law-vision/news/overview-bangladesh-national-artificial-intelligence-policy-2024-3590351#:~:text=While%20the%20AI%20Policy%202024,integration%20and%20'National%20Artificial%20Intelligence%20Policy%202024%20(Draft))

³⁸ Directive (EU) 2019/790 on Copyright and Related Rights in the Digital Single Market, art 4.

sufficient resources to stop online piracy, and creators should receive the rightful royalties under the copyright act.³⁹

Institutional governance and ethical framework

The Draft National Artificial Intelligence Policy 2024 recently suggested some policies. Which are establishing a National AI Centre of Excellence (NAICE) that will help to develop, research, and improve the artificial intelligence in Bangladesh, and another one is the AI Advisory Council, which gives guidance on AI policies and developments⁴⁰. These institutions can work on the development of AI; they can approve AI systems, coordinate with the copyright office, and provide more ethical rules on AI. They should comply with more IP experts and collaborate with the Ministry of Cultural Affairs and the judiciary for better results on this ground. By developing more ethical guidelines for AI, such as covering transparency, fairness, privacy, and respect for cultural heritage, it would deeply support the national AI strategy and especially the focus on the ethical situation and privacy.⁴¹

Encouraging innovation and creativity

In Bangladesh, the startup business will rise if there are clear rules and more flexible laws. The reformation of law allows AI developers and entrepreneurs to easily sell their AI services and products while respecting the rights of others. The national AI strategy also provides tax benefits and funding to support AI research and innovation for future outcomes and benefits, It should maintain clear intellectual property rules to be obtained. To help AI to grow and improve, the open data initiative should be maintained while respecting the privacy of other people's copyright law. The creative industries may be privileged by collective licensing schemes or copyright societies to manage the AI-related works and distribute the royalties perfectly.

³⁹ TBS Report, 'Why copyright law reform is crucial for Bangladesh' The Business Standard (18 December 2023) <https://www.tbsnews.net/thoughts/why-copyright-law-reform-crucial-bangladesh-999156> accessed 18 January 2026.

⁴⁰ Regulations.ai, 'Bangladesh AI Regulation Overview' (2024) [https://www.thedailystar.net/law-our-rights/law-vision/news/overview-bangladesh-national-artificial-intelligence-policy-2024-3590351#:~:text=While%20the%20AI%20Policy%202024,integration%20and%20National%20Artificial%20Intelligence%20Policy%202024%20\(Draft\)&context=regulation](https://www.thedailystar.net/law-our-rights/law-vision/news/overview-bangladesh-national-artificial-intelligence-policy-2024-3590351#:~:text=While%20the%20AI%20Policy%202024,integration%20and%20National%20Artificial%20Intelligence%20Policy%202024%20(Draft)&context=regulation) and 'National Artificial Intelligence Policy 2024 (Draft)' (2024) <https://www.dataguidance.com/news/bangladesh-ict-department-publishes-draft-ai-policy> accessed 18 January 2026.

⁴¹ Old Bailey Chambers, 'Legal Framework of Artificial Intelligence in Bangladesh' (Old Bailey Chambers, 2024) <https://oldbaileybd.com/legal-framework-of-artificial-intelligence-in-bangladesh/> accessed 18 January 2026.

CONCLUSION

Although AI creates the work without human control or direction, it makes it more difficult to apply traditional AI rules. Copyright law in Bangladesh applies only to works created by humans. But Bangladesh's Copyright Act 2023 (CA 2023) has introduced a new concept related to information technology-based digital works and allocates ownership to commissioning entities but fails to address whether AI-generated work should be treated under this law. The definition of "person" and "author" covers organizations and companies as owners, but it excludes the AI-related works⁴². As a result, the AI-related work falls into a grey area, so by implying the general principles and comparative models, the authorship and ownership should be identified.

This article explains that this AI-generated work can be called digital work under the Copyright Act 2023. Perhaps if there is no human author, then the ownership automatically belongs to the person or organization who arranged or paid for the creation of that work. However, there are a lot of lacking clarifications on originality, enforcement, and attribution, which create risks for the developers, creators, employers, and startups. So, there should be more legal reform to make these rules clearer and more enforceable.

This article recommends that Bangladesh should modify its copyright law by drawing on comparative jurisdiction. It should provide a clear explanation of AI-generated works, allocate the authorship, and clearly state the ownership of the person making the necessary arrangements to create an AI-related work. This paper also recommends that people clearly mention the use of AI, introduce a text and data mining exception, and strengthen institutional capacity to benefit the developer and startup businesses. These reforms are very important for giving legal certainty, safeguarding human creativity, encouraging investments, and helping Bangladesh to follow modern international standards of intellectual property law. It would really support the country's Smart Bangladesh Vision by encouraging innovation and ethical rights that respect the AI ecosystem.

⁴² Tanveer Ahmed, 'A Comparative Legal Analysis of Copyright and Patent of Outputs Generated by Artificial Intelligence: In Search of Possible Approaches for Bangladesh' (2025) 2(1) Chinese Journal of Transnational Law 1 42–45.