



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 5 AND ISSUE 4 OF 2025

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 4 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-4-of-2025/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



© Institute of Legal Education

**Copyright Disclaimer:** All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

## "THE LEGAL FRONTIER: NAVIGATING THE INTERSECTION OF AI INNOVATION AND IPR PROTECTION"

**AUTHOR** – SRISHTI CHAUDHRY\* & DR. BHAVNA BATRA\*\*

LLM STUDENT AT AMITY LAW SCHOOL NOIDA, AMITY UNIVERSITY UTTAR PRADESH

\*\* ASSOCIATE PROFESSOR AT AMITY LAW SCHOOL NOIDA

**BEST CITATION** – SRISHTI CHAUDHRY, "THE LEGAL FRONTIER: NAVIGATING THE INTERSECTION OF AI INNOVATION AND IPR PROTECTION", *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 971-979, APIS – 3920 – 0001 & ISSN – 2583-2344.

### Abstract

The expanding influence of Artificial Intelligence in the domains of medical science, transportation, aviation, space exploration, education, entertainment—including music, art, gaming, and film production—industry, and numerous other sectors has significantly altered our quotidian existence. The domain of Intellectual Property Rights is similarly affected. The contribution of AI to creativity and innovation has garnered international acknowledgment. AI possesses a substantial role, particularly in the realms of copyright, patents, designs, and trade secrets among the various categories of Intellectual Property Rights. AI is capable, inter alia, of composing music, authoring blogs, novels, and poetry, as well as generating paintings and drawings. Nonetheless, it is imperative to differentiate between creations produced by an individual with the aid of AI and those generated solely by AI without human intervention. AI has engendered profound challenges and raised critical issues within the sphere of intellectual property rights, particularly concerning copyright law. The present discourse elucidates the significance of AI in the generation of creative outputs such as art, music, poetry, and novels, among other forms. Furthermore, the paper examines the complexities of authorship and ownership concerning works autonomously generated by AI.

### Introduction

The impact of creativity and innovation on different facets of society is essential to the general growth and development of a nation. Any country's progress is also dependent on the introduction of more recent inventions, creative thinking, research and development, the production of goods and/or services, and their use in knowledge creation. Therefore, it is essential to support and protect such innovative works and inventions under intellectual property rights in order to handle them as valuable intellectual assets as well as to keep them safe from harm.<sup>1598</sup>

Processes related to intellectual property (IP) were developed to encourage human ingenuity and creativity. Until recently, one of the traits that distinguished the human species was this kind of inventiveness and creativity. Hollywood movies and science fiction books have introduced artificial intelligence (AI) into popular culture in recent years.<sup>1599</sup> Every year, AI technology advances along with computer power and portability. Everyday objects, such as cars and mobile phones, are getting smarter. In an effort to develop more human-like "Next Generation AI," is also working to reverse-engineer the human brain. AI is defined as "the

<sup>1598</sup> Report of the Joint Committee on the Personal Data Protection Bill, 2019, Rajya Sabha Secretariat,

[https://rajyasabha.nic.in/rsnew/Committee\\_site/Committee\\_File/ReportFile/13/141/161\\_2021\\_7\\_15.pdf](https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/13/141/161_2021_7_15.pdf) (last visited Feb 12, 2025).

<sup>1599</sup> The Wisdom of Legislating for Anticipated Technological Advancements, 10 J. Marshall Rev. Intell. Prop. L. 154, 172 (2010).

study of mental abilities using computational models." Artificial intelligence encompasses a wide range of tools and technologies and is frequently utilized in almost every industry.

Three new technologies that have received a lot of attention are virtual reality, artificial intelligence, and the internet of things. Thanks to intricate network processes connected by the Internet, once-inanimate objects can now assist with everyday tasks. Lastly, Computers are now capable of thinking, reacting, and feeling just like people because they have achieved sentience.<sup>1600</sup>

Artificial intelligence (AI) is bringing basic problems with current IP systems to the fore and developing into a more comprehensive technological advancement with a wider range of applications throughout the economic system. Does the advancement of AI creation and innovation require IP initiatives? How would the significance of AI innovation compare to that of human invention and creation? Does the development of AI necessitate any modifications to the existing frameworks for intellectual property?

By providing high-quality and timely examination of patent and trademark applications, directing domestic and international intellectual property policy, and providing intellectual property policy information and education globally, with a highly-skilled, diverse workforce, the USPTO seeks to "lead the country and the world in intellectual property rights as well as policy, with the objective of: fostering innovation, competitiveness, and economic growth, domestically and abroad."

Promoting innovation through technological advancements and creative processes—including both human- and AI-created innovation—is the ultimate goal of the intellectual property system. Nevertheless, the

ownership of the AI creations, including the technology and data that form their basis, remains a matter of debate. Nonetheless, the protection of intellectual property rights (IPRs) usually goes hand in hand with the creation and use of new technologies, and patents seem to be the most practical form of IP protection in the present environment. In order to comprehend whether AI-generated inventions are patentable, An AI-related innovation must be understood as a collection of related innovations rather than a single innovation. The rationale behind AI-related advancements is especially pertinent when considering algorithms and programming abilities, but in India, the same is eligible for patent protection.<sup>1601</sup>

In India, inventions' patent rights are governed by the Patent Act of 1970. According to Section 3(k), computer programs in general, as well as mathematical and business methods, are not patentable. Put differently, the patentable subject matter of computer programs and algorithms is completely prohibited in India unless they demonstrate novelty, non-obviousness, and industrial potential application.

### **1. Artificial Intelligence's Difficulties in the Intellectual Property Sector**

Numerous potential solutions emerged to address the difficult problem that AI-related inventions presented to the IP industry with regard to patents, copyrights, and trademarks. Because AI was unable to process massive volumes of data and could not be validated by authorized parties, it was ineffectual. Technical issues with AI bring up a number of concerns regarding ownership and contractual duties.

**Problems with contracts:** AI used to rely on specialized hardware systems to simulate the capabilities of the human brain, but these days, software graphic units are being used, which leads to an increase in the use of central processing units. As a result, IP-related

<sup>1600</sup> Ian Sample, Google's DeepMind Makes AI Program that Can Learn Like a Human, Guardian, <https://www.theguardian.com/global/2017/mar/14/googles-deepmind-makes-ai-program-that-can-learn-like-a-human> (last visited Mar. 17, 2020).

<sup>1601</sup> Vaishali Singh, Mounting Artificial Intelligence: Where Are We on the Timeline? SCC Online (June 7, 2018).



problems emerged outside of the domain where software other than the components listed above was used. Commercial agreements encounter challenges when there is no provision mentioning the most recent emerging applications, including ownership and licencing concerns. Agreements must contain all relevant provisions pertaining to indemnity related to third-party permission or new IP development software.

**Customer Data:** The seller grants the necessary training data permission to customers who require the help of these training datasets in order to work in tandem with their software and adjust to their business services. The issue arises when the seller's cyber security system compromises the customer's current software, which usually prompts concerns regarding copyrights and ownership. Customers will encounter yet another difficult contracting issue if they wish to resell the software to another service provider. If copyrights have been obtained, it won't be impossible to stop the software, but if not, it will be challenging for the sellers to protect their AI innovations. Despite the fact that protecting AI software innovations has grown more difficult over time, there are typically few stores that have managed to obtain and safeguard their application invention rights.

**Ownership:** Since AI is now capable of producing 3D inventions, graphic printing, poetry, and artwork, some have questioned the veracity of these works and have argued that they ought to be protected by intellectual property laws. AI inventions must be protected and safeguarded since human inventions are already covered by IP laws. IP authentication was significantly hampered by technical issues like software inventions and discoveries made to produce training software. It has been questioned if AI developers who receive patents for their input stage also need to receive patents for their output stage. Should AI inventions be regarded as public domain, and if so, what standards will be applied to assess their legitimacy and patent scope? Their

solutions are probably based on the fact that AI solutions enhance people's lives by offering solutions in every field; however, in order for AI authors to receive intellectual property protection, society must first adopt a legal position for them.

**Legislation:** It is essential that IP laws be updated frequently in order for patented AI inventions to be acknowledged legally. Significant changes have occurred in the IP sector, including the difficulties faced by both new inventions and their owners as well as the conditions that change the industry's perspective and call for new reforms to allow true owners to patent or copyright their creations. If there are still gaps between AI and IP, there won't be any balance between AI innovations and IP laws. Discussion boards that are capable of handling AI and IP disputes independently are always needed.

## 2. Copyright and Artificial Intelligence: Issues & Challenges

For a work to be eligible for copyright protection, it must satisfy three criteria: uniqueness, fusion, and an approximate threshold of creative expression. The work must, first and foremost, exhibit some degree of artistic expression. The work must always be presented physically, first and foremost. Third, the piece needed to be unique in some way. All three requirements must be satisfied for a work to be deemed subject matter eligible for copyright protection.

### 2.1. The originality controversy

"A literary, musical, or artistic work must be "original" in order to be protected by copyright." According to copyright law, the author must be the one who expresses the idea in such a way that the work cannot be a copy of another work.

<sup>1602</sup>This illustrates the Romantic idea of authorship, according to which the creator of a work is its source or origin—the one who creates something out of nothing. Generally speaking, the term "author" designates the individual who

<sup>1602</sup> University of London Press Ltd v University Tutorial Press Ltd [1916] 2 Ch 601, 608

produces a work. One important question that needs to be addressed is where AI-generated content originates. This essentially asks whether the intelligent agent is the source of "originality," or if enough work was put into creating an AI-generated task.

The subjective choices an author makes while creating a piece of writing reveal something about their personality.<sup>1603</sup> An intelligent owner's "personality" could be formed by such self-will if it behaves entirely on its own and has a tendency to make all choices regarding the output it generates. Certain decisions made by an intelligent agent are automatic and unaccountable, as mentioned in section I. In these situations, one could contend that the works produced by the intelligent agent are infused with its "personality." In any case, "personality" is not permitted by copyright law as a requirement for copyright survival. *In Feist Publications Inc. vs. Rural Telephone Service Co.*,<sup>1604</sup> the U.S. Supreme Court ruled that the author need not possess any unquestionably unique insight in order to meet the requirement of "originality."

## 2.2. Can a Non-Human entity be an 'Author'?

Can a non-human intelligent agent be considered the "author" of an assignment created by AI if the "originality" requirements are satisfied in that specific case? The Romantic theory of authorship holds that writers infuse their personalities into their works; therefore, if a piece is altered or struck, it laments the passing of the author.<sup>1605</sup> Conversely, the Lockean copyright theory is predicated on the idea that writers ought to receive payment for the time and effort they invest in creating their works. The underlying premise of all these theories is that authors are people. To put it another way, the question to ask is whether a work's "originality" can be traced back to a human being. It is feasible.

In the *Naruto vs. Slater* movie, a monkey named Naruto used Slater's webcam to take multiple selfies in Indonesia, posing the query of whether animals can be authors.<sup>1606</sup> The photographs were published in a book by Slater and Wildlife Personalities Ltd., in which both parties were identified as copyright holders. Nevertheless, Slater acknowledged in the book that Naruto took the pictures. In 2015, Naruto's future companions, Individuals for the Ethical Treatment of Animals (PETA), filed a copyright infringement lawsuit against Slater and Wildlife Personalities Ltd. Because Naruto lacked standing to sue under copyright law, the lower court dismissed the case; the United States Court of Appeals upheld this decision. Many of the Copyright Act's clauses that refer to "children, grandchildren, widow, or widower of an author" and "legitimate or not" imply humanity and must exclude animals that are not married or do not have a legally recognized heir to the throne.

An original work that has been approved can only be produced by a human. Although the Office will deny the claim if the work was not created by a human, it states that copyright protection is limited to an author's original intellectual conceptions. It seems that non-human works will not be protected in the United States. However, this does not seem to provide a definitive solution to the authorship dispute of AI-generated works. As a matter of law, a US court has declared that "dictation from a non-human source should not be a bar to copyright."<sup>1607</sup>

## 2.3. Artificial Intelligence's Mirage

Given how quickly AIs are becoming more sophisticated, one could be forgiven for assuming that AI is creative. Algorithms are able to see objects, comprehend languages, and make inferences. Even the top human player in the board game Go was defeated by the AI program Alpha Go in 2016. It is possibly the most

<sup>1603</sup> Jane C. Ginsburg, *The Concept of Authorship in Comparative Copyright Law*, 52 DePaul L. Rev. 1063 (2003).

<sup>1604</sup> 499 US 340, 345 (1991).

<sup>1605</sup> Margot E. Kaminski, *Authorship, Disrupted: AI Authors in Copyright and First Amendment Law*, 51 U.C. Davis L. Rev. 589 (2017).

<sup>1606</sup> 9 *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

<sup>1607</sup> Robert C. Denicola, *Ex Machina: Copyright Protection for Computer-Generated Works*, 69 Rutgers U. L. Rev. 251, 280–81 (2016).

intricate board game, and playing it requires more than just figuring out potential moves. These accomplishments might be seen as a step toward machines becoming completely superior.<sup>1608</sup>

These astounding accomplishments, however, mask AI's limitations in comparison to other domains of human cognition. Algorithms, for example, struggle with initiative and planning. Machines rely on human guidance and direction for the time being. They are not aware of what they are doing or have an internal understanding of it. Machines don't actually capture the spirit of the times, process broader social perceptions, or absorb subconscious influences. The<sup>1609</sup> ability of AI technology to surprise us and even those who trained and programmed it does not always equate to creativity and warrant authorship, according to the U.S. Supreme Court, which makes it a critical component of copyright protection.

The software's "mood" for the "You Can't Know My Mind" project was only a data-driven mock mood that gave the appearance of creativity. It resembles Rembrandt's "next" painting. Because of this, the final product cannot be regarded as original creativity; rather, it is merely a summary of Rembrandt's creative output that has been incorporated into a purportedly new work. There is no denying that the idea was novel and fascinating. But instead of producing a "new Rembrandt," it produced a "typical Rembrandt." This is also the case with the Beatles-inspired song "Daddy's Car." While human creativity is unrestricted, AI, as it stands today, always depends on enough information, guidelines, and specifications. Consider another example: a tree that grows its branches into a beautiful crown to absorb as much light as possible appears to be acting in a novel and practical way, but it is unable to act creatively because it lacks goals, desires, and viewpoints. In addition to originality and utility, creativity necessitates

"a relevant purpose some degree of understanding a degree of judgment and an evaluative ability directed to the task at hand."

As a result, it is not appropriate to (yet) equate artificial and natural intelligences. Therefore, AI's work is not eligible for copyright protection because it lacks creativity. A few

the distinction between computer-generated and computer-assisted works is blurred, according to the authors, who claim that "the creativity the AI displays flows either from the algorithm used to design and train it, or from the instructions provided by the users operating it." Even though AI software is learning and getting better, the person who created it is becoming so distant that their work can no longer be identified. With the vast resources being allocated to the development of artificial intelligence and the constantly growing amount of computing power available, an artificial form of creativity.

### **3. India's Copyright Protection for Artificial Intelligence**

In India, copyrights are governed by the Indian Copyright Act of 1957. Section 13 of the Act limits copyright protection to these types of works. This category includes works of literature, drama, music, art, cinematograph films, and sound recordings category. Similar to copyright laws in other nations, Indian law stipulates that a work must first experience "modicum of creativity" before being fully controlled in the case of ***Eastern Book Company and Ors. vs. D.B. Modak and anr.***<sup>1610</sup> A work must, in this case, possess a "minimal degree of creativity," in order to qualify for copyright protection, the Court ruled. The "minimum requirement of creativity" should be met by initial copyrightable work, so it shouldn't just be the product of labor and skill. AI-generated works are included in computer-generated works; however, the creators of the task that was created, not the AI system itself, are the authors of these works. This definition does not include artificial

<sup>1608</sup> AlphaGo, DeepMind, <https://deepmind.com/research/case-studies/alphago-the-story-so-far> (last visited Feb. 12, 2025).

<sup>1609</sup> Jane Ginsburg & Luke Ali Budiardjo, *Authors and Machines*, 34 Berkeley Tech. L.J. 394 (2019).

<sup>1610</sup> Appeal(civil)6472 of 2004



persons, but shows that only natural persons as authors could be protected by the Copyright Act.

In India, the "Sweat of the Brow" theory has been applied to determine the originality of a work and whether copyright protection is possible. This says that as long as the entire work isn't copied and is thus the result of the author's labor, copyright protection can be granted even if an idea isn't truly original.<sup>1611</sup> The Copyright Act of 1957, Section 2(d) 290 The work of an author defines who they are. A number of questions are raised by the meaning above and its implications for AI. First, the terms "creator of work" and "author of work" are used. People are thought to contribute more to that kind of work the more closely they are involved in its creation.

The author is inspired to use their abilities, labor, and conviction to produce more imaginative works by the copyright protection. If AI is recognized as an author and its creations are protected by copyright regulations, "human creativity" and "machine Creativity" will be given equal weight. Human ingenuity is likely to be killed in the long run if machine creativity is valued more highly than human creativity or if they are placed on the same pedestal.

Considering AI to be the author of the AI-generated work could lead to a number of problems. AI-generated work might not be perfect. The AI may incite violence based on caste, creed, or religion; use poisonous and biased language that could lead to defamation or obscenity; or have any other unintended consequences. Since the AI has not been acknowledged as a person, it will be challenging to determine its civil and criminal liability in such a situation. It might be too late and irreparable harm might have been done by the time such work is eliminated or, in the worst case, AI software is outlawed.

According to the premise, which is reflected in civil law nations like Germany, France, and

Spain, works must have the "imprint of the author's personality." Therefore, since AI lacks personality, it should not be given authorship in works produced by AI. AI would need to be able to enter into contracts with other people in order to be considered a legal entity. It will also be accountable for its actions and have legal obligations. Above all, it must be able "to sue and be sued" in accordance with the law. The majority of nations oppose giving artificial intelligence legal status.

It is important to note that, although the TRIPS Agreement does not require it, the copyright laws of many nations also grant the author moral rights. There are two moral rights: The author is typically granted (i) the right of paternity and (ii) the right of integrity. While the latter permits the author to sue for damages if the work is altered or distorted in a way that compromises his or her honor or reputation, the former safeguards the author's right to be associated with the work and recognized as its creator. The Delhi High Court noted *in Union of India vs. Amar Nath Sehgal*,<sup>1612</sup> that "laws are geared to protect the right to equitable remuneration in the material world." Life, however, transcends the material. It also has a temporal component. A lot of us think that the soul exists. The author's moral rights are the essence of his writing. By virtue of his moral rights, the author is entitled to maintain, guard, and care for his creations.

Another opinion that comes out of the conversation is that AI-generated content should be in the "public domain" and not be assigned an author. There are a number of arguments in favor of making the AI-generated works publicly available. One of the reasons is that since AI incurs no costs when creating a piece of work, it makes perfect sense to make the AI-generated content freely available to the general public. Second, AI can produce an infinite number of iterations of its own work without requiring additional funds or resources. Last but not least, one of the objectives of

<sup>1611</sup> *Eastern Book Company & Ors vs D.B. Modak & Anr* (2007) Appeal (civil) 6472 of 2004

<sup>1612</sup> 2005(30) PTC253(Del).



copyright laws is to provide the author of the work with both moral and financial rights, which will motivate him to produce more works for the benefit of society. Since AI is not human, it doesn't need this kind of inspiration to produce the work.<sup>1613</sup>

However, it's important to remember that businesses that heavily invest in the AI system that creates these works could suffer greatly if they are not protected and the public is allowed to use them without authorization or payment. Astute individuals will begin commercializing these works in a variety of ways at no cost and will go up against businesses that have already invested. Therefore, in order to motivate AI programmers and companies to keep investing in AI-related R&D activities, some protection for AI-generated literature might be required.<sup>1614</sup>

Recently, there has been a problem with both copyright and artificial intelligence (AI).

Artificial intelligence (AI) refers to machines that have been programmed to think like people and to "rationalise and act." AI has applications in a number of domains, including literature, art, and music. The software program has a mechanism that enables it to assess information and data either independently or with the coder's guidance. When it comes to literature, music, and art, the coders create the framework in which the AI operates, but the AI itself completes the task. These inputs are used by the AI to produce new works. An AI produced the 3-D painting "New Rembrandt" in 2016. By studying many of the great painter's works, the AI was able to incorporate Rembrandt's painting style into a new piece. The song "Daddy's car," which was written by Google's AI after reading several books, and the poetry it produced after reading several books are examples of additional AI-generated works. It's critical to determine whether AI-generated content can be protected by copyright given its increasing popularity.

We continue to compare two topics based on their general assumptions about third parties in terms of Indian jurisprudence on the specific topic. This may be a true indicator for comparing these two images and videos, but it is never used to compare these two computer programs. The most frequently cited authority on the topic is R.G. Anand. The court investigated the copyright infringement of two visual films. It makes sense that two video films, pictures, or any other visible mainstream press could have been compared using a "look and feel" test; however, using the same test on software programs could have terrible consequences because two software applications need to be examined in order to look at the precise research topic of safeguard.

In R.G. Anand, the court's primary line of reasoning was founded on a number of earlier cases where the court's entire perspective was focused on looking into imitations with vivid colors. The court reached the following conclusion in the case of **C. Cuniah and Company vs. Balraj and Company**<sup>1615</sup> after applying the similarity test:

In accordance with this test, the degree of visual similarity between two images must be such that a person viewing the respondents' photo believes it to be the appellant's image. In this regard, the variations and parallels in the picture are significant.

The same line of reasoning applies in the case of **K. R. Venugopalan Sarmav vs. Sangu Ganesan**.<sup>1616</sup> The court observed and applied the as-a-whole reception test of two competing gestures to the observer's eyes once more:

The degree of visual similarity between the two images must be such that the viewer of the respondents' images believes they are the appellant's. The reproduction can only be considered a version of the original image if a sizable amount of it is present. Pathak J. attempted to analyze the screenplays of the

<sup>1613</sup> Ayush Pokhriyal & Vasu Gupta, *Artificial Intelligence Generated Works Under Copyright Law*, 6 NLUJ L. Rev. 116 (2020).

<sup>1614</sup> Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185 (1986).

<sup>1615</sup> AIR 1961Mad111.

<sup>1616</sup> 1972Cr.L.J.1098 (Madras), tpara8.

two visual films and delve into the opposing gestures in R.G. Anand's words:

When comparing the screenplays for the motion picture "New Delhi" and the stage production "Hum Hindustani," it seems that the writers of the movie script were somewhat influenced by the plotlines described in the play. Given the information at hand, it would appear unlikely that the writers of the screenplay for the movie knew the play's plot. However, the way the storey is portrayed in the movie transcends the play's plot. Similar to the one employed in the analysis above, the "abstraction test" was employed in the *Computer Associates International, Inc. v. Altai, Inc.* case<sup>1617</sup>. The process also included attempting to get into a program.

First of all, since the copyright is now granted to the individual who used the knowledge and discretion, the issue of failing the "Modicum of creativity" test is resolved. Second, AI-powered works are more subject to provincial regulation than human-produced ones. Large volumes of data, some of which may contain illegal content, are necessary for artificial intelligence (AI) to function. AI-generated works can therefore be subject to a different set of standards of infraction. Lower standards ought to be used in order to promote creativity and more AI-generated content. Third, the AIs shouldn't be viewed as entirely distinct from their owners or developers. The AIs would be held accountable in the event of an infraction if they were regarded as separate legal entities, which is not an option. For the purposes of copyright compensation and accountability for various forms of data infraction, AIs should therefore be seen as an extension of the creative. Additionally, it ensures that the legitimate owners receive the money paid for the copyright's use. Additionally, it would encourage people to create more AI-generated art.

#### 4. IP Policy & Artificial Intelligence:

The field of artificial intelligence (AI) has undergone significant change since 1950, when Alan Turing posed the question of whether computers are capable of believing. Current applications of artificial intelligence (AI) are revolutionizing society by promising to help people make wiser, more informed decisions that will boost output, efficiency, and general well-being. These days, algorithms support an increasing number of important decisions in people's lives, such as credit scoring, university admission, and even when people should be released from the hospital or how long they should be imprisoned.<sup>1618</sup>

Determining whether the existing intellectual property laws in different jurisdictions are sufficient to handle AI-related issues is becoming more crucial as the technology develops. Recently, the US Patent and Trademark Office, the UK Intellectual Property Office, and the European Patent Office have all had the opportunity to comment on whether or not an AI machine qualifies as an inventor on a patent application. Dr. Stephen Thaler submitted two patent claims to the USPTO, EPO, and UKIPO in late 2018 and early 2019 claiming that the subject creations were invented by DABUS, a patent-protected AI machine. Identifying the subject creations' inventor as DABUS, a patent-protected AI machine. For the same reason—current law mandates that an originator be a person—all three offices denied the application. The USPTO held an AI IP policy conference in January 2019 that included roundtable discussions with IP experts to discuss AI and IP policy issues. 4. In order to gather more data on how IP laws and policy should change as AI technology develops, the USPTO released two requests for comment after the conference and Thaler's patent applications.<sup>1619</sup>

<sup>1618</sup>

<sup>1619</sup> USPTO Releases Public Comments on AI, Mondaq, available at <https://www.mondaq.com/unitedstates/trademark/1008764/uspto-releases-public-comments-on-ai> (last visited March. 20, 2025).

## Conclusion

The function of Artificial Intelligence within the context of Intellectual Property Rights is undergoing a significant transformation, presenting both prospects and obstacles for creators, legal professionals, and policymakers. Although AI possesses the capacity to revolutionize the manner in which intellectual property is generated and safeguarded, it concurrently invokes intricate legal and ethical dilemmas that necessitate resolution. As AI increasingly becomes embedded within the realms of innovation and creativity, the frameworks governing intellectual property must adapt to ensure they remain pertinent, equitable, and efficient in promoting advancement while concurrently protecting the rights of creators. The trajectory of Intellectual Property Rights in the era of Artificial Intelligence will be contingent upon the degree to which regulatory frameworks evolve to reconcile the interests of human inventors, AI systems, and society at large.

## Recommendations

- Report of the Joint Committee on the Personal Data Protection Bill, 2019**, Rajya Sabha Secretariat, [https://rajyasabha.nic.in/rsnew/Committee\\_site/Committee\\_File/ReportFile/13/141/161\\_2021\\_7\\_15.pdf](https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/13/141/161_2021_7_15.pdf) (last visited Feb 12, 2025).
- The Wisdom of Legislating for Anticipated Technological Advancements**, 10 J. Marshall Rev. Intell. Prop. L. 154, 172 (2010).
- Ian Sample, Google's DeepMind Makes AI Program that Can Learn Like a Human**, Guardian, <https://www.theguardian.com/global/2017/mar/14/googles-deepmind-makes-ai-program-that-can-learn-like-a-human> (last visited Mar. 17, 2020).
- Vaishali Singh, Mounting Artificial Intelligence: Where Are We on the Timeline?** SCC Online (June 7, 2018).
- University of London Press Ltd v University Tutorial Press Ltd** [1916] 2 Ch 601, 608.
- Jane C. Ginsburg**, *The Concept of Authorship in Comparative Copyright Law*, 52 DePaul L. Rev. 1063 (2003).
- Margot E. Kaminski**, *Authorship, Disrupted: AI Authors in Copyright and First Amendment Law*, 51 U.C. Davis L. Rev. 589 (2017).
- Robert C. Denicola**, *Ex Machina: Copyright Protection for Computer-Generated Works*, 69 Rutgers U. L. Rev. 251, 280–81 (2016).
- AlphaGo**, DeepMind, <https://deepmind.com/research/case-studies/alphago-the-story-so-far> (last visited Feb. 12, 2025).
- Jane Ginsburg & Luke Ali Budiardjo**, *Authors and Machines*, 34 Berkeley Tech. L.J. 394 (2019).
- Ayush Pokhriyal & Vasu Gupta**, *Artificial Intelligence Generated Works Under Copyright Law*, 6 NLUJ L. Rev. 116 (2020).
- USPTO Releases Public Comments on AI**, Mondaq, available at <https://www.mondaq.com/unitedstates/trademark/1008764/uspto-releases-public-comments-on-ai> (last visited March. 20, 2025).