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“THE LEGAL PUZZLE: ARTIFICIAL INTELLIGENCE, CREATIVITY, AND INTELLECTUAL PROPERTY RIGHTS”

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ABSTRACT

Intellectual Property Rights (IPR) protect the creations of the human mind, granting inventors and creators exclusive rights over their innovations through mechanisms such as patents, trademarks, copyrights, geographical indications, and trade secrets. These rights serve a dual purpose: protecting the creator's interests while enabling society to benefit from innovation through regulated use and commercialization.

The emergence of Artificial Intelligence (AI) has fundamentally challenged traditional IPR frameworks. AI systems now generate thousands of creative works daily—from artwork and music to written content and business solutions—raising critical questions about authorship, ownership, and legal protection. Unlike human creators, AI operates through algorithmic analysis of data patterns, learning autonomously and producing outputs that blur the lines between human and machine creativity.

This paper examines the intersection of AI and IPR in India, analyzing how current legal frameworks address AI-generated works, the challenges posed by autonomous creation, and the urgent need for legislative reform. As AI becomes integral to India's innovative and economic growth, establishing clear IPR protections is essential for fostering continued investment and development in this transformative field.

Keywords: Artificial Intelligence (AI), Intellectual Property Rights (IPR), Copyright Law, Patent Law, Legal Reform, India.

1. INTRODUCTION

Artificial Intelligence represents the simulation of human cognitive processes through computational systems. In practical terms, AI encompasses systems that learn from experience, adapt to new inputs, recognize patterns, and generate novel outputs. Modern AI systems employ sophisticated algorithms and vast datasets to process information and make decisions, earning increasing trust across industries due to their reliability and performance.

AI technology is broadly categorized into two types:

1. Narrow AI (Weak AI)

These systems perform specific, predefined tasks within limited domains. Examples include voice assistants like Siri and Alexa, recommendation algorithms, and specialized diagnostic tools. Narrow AI represents the majority of current applications and excels within its designated parameters.

2. General AI (Strong AI)

General AI systems possess the theoretical capability to perform any intellectual task that humans can accomplish. Examples include advanced language models like ChatGPT and Gemini. While true general AI remains largely

aspirational, current large language models demonstrate increasingly sophisticated cognitive capabilities.

The rapid advancement of AI toward human-like cognitive performance has created a critical intersection between technological innovation and legal frameworks, particularly concerning intellectual property rights. This convergence raises fundamental questions: Who owns AI-generated creations? Can AI be recognized as an inventor or author? How should existing IPR laws adapt to accommodate autonomous creative systems?

2. APPLICATIONS OF ARTIFICIAL INTELLIGENCE

AI has permeated virtually every sector requiring intellectual work. Its applications demonstrate both the technology's transformative potential and the complexity of assigning ownership to its outputs.

1. Business and Finance

Customer Service: AI-powered chatbots and virtual assistants handle customer inquiries, providing 24/7 support and personalized responses.

Fraud Detection: Banking institutions and trading agencies deploy AI systems for real-time fraud detection, phishing alerts, and risk assessment.

Process Automation: AI manages repetitive tasks including data entry, email sorting, voicemail transcription, and workflow optimization.

Data Analysis and Prediction: Organizations leverage AI for sales forecasting, market trend analysis, risk management, and strategic decision-making.

2. Education

Personalized Learning: AI adapts educational content and pacing to individual student needs, optimizing learning outcomes.

Interactive Teaching Systems: AI tutors provide real-time assistance, answer questions, and

offer explanations tailored to student comprehension levels.

Automated Assessment: AI systems evaluate tests, assignments, and essays, providing detailed feedback while reducing instructor workload.

3. Healthcare

Diagnostic Support: AI analyzes medical imaging (X-rays, MRIs, CT scans) to identify abnormalities and assist clinical decision-making.

Drug Discovery: AI accelerates pharmaceutical research by predicting molecular interactions and identifying promising compound candidates.

Robotic Surgery: AI-enhanced surgical systems enable precision procedures with minimal invasion and improved patient outcomes.

Health Monitoring: Wearable devices employ AI algorithms to track vital signs, detect irregularities, and provide proactive health alerts.

4. Transportation

Autonomous Vehicles: Companies like Tesla and Waymo utilize AI for self-driving capabilities, processing sensor data for safe navigation.

Traffic Management: AI predicts congestion patterns and optimizes traffic flow through intelligent signal control and route guidance.

Logistics Optimization: AI improves delivery efficiency through route optimization, demand forecasting, and resource allocation.

5. Entertainment and Media

Gaming: AI creates sophisticated non-player characters (NPCs) with adaptive behaviors and realistic responses.

Content Creation: AI generates art, composes music, writes text, produces videos, and creates multimedia content across platforms.

Deepfakes and Visual Effects: AI produces realistic video and audio manipulations for

entertainment, raising ethical and legal concerns.

6. Legal Sector

Legal Research: AI accelerates case law research by identifying relevant precedents and analyzing legal arguments.

Contract Review: AI detects errors, inconsistencies, forged documents, and compliance issues in legal agreements.

Outcome Prediction: AI analyzes historical judgments to predict case outcomes and inform legal strategy.

3. INTELLECTUAL PROPERTY RIGHTS AFFECTED BY AI

Copyright Challenges

AI-generated works present fundamental challenges to copyright law, which traditionally requires human authorship and creative effort. Key issues include:

Authorship Ambiguity: When AI operates autonomously, determining the rightful owner becomes problematic. Is it the AI developer, the user who prompted the output, or the AI itself?

Originality Threshold: Courts typically require a “modicum of creativity” for copyright protection. Whether crafting prompts or editing AI output constitutes sufficient creative effort remains legally unresolved.

Duration Concerns: If AI were recognized as an author, copyright duration could theoretically become indefinite, as AI lacks a natural lifespan.

Database Rights: AI-generated datasets challenge traditional copyright frameworks, which require human creativity for protection. Systematically structured databases may fall outside conventional protections.

International Precedents: Kazakhstan issued a copyright certificate for an AI-assisted graphic novel, protecting the human arrangement of materials but not the AI-generated images themselves. This distinction highlights the evolving global approach to AI creativity.

Patent Law Complications

AI-generated inventions challenge patent law’s fundamental requirement of a human inventor:

Inventorship Requirements: Most jurisdictions mandate human inventors. The question of whether AI can legally be named as an inventor remains contentious.

Inventive Step Standard: Patent law requires that inventions demonstrate non-obviousness to experts in the field. Whether AI-driven insights meet this human-centric standard is debatable.

The DABUS Cases: Recent international cases involving DABUS—an AI system claimed to have invented autonomously—have sparked global debate. While Companies and Intellectual Property Commission listed AI as an inventor, patent offices in the United States, European Patent Office, India, Australia, and Taiwan rejected such recognition, citing AI’s lack of legal personality.

Evolving Frameworks: Some jurisdictions are adapting. Indonesia now allows patents for AI technologies that solve specific problems with demonstrable technical effects. The United States Patent and Trademark Office has issued guidance indicating that AI-assisted inventions may be patentable if significant human contribution exists.

Trademark Disputes

AI model names and brands face trademark challenges globally:

Prior Use Conflicts: Established brands often claim prior user rights when AI companies seek trademark protection.

Notable Examples: OpenAI’s application to register the mark ChatGPT in India has been opposed by Flaxxi AI, which claims prior use in the education sector. Similarly, marks such as Gemini, Grok, and DeepSeek have encountered registration obstacles due to pre-existing trademarks.

4. COPYRIGHT LAW AND AI IN INDIA

India’s copyright framework, governed by the Copyright Act, 1957, is gradually evolving to address AI-generated works, though significant gaps remain.

Human Authorship Requirement

The Indian Copyright Act defines the “author” as a natural or legal person. **Section 2(d)(vi)** addresses computer-generated works, stating that the author is “*the person who causes the work to be created.*” This provision suggests that AI cannot be recognized as an author. Instead, the individual operating or instructing the AI—such as a programmer, developer, or prompt engineer—may be considered the author.

Autonomous AI and Legal Personality

Indian law does not recognize AI as a legal person. Consequently, AI cannot own copyright or exercise moral or economic rights. If a work is created autonomously with minimal human input, it may fall outside the scope of copyright protection under the current legal framework.

Originality Threshold

Indian courts require a **minimum degree of creativity and human skill** for copyright protection, often described as the “**modicum of creativity**” standard. This principle was clarified in the landmark judgment of *Eastern Book Company v. D.B. Modak*. Whether activities such as crafting prompts, editing AI-generated outputs, or curating AI results meet this threshold remains largely untested by Indian courts.

Database and Dataset Protection

India does not currently provide a **sui generis database right**, unlike the framework under the Directive 96/9/EC on the Legal Protection of Databases. Databases in India receive protection only when their **selection or arrangement demonstrates sufficient creativity**. As a result, AI-generated or systematically structured big-data databases may fall outside traditional copyright protection.

Moral Rights

Under the Copyright Act, 1957, **moral rights**—including the right of attribution and the right to integrity—are granted exclusively to human authors (see Section 57). Since AI systems are not recognized as legal persons, they cannot claim moral rights, and Indian law does not extend such protections to non-human creators.

Current Legal Position Summary

Aspect	Status
AI as author	+ Not recognized
Human-guided AI work (if human effort is significant)	Maybe protected
Fully autonomous AI work	Unclear; likely not protected
Legal reform	Under discussion; no AI-specific laws yet

5. PATENT LAW AND AI IN INDIA

Software and Algorithm Exclusions

Statutory Exclusion under Section 3(k)

Section 3(k) of the Patents Act, 1970 explicitly excludes “*a mathematical or business method or a computer programme per se or algorithms*” from patentability.

However, AI-based inventions may qualify for protection if they are framed as delivering a **technical effect** or **technical advancement**, such as improvements in hardware performance, enhanced computational efficiency, reduced latency, improved image resolution, or the resolution of a specific technical problem.

Patentability Criteria in India

To secure a patent in India, an AI invention must satisfy the following statutory requirements:

- Novelty** – The invention must not have been publicly disclosed anywhere in the world prior to the filing date.
- Inventive Step** – The invention must involve a technical advance or economic significance and must not be obvious to a

person skilled in the art.

3. **Industrial Applicability** – The invention must be capable of practical application in industry.

4. **Sufficient Disclosure (Enablement)** – The specification must describe the invention clearly and completely so that it can be performed by a person skilled in the art.

These standards are strictly enforced by Indian patent authorities and courts. The “black box” nature of many AI systems creates particular difficulty in meeting the disclosure and enablement requirement.

Inventor and Ownership Issues

Indian patent law requires that the inventor be a **natural person**. In the DABUS matter, the Indian Patent Office rejected the application listing AI as an inventor, affirming that only human beings can be recognized as inventors. This position aligns with the approach taken in most major jurisdictions.

Disclosure and Enablement Challenges

Patent applications must provide sufficient technical detail to allow replication by a skilled practitioner. For AI-based inventions, applicants should include:

- System architecture diagrams
- Flowcharts of decision logic
- Model training methodologies
- Dataset characteristics (where permissible)
- Model parameters and optimization techniques
- Integration with hardware or technical systems

Merely describing an outcome achieved by AI without technical implementation detail will likely fail the enablement test.

Current Trends and Regulatory Guidance

India follows a **technology-neutral approach**, permitting AI-related inventions where a demonstrable technical effect exists.

The Computer-Related Inventions Guidelines, 2017 provide the governing framework for examining software and AI-linked patents, though they do not contain detailed AI-specific provisions. Draft updates as of April 2025 are expected to clarify the interpretation of Section 3(k), particularly concerning technical effect and AI-driven systems.

Patent filings relating to generative AI are increasing rapidly. India ranks among the top five globally in generative AI patent filings, with approximately 1,350 applications filed between 2014 and 2023, reflecting substantial annual growth.

Strategic Recommendations for Patent Applicants

Challenge	Recommended Strategy
Abstract algorithm exclusion	Demonstrate a concrete technical effect; link the invention to hardware or a physical system
AI inventorship	Name a human inventor who conceptualized, designed, or supervised the inventive contribution
Black box / insufficient disclosure	Provide detailed architectural diagrams, flowcharts, data descriptions, and parameter specifications
	Conduct comprehensive prior-art searches; clearly articulate and novelty technical advancement over existing systems

Best Practices for Securing AI Patent Protection in India

1. Anchor the invention to a tangible device, apparatus, or technical system.
2. Emphasize engineering improvements or procedural efficiencies.

3. Draft claims that clearly demonstrate technical utility and advancement.

4. Identify and name human inventors who conceived or materially guided the innovation.

A carefully structured patent specification that foregrounds technical contribution—rather than abstract computation—is essential for overcoming Section 3(k) objections in India.

6. TRADEMARK ISSUES WITH AI MODELS

Notable Trademark Disputes

ChatGPT: OpenAI filed for trademark protection for ChatGPT under **Class 9** in India on November 9, 2023. The application has faced objections and opposition from Flaxxi AI, a Bengaluru-based company that claims prior use of the mark in the education sector in collaboration with Indian Institute of Technology Jammu since 2022.

Other AI Brands: Several prominent AI brand names have encountered similar challenges in India. For example, Gemini developed by Google, Grok introduced by Elon Musk's company xAI, and DeepSeek from DeepSeek have all faced registration obstacles due to prior rights claims by domestic or related trademark holders.

India's First-to-Use Principle

Under the Trade Marks Act, 1999, India follows the **first-to-use principle** rather than a strict first-to-file system. This means that even globally recognized brands may face refusal or opposition if a local entity can demonstrate **prior commercial use** or establish a likelihood of consumer confusion.

While this approach strengthens protection for domestic innovators and earlier users of trademarks, it can complicate the market entry strategy of multinational AI companies seeking trademark protection in India.

7. COPYRIGHT DISPUTES AND LEGAL CASES

ANI v. OpenAI

In November 2024, the Indian news agency Asian News International (ANI) filed a lawsuit against OpenAI before the Delhi High Court, alleging that its copyrighted news content had been used

without authorization in the training data of ChatGPT. The dispute raises several significant legal questions relating to intellectual property and jurisdiction.

****Key Issues in the Case:****

****Jurisdictional Question:****

A primary issue is whether Indian courts can exercise jurisdiction over a U.S.-based technology company. While OpenAI has argued that any legal proceedings should occur in the United States, legal experts in India contend that Indian courts may assert jurisdiction because the alleged copyright infringement affects rights within India and the service is accessible to Indian users.

****Data Removal Demand:****

ANI has also sought an order requiring OpenAI to remove its copyrighted content from ChatGPT's training datasets. If granted, such relief could set a significant precedent regarding the obligations of AI developers concerning copyrighted training data.

Federation of Indian Publishers Suit

A separate legal action has been initiated by the Federation of Indian Publishers along with major publishers, including Rupa Publications and Cambridge University Press. These entities seek to restrict ChatGPT's access to copyrighted literary works in India.

The litigation mirrors similar disputes in other jurisdictions and could become a landmark case determining whether the use of copyrighted material for AI training constitutes infringement or falls within permissible legal exceptions.

Government Advisory on AI Tools

In late January 2025, the Ministry of Finance issued an advisory cautioning government officials against using AI tools such as ChatGPT for official work due to concerns related to ****data confidentiality and information security****.

This advisory reflects the increasing attention of the Government of India toward the legal, security, and intellectual property implications

associated with the rapid adoption of artificial intelligence technologies.

8. GOVERNMENT INITIATIVES AND AI/IP INFRASTRUCTURE

AI-Enhanced IPR Systems

In September 2024, the Department for Promotion of Industry and Internal Trade (DPIIT) introduced an **AI-driven trademark search tool** along with the **“IP Saarthi” chatbot** to streamline and support intellectual property filings. These initiatives are designed to improve the efficiency of trademark searches, assist applicants in navigating filing procedures, and reduce processing delays within India’s IP administration system. They reflect the Government of India’s broader effort to modernize and digitize the national intellectual property infrastructure.

Domestic AI Development

India is also focusing on strengthening domestic AI capabilities through initiatives such as Bharat GPT. The project aims to reduce dependence on foreign AI systems while addressing India’s linguistic diversity and cultural context. By developing indigenous AI models trained on local datasets, India seeks to ensure greater technological sovereignty and better alignment with domestic regulatory and social requirements.

International Partnerships

In June 2025, OpenAI signed a **Memorandum of Understanding (MoU)** with the IndiaAI Mission to collaborate on training AI models and enabling local data storage within India. Additionally, OpenAI and Meta Platforms have reportedly explored infrastructure partnerships with Reliance Industries to host AI systems in a planned data center in Gujarat.

These developments signal India’s growing importance as a **strategic global hub for artificial intelligence development, data infrastructure, and AI governance.**

9. INDIA'S AI/IPLANDSCAPE: CURRENT STATUS

Area Status

ChatGPT trademark Under objection/opposition; contested by Flaxxi AI
Other AI brands Gemini, Grok, DeepSeek blocked by pre-existing local marks
Copyright lawsuits Government stance ANI and publishers suing OpenAI; Delhi court jurisdiction ongoing
Official caution on AI tools; IP infrastructure modernization underway
AI infrastructure Push toward local hosting, indigenous models, and training partnerships
Looking Ahead

Trademark Challenges: OpenAI may face delay so rejection of the ChatGPT trademark in India unless objections are resolved favorably.

Copyright Precedents: The copyright law suits hinge on jurisdictional and fair-use arguments. Outcomes could establish global precedents for AI training data usage.

Regulatory Evolution: India is modernizing its IP system with AI tools while building local AI infrastructure, creating both opportunities and regulatory complexity for global players.

10. RECOMMENDATIONS FOR FUTURE IP REFORMS

To address the challenges posed by AI, India’s intellectual property framework requires comprehensive reform. The following recommendations provide a roadmap for balanced, forward-looking policy:

Clarify Authorship and Inventorship

Define AI’s Legal Role: Update copyright and patent frameworks to explicitly recognize when AI acts as a tool versus a co-creator or inventor. Consider allowing human developers or users to claim credit, with provisions for limited AI recognition in specific contexts.

Enable Corporate Ownership

Corporate Patent Rights:

Permit corporations to hold patent rights for AI-generated inventions, recognizing the economic investment, infrastructure, and research

contributions made by organizational entities. Since AI development often involves institutional resources rather than individual inventors alone, allowing corporate ownership would better reflect the realities of innovation ecosystems.

Integrate Fair Use and Research Exemptions

AI Training Carve-Outs:

Introduce fair-use style provisions or specific statutory exemptions allowing AI systems to train on copyrighted material without creating automatic infringement liability. Such provisions would balance the protection of creators with the need to support technological advancement.

Licensing Frameworks:

Develop structured licensing systems enabling content owners to monetize the use of their works in AI training datasets while providing legal certainty for AI developers.

Establish Transparency and Ethical Standards

Mandatory Disclosure:

Require disclosure mechanisms—such as registries or notices—indicating when content or inventions are generated through AI systems. This would promote transparency, accountability, and traceability.

Ethical Baseline via IP Regulation:

Incorporate ethical principles such as safety, fairness, and explainability within intellectual property regimes. This could be achieved through licensing conditions, regulatory guidelines, or certification frameworks governing AI models.

Develop Standards and Build Capacity

Global Harmonization:

Promote coordination with international organizations such as the World Intellectual Property Organization, the European Union, and the Global Partnership on Artificial Intelligence to align definitions of inventorship, authorship, and intellectual property protections for AI-generated works.

Professional Training:

Invest in specialized training programs for judges, patent examiners, trademark officials, and policymakers to improve institutional understanding of AI technologies and their implications for intellectual property law.

Empower Enforcement and Auditing

Algorithmic Audits:

Introduce mandatory independent audits of AI systems to ensure compliance with intellectual property laws. These audits should be supported by robust trade secret protections and digital rights management tools to safeguard proprietary technologies.

Enhanced Enforcement Mechanisms:

Establish specialized intellectual property courts or tribunals with technical expertise to efficiently adjudicate disputes involving AI technologies and complex digital systems.

Monitor, Review, and Fund Research

Ongoing Impact Studies:

Support academic and policy research examining how AI transforms innovation systems, ownership models, and market structures. Evidence-based studies can guide future legislative reform.

Adaptive Policy Framework:

Adopt a flexible regulatory approach that begins with pilot reforms and evolves alongside technological developments and societal needs. Continuous monitoring will allow policymakers to adjust intellectual property frameworks as AI capabilities expand.

11. SUMMARY AND CONCLUSION

Goal Action

Ensure innovation Protect genuine AI-human invention while avoiding IP monopolies that's tifle competition

Maintain clarity Legally define authorship, enforce disclosure, standardize IP processes

Promote fairness and ethics. Encourage global alignment.

Embed transparency, accountability, and audit requirements into IP policy.

Lead international dialogue and share regulatory innovations.

The intersection of artificial intelligence and intellectual property rights represents one of the most complex legal challenges of the digital age. As AI systems increasingly generate creative works, inventions, and innovations autonomously, traditional IPR frameworks—designed for human creators—struggle to provide adequate protection and clarity.

India's current legal landscape reflects this tension. While copyright law offers limited protection for AI-assisted works with significant human input, fully autonomous AI creations remain in legal limbo. Patent law similarly requires human inventors, excluding AI from recognition despite its growing role in innovation. Trademark disputes highlight the challenges global AI companies face in navigating India's first-to-use principle and pre-existing local rights.

disputes will likely establish precedents affecting AI development globally, influencing how training data is sourced, licensed, and protected.

India's proactive steps—modernizing IP infrastructure with AI tools, developing domestic AI capabilities, and forging international partnerships—demonstrate recognition of AI's strategic importance. However, comprehensive legislative reform is essential to provide the clarity, fairness, and flexibility needed for India to become a global AI leader while protecting the rights of human creators and innovators.

By balancing recognition of AI-enabled innovation with human creativity and public interest, India can foster a vibrant AI ecosystem under fair, transparent, and globally interoperable IPR regimes. The path forward requires collaboration among legislators,

judiciary, industry, academia, and international partners to create frameworks that encourage innovation while ensuring accountability, ethics, and equitable benefit-sharing.

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