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ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY RIGHTS: EMERGING CHALLENGES AND LEGAL RESPONSES

Abstract

Fast advancement in the field of Artificial Intelligence (AI), especially the advent of Generative AI, has revolutionized the entire procedure of developing, delivering, and profiting from intellectual property. The new systems have enabled creation of literature, art, music, computer code, inventions and many more types of creations which were conventionally developed by humans alone. Such technological advancements have brought into light many issues of authorship, ownership, infringement, originality and human creativity. Intellectual property laws existing today were mostly drafted for human creators and methods of innovations. Copyright Act, 1957, and the Patents Act, 1970, are the two primary legislations governing the protection of creative expressions and inventions in India. However, these pose various controversies in relation to generative AI. This is especially the case when it comes to the utilization of

copyrighted material for model training and ownership of AI-generated works. Global recent developments on whether AI inventions can be patented and ways by which copyright laws can be regulated show the need for a suitable legal framework. This paper shall discuss the recent difficulties faced by AI in relation to Intellectual Property Rights. It shall also examine current laws of India, judicial decisions, and suggest changes required.
Keywords: Artificial Intelligence, Intellectual Property Rights, Contemporary Challenges.

1. Introduction

Artificial Intelligence is one of the most important technologies that have developed since the dawn of the twenty-first century. From automatic writing and drawing through the creation of music, software development, research work, and industry, AI is used in more and more applications usually performed by humans. As generative AI technologies have evolved, they have created more complexities in relation to technology and IP law. Generative AI technologies can generate original content by identifying patterns within large data sets. Such data sets may contain literary works, images, sound recordings, art works, software code, etc.

Although the AI technology offers numerous opportunities for economic growth and innovation, there are certain issues related to the current legal principles. In case an AI system creates a painting, who will be the owner of the copyright? Does it constitute a copyright infringement in case an AI system uses a million of copyrighted pieces without a direct permission? Should the creation of an invention by an AI system be recognized as its invention protected under a patent? Who will be responsible from the legal point of view for the unlawful reproduction of the work by an AI system?

These examples demonstrate the emerging gap between the possibility to create and the existing legal principle. The protection of intellectual property rights is focused on encouraging creativity and innovation by giving some legal protection to appropriate works and inventions. However, an efficient IP system should also protect authors from being unfairly used. Thus, the core issue is not whether AI can be allowed to partake in any creative and inventive processes. The question is the extent to which the law should deal with allocation of rights and obligations between human creativity and machine production becoming more and more similar to each other.

2. Artificial Intelligence and Intellectual Property Rights

2.1 Definition of Artificial Intelligence

Artificial Intelligence denotes computing systems aimed at performing activities that would normally involve human mental capacity like learning, reasoning, pattern recognition, prediction and content creation.[1]

Generative AI is an especially crucial advancement since it can create new text, graphics, sound, video, and programming language based on an instruction or prompt provided.[2]

For instance, a graphic designer can utilize an AI software program for illustration purposes, an attorney can use AI to create a draft research memorandum, and a programmer can utilize AI to create computer code.

Each of these outputs can contain different levels of human input. This is important in law to decide whether someone can be an author, how original the output is and who can receive intellectual property protection.

2.2 Meaning and Objectives of Intellectual Property Rights

Intellectual Property Rights (IPR) are a form of legal protection for qualifying inventions of the human mind. The main aims of IPR are to protect the creator/innovator, ensure investment in R&D and encourage knowledge sharing.[3]

Some of the important categories of intellectual property that relate to AI are:

- Copyright: Copyright protects the qualifying original work of literature, art, music, and other qualifying creative works, such as computer software.
- Patents: Protection for eligible inventions.
- Trademarks: Trade mark protection covers qualifying marks which distinguish the goods/services of one business from that of another.

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[1] Bheem Singh Meena, Radha Ranjan and Shyam Kumar Anand, "Virtual Meetings Under Attack: Assessing the Legal and Security Risks of Zoom Bombing in the Digital Era," 4(2) ShodhKosh: Journal of Visual and Performing Arts 1256–1263 (2023), doi: 10.29121/shodhkosh. v4.i2.2023.3047.

[2] World Intellectual Property Organization (WIPO), *Artificial Intelligence and Intellectual Property*, WIPO.

[3] World Intellectual Property Organization (WIPO), *Understanding Copyright and Related Rights* (WIPO, Geneva).

- Trade Secrets: Protection of qualifying confidential information including some proprietary algorithms and datasets, etc.

However, the interface of AI with any of these areas are unique. Copyright issues may arise around training data and output generation. Patent issues may involve determining who the inventor is and what can be patented in relation to AI. The creation of misleading commercial outputs, imitation of brands, and reproduction of distinctive voices can generate trademark/personality issues. Hence, there is a need for more than copyright law to deal with the intersection of AI and IPRs.

3. Legal Regulation of AI and Intellectual Property in India

The separate and full-fledged intellectual property law for AI-based products has not been formulated by India till now. The general principle remains to use the provisions of the already existing copyright laws in view of the circumstances of the particular case.

3.1 Copyright Act, 1957

The Copyright Act of 1957 is the primary legislation regarding the protection of copyrights in India.

Section 13 enumerates different kinds of works in which there can be any copyright under certain statutory conditions. Section 14 sets forth the rights of copyrights and the author as the first owner in Section 17.[4]

A key part of the law is Section 2(d)(vi), which states that an author of a computer-generated literary, dramatic, musical, or artistic work shall be the person by whom the arrangements necessary for the creation of the work are undertaken.[5]

This section can provide a basis for consideration when dealing with computer-generated works. However, there is some uncertainty over whether this clause can be applied to modern AI Generative Models. This is due to how these systems can involve the model creators, users, companies and automation meaning it can be uncertain as to who caused the output to occur.

[4] The Copyright Act, 1957 (Act No. 14 of 1957), §§ 13, 14 and 17.
[5] The Copyright Act, 1957 (Act No. 14 of 1957), § 2(d)(vi).

The law must take into account the connection between this section and originality and authorship.

For instance, someone who generates an image using an AI-based tool based on a prompt may have contributed less to the creative expression than someone who developed a complex composition, picked from a number of outputs, edited the output, and made artistic choices.
It all depends on the actual facts as well as the legal principles that apply whether or not each contribution is entitled to any copyright protection.
Another reason why section 52 is relevant is that it shows when certain actions do not constitute as copyright infringement.[6] Nonetheless, it is debatable whether these exceptions can be applied to large-scale commercial training of artificial intelligence.[7]

3.2 The Patents Act, 1970

Patent protection in India is governed by the Patents Act, 1970.
Section 2(1) (j) defines "invention" in terms of a new product or process involving an inventive step which is capable of industrial application. The concept of "inventive step" is defined under section 2(1) (ja). Section 3(k) provides that a mathematical or business method, computer program per se and algorithms are not patentable inventions.[8]
The above-mentioned provisions are highly relevant to inventions pertaining to AI technologies. Simply using artificial intelligence does not make an invention patentable. The subject matter of the claims should satisfy the necessary statutory requirements and should not be excluded from patentability.
In case the invention involves an AI, technology which brings about a tangible technical advancement, the approach taken by the courts would be different from the approach taken for an invention which only involves an abstract algorithm or a computer program.
The other important aspect is that of inventorship. Patent laws consider an inventor as a person responsible for making the invention in accordance with the law. The point regarding whether an

[6] The Copyright Act, 1957 (Act No. 14 of 1957), § 52.
[7] Deependra Nath Pathak, Ankit Kumar, Kriti Srivastava, Radha Ranjan, Kirandeep Kaur and Ramanjeet Singh, “Improving E-Commerce Fraud Detection: A GAN and Reinforcement Learning Approach Integrated with Personality Analysis for Secure Digital Economy,” in Proceedings of the 2025 International Conference on Visual Analytics and Data Visualization (ICVADV) 201–206 (IEEE, 2025), doi: 10.1109/ICVADV63329.2025.10961112.
[8] The Patents Act, 1970 (Act No. 39 of 1970), §§ 2(1)(j), 2(1)(ja) and 3(k).

AI machine can be treated as an inventor has been ruled out in many prominent foreign judgments.

There is no such clear-cut legal framework formulated in Indian patent law to answer each issue related to AI assisted inventions. It is thus necessary to distinguish an invention which is done through AI assistance by a human inventor from an autonomous AI invention.

3.3 The Trade Marks Act, 1999

The Trade Marks Act, 1999, safeguards registered trademarks, and offers remedies for infringement and other legally actionable misuse of them.[9] AI might present a risk, when generated advertising materials, images of products or other business communications include unauthorized use of trade marks or other identifying signifiers.

Confusion may arise related to the origin, sponsorship/endorsement, of certain goods/services due to content generated by AI. But simply using a trademark in AI-generated content does not mean that an infringement occurs. This depends on the context of the situation, what legislation applies, and the scope for confusion.

3.4 Government Policy and Regulatory Reponses Under Development

The Indian Government noted in February 2024 that the current intellectual property system is deemed sufficient to deal with AI works and there is no need to create a new classification of intellectual property for AI at this moment.[10] Such an attitude shows that the policy leans towards the application of existing laws instead of the creation of an entirely new classification of intellectual property. This depends on the context of the situation, what legislation applies, and the scope for confusion. There have been many conversations regarding licensing, transparency, pay and the use of copyrighted material within training data due to the rapid progress of generative AI systems. However, policy proposals and consultations do not constitute legislation. The efficiency of the Indian framework in the future will depend on the interpretation of current laws and if any additional clarification/legislation is required.

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[9] The Trade Marks Act, 1999 (Act No. 47 of 1999), §§ 28–29.

[10] Ministry of Commerce and Industry, Government of India, Press Information Bureau, statement on the existing intellectual property rights regime and AI-generated works, 9 February 2024.

4. New Intellectual Property Issues in the Era of Artificial Intelligence

4.1 Authors and Ownership of AI-created Content

A major issue is that of the authorship of AI-created content.

Traditional copyright law is built around identifiable authors and creative works. However, generative AI creates issues due to the possibility that the final product could have been created using human instructions and machine learning among others.

Three main possibilities can be recognized:

- First, there is an opportunity where a human would use AI only as a tool for creation of a work, which is still primarily created by the human's creative decisions. In such situations, copyright may exist in relation to the qualifying human-authored expression.
- Second, an output would be comprised of human created components and AI created components. The copyright issues will then largely depend upon the nature of the human contribution and the rules relevant to the copyright in the work as a whole.
- Thirdly, there would be little human creativity involved in creating the output. This makes determining if there is copyright more of a challenge.

For example, a novelist using AI for generating plot ideas and writing/editing the final work on their own is different from someone entering a short prompt and publishing the AI's output.

The law needs to be able to differentiate between the application of AI as a tool of human creativity and the creation of works where human authorship in law cannot be identified.

The lack of a coherent approach could deter investment and lead to ownership disputes and difficulties in the licensing of the works.

4.2 Copyright Infringement Through Training Datasets for AI

Generative AI technologies tend to be trained on large datasets which comprise text, images, sound records, code, and various other data. A major issue here is whether reproducing and manipulating the data to create the dataset infringes on copyright holders' rights. Copyright holders claim that the use of copyrighted works without authorization can result in the infringement of their exclusive rights, licensing markets being undermined, and the ability to commercially exploit the work without proper payment. AI developers may argue that there is

some unavoidable manipulation of data due to technological constraints and that there are exceptions or other laws that may allow this. The correct response will depend on the specific jurisdiction, type of material, actions, licenses/exceptions and much more.

Indian Copyright Act has a section on exclusive rights (Section 14), but also has some exceptions (Section 52). However, none of them can be taken as a basis for the unrestricted permission to all kinds of AI training. Where a model has been trained using material extracted from websites that are freely available to the public, the problem becomes especially complex because the mere availability in the public domain of such material does not guarantee that it is not copyright-protected. A more certain framework may need more transparency in terms of datasets used for training, effective licensing schemes, and dispute resolution procedures concerning the use of copyright-protected content.

4.3 Originality and the Problem of Independent Creation

Originality is yet another challenging aspect.

Copyright protects particular expressions of ideas, and not the ideas themselves. The originality criteria have been analyzed in judicial cases such as Eastern Book Company v. D.B. Modak (2008), wherein the case was related to the requirements of originality for copyright protection.[11]

AI-created material poses problems with respect to the originality of the output created by the AI tool and the role of the human user. One of the things that can happen is that the AI will generate something that looks new, yet has similarities to something existing in the dataset it was trained on. The other possibility is that the AI will create an output that is a result of substantial human input and intervention. There needs to be a distinction, then, made between novelty, copyright originality, and infringement. Though related, they are separate issues.

Novelty alone does not mean that something is copyrightable, while similarity alone does not mean infringement.

4.4 AI-Assisted Inventions and Inventorship

[11] *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

More and more often, AI technology is used for identifying compounds, for optimisation of engineering design, for analysis of scientific data and technological solutions.

All these raise questions about who the inventor is in case when AI contributes to the inventive process in a significant way. Patent systems normally allow for adherence to the legal rules on inventorship and entitlement. But if AI does not satisfy those criteria, another question emerges – can a person operate or control the system be a human inventor. This question is not supposed to have positive answer automatically. Use of the instrument, ownership of the device and inventive contribution are separate issues from each other.

A good legal response to that problem should keep the principle of human involvement in the inventorship intact but take into account AI's substantial role in the development of a patentable invention.

4.5 Deepfakes, Digital Replicas and Personality Rights.

Using generative AI it is possible to create very realistic images, video clips and audio files that imitate identifiable individuals. This technology could be used to make a deepfake advertisement, mimic the voice of the person, or show the person making some statements that the person never said. Various problems such as copyright, trademark, privacy, personality rights, defamation, and consumer protection problems can arise.

For example, when using an AI generated advert which imitates a famous artists voice it can create an illusion that the actor is endorsing the product.[12] It depends on the facts of the case and the rights available in the applicable law which particular legal claim would apply. There is no particular intellectual property right that can answer all the claims about digital replica.

4.6 Accountability and Enforcement

Disputes concerning AI usually include a variety of parties – from developers and providers of datasets, through operators of models, to users of commercial products and services based on them. In case of any infringement, identification of the right defendant and acts that should be considered relevant proves problematic. In one particular case, for example, a developer provides

[12] Anil Kapoor v. Simply Life India & Ors., CS(COMM) 652/2023 (Delhi High Court, order dated 20 September 2023).

a general model, a company uses it for a commercial service and an individual uses this service to produce infringing content.

The duties of the parties involved in this chain cannot be automatically considered to be the same. These issues must be decided with reference to statutory provisions, contractual terms, evidential facts and liability principle.[13] Enforcement is additionally complicated due to large quantities of material produced with the help of AI, operations across national boundaries and difficulty in collecting evidence concerning training material or generation process.

5. The Development of Law in This Area and Its Implications

Some guidance regarding the principles to be followed in any dispute concerning AI can be gained from judicial decisions. Nonetheless, decisions rendered by courts in other jurisdictions should not be confused with decisions which have precedential value in India.

5.1 Eastern Book Company v. D.B. Modak (2008)

The Supreme Court of India, in Eastern Book Company v. D.B. Modak, (2008) 1 SCC 1,
has set out a test of originality which would be required for granting copyright protection in the case. This case does not deal with AI technology but the principle laid down by the Court in this regard is relevant in determining whether the work generated by the help of AI technology would contain any protectable original expression.

It also establishes that the issue of copyright protection would depend on the legal test of originality and not simply on the creation of something new and/or useful.

5.2 Thaler v. Vidal (2022)

In Thaler v. Vidal, 43 F.4th 1207 (Fed. Cir. 2022), the Court of Appeals for the Federal Circuit of the United States held that under United States patent law, the requirement that the inventor be a natural person remains in place.[14] The case involved patent applications where the AI system named DABUS was listed as the inventor.

This case is significant in that it shows that the technical contribution of an AI system is not necessarily enough to allow it to be recognized as an inventor.

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[13] The Copyright Act, 1957 (Act No. 14 of 1957), §§ 51 and 55.
[14] *Thaler v. Vidal*, 43 F.4th 1207 (Fed. Cir. 2022).

Nevertheless, the judgment was based on United States law. This is merely an example of comparative jurisprudence.

5.3 Thaler v. Perlmutter (2025)

Thaler v. Perlmutter is a case where the United States Court of Appeals for the District of Columbia Circuit upheld the refusal of copyright registration for an artwork produced independently by artificial intelligence without any human authorship.[15]

It brings to light the need for human authorship in the context of the United States copyright laws. What makes it pertinent to Indian law is that it brings to light the larger issue of whether there should be a need for human contribution of creative expression in order to acquire copyrights. However, the wording of the statute varies depending on the jurisdiction, primarily since the Indian law talks about the person who makes computer-generated work possible.

5.4 ANI Media Private Limited v. OpenAI OpCo, LLC

ANI Media Private Limited's and OpenAI OpCo, LLC's dispute pending before the Delhi High Court has focused on the use of copyrighted materials in generative AI.

This case has raised several important issues regarding the use of copyrighted news material for training AI. These include issues around the rights of the Copyright Owners, the exceptions contained within the Statute, and limitations on geographical relief. However, it is important to note that there was a clear distinction between what was alleged (or argued) by the parties, and what was decided upon by the Courts. Legal rules set out in the dispute must be identified based on the pertinent order(s) and adjudication of the case and not assume that all allegations have been proven. The dispute is highly relevant to India because it could provide judicial guidance in regard to the interaction between copyright and generative AI. So, these cases show that issues around IP and AI are being faced in practice.

5.4 ANI Media Private Limited v. OpenAI OpCo, LLC

ANI Media Private Limited's and OpenAI OpCo, LLC's dispute pending before the Delhi High Court has focused on the use of copyrighted materials in generative AI. This case brings up key

[15] *Thaler v. Perlmutter*, No. 23-5233 (D.C. Cir. Mar. 18, 2025).

issues around using copyright protected news articles to train AI systems, how extensive the rights of copyright owners should be, statutory exceptions and where AI systems can be limited in relation to geographical boundaries. It is also important to note that the claims and arguments made by the parties are different to the findings of the court. Legal rules set out in the dispute must be identified based on the pertinent order(s) and adjudication of the case and not assume that all allegations have been proven. The dispute is highly relevant to India because it could provide judicial guidance in regard to the interaction between copyright and generative AI. So, these cases demonstrate that the issues of intellectual property involving AI are no longer just theoretical.

6. International approaches towards AI and Intellectual Property Rights

There continues to be diversity in the international perspective towards AI and IPR. Variances in legislation and interpretations as well as different priorities of states prevent a cohesive global strategy.

6.1 United States

The US Copyright Office have always held the position that copyright should be granted to works that are authored by humans. They also concede that works created by AI can be eligible as long as there are enough human creative elements. An example of this can be seen in cases such as Thaler v. Vidal. These precedents are valuable for comparison, although not easily translatable into Indian law.

6.2 European Union

In the European Union, there has been a more comprehensive regulation of AI systems through the EU AI Act along with its existing copyright laws.[16]

There are several matters under the scope of the EU's AI governance regulations, but the copyright issues with regards to training data, licenses, and output remain to be interpreted and

[16] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 (Artificial Intelligence Act).

implemented. This approach is important since it proves that AI governance and copyright protection could work side by side, although their areas of law are not the same.
Regulation of AI systems does not imply copyright infringement by a specific output, just like copyright protection does not imply that an AI system meets the necessary AI governance regulations.

6.3 World Intellectual Property Organization

The World Intellectual Property Organization (WIPO) has enabled international conversations on the topics of AI, intellectual property, and innovation technologies.
The conversations here are about how AI generated items are impacted by the inclusion of copyright protected materials in training data sets, who should be considered inventors and owners and how this affects creators and innovators. The inclusion of WIPO shows the importance of having international conversations around using AI tools and digital products which are often used across borders. While this provides a foundation for national policy it does not replace these conversations.

7. Legal Responses and Recommendations for Reform

Legal reform must be such that it allows room for innovation while protecting the rights of humans as creators.

7.1 Definition of Authorship and Ownership

The laws of India must have clarity with respect to the use of Section 2(d)(vi) of the Copyright Act, 1957, with regard to the contemporary generation of AI technology.[17]
This must include criteria for distinguishing the work of human creators who made a significant contribution in their creation, and creations with human assistance and no significant contribution from humans.
It should also cover the significance of the exercise of creative control, choice, arrangements, modifications and more.

[17] The Copyright Act, 1957 (Act No. 14 of 1957), § 2(d)(vi).

7.2 Creating a Just Licensing Scheme

A scheme must exist so that AI developers may use copyrighted works without affecting the economic rights of authors. This can be done by implementing collective licensing schemes, agreements, standardized licensing and appropriate statutory provisions. If any form of compulsory licensing scheme or blanket license is to be used, it must be considered that the scheme will give appropriate remuneration, be transparent and is practical. The rights of different classes of authors must also be considered.[18]

The aim should not be whether training data is legal or illegal, but to put in place a system where permission is obtained and compensating authors.

7.3 Improving Transparency and Record Keeping

Those creating AI should ensure that appropriate records are kept of the source, type of training data, licensing and how copyright issues are managed. Transparency will allow rightsholders to decide if there has been an issue of infringement and will empower courts and regulatory bodies to make better judgements on disputes. However, there needs to be some consideration around the level of transparency provided to ensure privacy, trade secret protection, cyber security and confidentiality.[19]

7.4 Protection of Human Inventors

Guidance notes for patent examination should include clarity on how to identify who the inventor is where there has been a significant contribution by an artificial intelligence tool.

Applicants should be encouraged to keep accurate records of the human ingenuity behind the invention including decisions, experimentation and technological innovation.

The legal standard should not include ownership or use of the AI tool as criteria for inventorship. On the other hand, inventions created through the use of AI should not be excluded just because of their use of computational tools.

7.5 Enhancing Protection Against Deepfakes and Unauthorized Reproduction

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[18] The Copyright Act, 1957 (Act No. 14 of 1957), § 31.

[19] Radha Ranjan et al., "Policies Against Fraud and Cybercrime: Strategic, Legal, and Technological Approaches," in Policies Against Fraud and Cybercrime: Strategic, Legal, and Technological Approaches 217–263 (IGI Global Scientific Publishing, 2026), doi: 10.4018/979-8-3373-5992-2.ch007.

It would be wise for India to continue building up its efforts towards formulating proportionate legislative provisions that address abusive uses of synthetic media.

Appropriate mechanisms to address these issues could include measures such as appropriate transparency, licensing regimes based upon consent for commercial reproductions, complaints procedures and remedies for misuse. There must be clear differentiation between malicious impersonation and legitimate activities such as criticism, research, parody etc. Protection of person-related rights must not be confused with copyright and trademark protection.

7.6 Development of Specific Dispute Resolutions

Evidence may be required regarding the data sets used to train the AI technology, how the model works, output from the model and how the content is generated.

Having specific training for judges, patent examiners, copyright officials and lawyers can improve decision making.

Should the need arise, expert evidence, specific disclosure procedures and dispute resolution can save time and money.[20]

7.7 Facilitating International Cooperation

As the AI tools might be invented in one country, trained on data from various countries, and implemented worldwide, purely national approaches may not be enough.

India needs to take part in international debates about licensing regimes, international enforcement of rules, inventors, and creators' rights.[21]

International collaboration should be designed to reduce uncertainty while allowing some level of controlled flow to allow for differences in each nation's legal framework.

8. Critical analysis

The discourse concerning AI and intellectual property raises the issue of the conflicting interests between two valid objectives: protection of human creativity and promotion of technological innovations.

[20] The Code of Civil Procedure, 1908 (Act No. 5 of 1908), Order XXVI, rule 10A.

[21] World Intellectual Property Organization (WIPO)

However, this may increase costs and reduce access to the technologies used in AI research due to the strict nature of the regime. On the other hand, too loose framework that would allow commercial use of protected objects by all means could impair the position of creators in their negotiations with others and licensing markets.

Therefore, we must steer clear of these extreme views. Firstly, the assumption that all creations of AI should be protected by intellectual property rights due to them having economical value and being creative. In such way, exclusive rights will be created regardless of the elements of authorship, originality and public interest.

The second one is the assumption that any creation that was produced by the use of AI technology cannot have legal protection because of that fact. The human creator could make significant original creation in the process and it should be evaluated according to the law.

The framework should pay the main attention to the real contribution made by the parties, to the character of the object being protected, to the source of rights being claimed legally, and the impact of protection or non-protection. Another aspect that needs attention is the imbalanced allocation of economic advantage While large AI companies may have a lot of technical capabilities, individual artists, journalists, musicians and writers don't necessarily have the ability to spot infringements and fight a legal battle.

Licensing, simple procedures, affordable dispute resolution and reasonable enforcement methods must be in place.

The overall aim of intellectual property law is not to hinder the innovation and advancement of technology but to provide an environment that encourages creativity, investment and fair competition while also allowing knowledge to be accessible to the public.

9. Conclusion

Artificial Intelligence has made several of the premises of the traditional intellectual property law come under question. Issues of authorship, originality, ownership, inventorship, training data, infringement, and accountability have gained relevance in the context of generative technologies becoming part of the creative and inventive processes. With respect to the law in India, Copyright Act of 1957 and Patents Act of 1970 are a point of departure. However, their

applicability with regard to modern AI technology needs to be further clarified, especially in cases of computer-generated works, legal training methods and human inventor identification. Legal precedents from India and other jurisdictions show the importance of applying existing legal principles with great care. Global conversations in the field of intellectual property suggest that licensing, transparency, compensation and collaboration between different jurisdictions are likely to be key factors for future policies. In India, it would be beneficial to follow the course of creating a balanced and evidence-based framework which recognizes human creativity, protects intellectual property rights, promotes responsible use of AI and offers appropriate enforcement of any possible misuse. The future of the law of intellectual property would not only rely on the ability of AI to create but also on the ability of legal frameworks to differentiate between capacity and rights. As such it is extremely important to ensure that AI remains a tool for creation, and ideally any legal framework will provide protection for the right to create whilst ensuring that technology is used to benefit society.

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