



Navigating the Digital Frontier: Intellectual Property Rights in the Era of Artificial Intelligence

Aarya Dubey*

Department of Society and Design, Maharashtra National Law University, Maharashtra, India

ABSTRACT

The world is continuously changing, and in the wake of pandemics, we have experienced some huge technical changes and some great technological concepts. Thus, assessing the effectiveness of technological advancements from a legal standpoint is essential. Because Artificial Intelligence (Henceforth, AI) is advancing at such a rapid pace, it necessitates a thorough examination of existing intellectual property regulations. There are currently no laws in the course of Intellectual Property that deal with AI. However, there is a significant involvement and correlation between the two, which we shall look in this article. AI is currently undergoing a rapid growth throughout the world, coinciding with the scope of Intellectual Property Rights (Henceforth, IPR), which is why, there is an urgent need to acknowledge it to the system and alter some of the existing norms and regulations.

Keywords: Technological advancements; Pandemic; Artificial intelligence; Intellectual property regulations; Intellectual property right

INTRODUCTION

The term artificial intelligence may be dated back to 1956, when it was first coined at the Dartmouth College of New Hampshire, USA [1].

We've come a long way since John McCarthy, often regarded as the founder of AI due to his extraordinary contributions in the fields of computer science and AI, defined AI as "the science and engineering of making intelligent machines" [2]. In recent years, the field of AI has made remarkable development and transformation, with multiple innovative advancements shaping the way humans interact with technology and its impact on diverse industries.

Intellectual Property (Henceforth, IP) refers to any genuine invention of human intelligence, which may be artistic, literary, technical, or scientific. These are primarily intangible properties that originated in the creator's mind (Concept) and were later turned to tangible (Being in reality) properties. Conversely, Intellectual Property Rights (Henceforth, IPR) relate to the legal rights granted to individuals or organisations for works or inventions resulting from their intellectual and creative

endeavours. These rights are intended to safeguard and promote innovation and creativity by granting creators and inventor's exclusive rights to use, profit from and govern their creations for a limited time.

Today, there are several examples of how human innovations and robotics, originated from human intellect, are constantly trying to create new things and evolve new ideas out of their algorithms that are useful in our day-to-day life. In a country like India, where the concept of IPR is rather new and still in its budding stage, it is thus crucial to frame a legislation which accommodates the technological advancements, while also setting new moral standards so as to preclude any unauthorized use, and to maintain transparency and accountability of AI.

DESCRIPTION

Artificial intelligence and intellectual property

The interaction between AI and IP creates an enthralling and intricate confluence at the heart of today's technology landscape. As AI continues to evolve, it intertwines with the principles and

Correspondence to: Aarya Dubey, Department of Society and Design, Maharashtra National Law University, Maharashtra, India; E-mail: aaryadubey25@gmail.com

Received: 16-Nov-2023, Manuscript No. IPR-23-23932; **Editor assigned:** 20-Nov-2023, PreQC No. IPR-23-23932 (PQ); **Reviewed:** 04-Dec-2023, QC No. IPR-23-23932; **Revised:** 09-Jan-2025, Manuscript No. IPR-23-23932 (R); **Published:** 16-Jan-2025, DOI: 10.35248/2375-4516.25.13.272

Citation: Dubey A (2025) Navigating The Digital Frontier: Intellectual Property Rights in The Era Of Artificial Intelligence. Intel Prop Rights. 13:272.

Copyright: © 2025 Dubey A. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

regulations regulating IP, resulting in profound ramifications across businesses and domains. This nexus between AI and IPR has emerged as a relatively new issue of controversy in the context of laws such as copyright and patent, resulting in frequent debates over the distinction between true human consciousness and artificial consciousness. One of the major dilemmas often faced, is the determination of culpability in the event of the failure of such innovations. The World Intellectual Property Organisation (WIPO) is constantly involved in such debates and discourses and actively seeks solutions to set aside such problems.

Existing IP regulations are insufficient to solve challenges such as identifying inventors and other infractions, when AI is involved in the creation or production of any work. There are several obstacles being faced by the policymakers which have also become a source of ongoing debates among lawmakers and scholars.

Artificial intelligence and copyright

Copyright is one of the significant intellectual property rights which provide the creators and authors with exclusive rights on their unique creative works for a set period of time. These exclusive rights grant them the authority over how their works are used, distributed and adapted by others. Copyright protection is meant to foster creativity and ensure that creators profit from their works. The intersection of AI and copyright laws emerges as an intriguing and varied domain in the ever-evolving realm of technology.

With its remarkable ability to generate, alter and disseminate digital content, AI has become entangled in the complex web of copyright rules and regulations. With the existing copyright law not giving recognition to the works generated by AI, it ignites a compelling debate about the future of the intellectual property. In the landmark Monkey Selfie Case [3], where the claim of copyright infringement was brought by People for the Ethical Treatment of Animals (PETA) on behalf of a monkey named Naruto, it was held by the United States Court of appeals that animals do not have standing in a court of law and therefore cannot sue for copyright infringement [4]. In yet another leading case of *Alfred Bell and Co. v. Catalda Fine Arts* [5], which dealt with the issue of claiming copyright over a reproduction of public domain artwork, the united states district court reaffirmed the principle that copyright is reserved for original creative works, not exact copies or replicas of works already there in the public domain, even if the recreation involves some technical skill. This verdict was a step back for those who claimed copyright for works created by AI, despite the fact that it was not a reproduction of work of other programmers and algorithms.

In India, the current Copyright Act [6] does not directly address AI-generated works or recognize AI as an author. To address the particular issues offered by AI technology, copyright rules need to be amended. These amendments could either include the acknowledgment of AI as a distinct entity or the formation of a new category of works devoted especially to AI-generated content, that is to say, the definition of "authorship" should be expanded to include both human and non-human authors.

Artificial intelligence and patent

Patent is one of the intellectual property rights which grants the bearer exclusive rights to an invention for a set length of time. The patent holder has the legal ability to prevent anyone from creating, using, selling or importing the patented innovation without their permission. The combination of AI and patent law is an intriguing intersection of innovation and intellectual property rights.

Because of the rapid advancement of AI technology, complicated problems and challenges have arisen about the nature of invention, inventorship and the patentability of AI-generated ideas. The primary questions to be addressed urgently are whether AI-created innovations must be covered under patent law, and if so, who should be recognised as an inventor for the production of such AI inventions. There are two schools of thought and academics one which believes that patenting AI work would add too much value to research and create a monopoly, while the other which believes that it would rather act as a catalyst, leading to potential innovations.

As per the Patent Act, 1970, anyone can file for a patent if he or she is the real and original inventor of an invention or an assignee of such person [7,8]. Further, after the literal reading of section 2(y) of the same act which does not clearly state that the innovation must be made by a human being, it may be conceivable to grant a patent for the creation made by AI technologies.

The deeper we delve into the intricacies of AI and patent, the clearer it becomes that the convergence of two disciplines has enormous promise for furthering innovation and human advancement. However, it also highlights the importance of addressing the ethical, legal and regulatory components in order to ensure that AI-powered products are used responsibly and equitably. It must be identified whether the patent rights of AI-generated inventions enhance the aim of the patent law or hinder human-conceived discoveries.

The contemporary legal scenario in India

When it comes to technological advancement, India is one of the key countries. However, like many other countries, it lacks a specific provision for regulating AI with IPR.

AI-generated works are not officially included in India's copyright legislation. Although, human authors are often granted protection for their creative expressions, AI-generated content and copyright rights are yet relatively unproven in Indian courts. The patent rules also do not apply where the technology of AI is the inventor although it is applied in a variety of areas, including pharmaceuticals and healthcare, to assist research and innovation.

In the modern age of advancements and innovations, it is unquestionably necessary to bring amendments to the existing IPR legislations. With the emergence of AI, a new era of invention has begun, challenging the established legal frameworks created for human centric inventors and producers. AI-related ethical and data privacy problems should also be addressed in the revised IPR legislation so as to preserve the

individuals' rights and retain their faith in the emerging advancements in the fields of science and technology.

The way forward

The current status of IP with respect to AI is flawed, with acknowledgment of AI-generated work being a step forward but implementation the actual issue. The following regulations are thus required:

- Reorganisation of uniform artificial intelligence.
- High demand for the artificial data protection Act.
- Establishing criminal penalties for infringement.
- Resolving ambiguities in the implementation of patent laws.

CONCLUSION

Legislators have a lot of leeway in developing standards to recognise such instances and offer the best legal protection possible. A balanced and forward thinking policy on IPR reform is not just a chance to foster AI progress, but also a way to protect the legal and moral underpinnings of intellectual property in a progressively intelligence driven world.

REFERENCES

1. Anyoha R. The history of artificial intelligence-science in the news. Harvard graduate school of arts and sciences. 2017.
2. Homage to John McCarthy, the father of Artificial Intelligence (AI). TENEO.AI (Sept. 1, 2023, 8:50 PM).
3. *Naruto v. Slater*, 16-15469 (9th Cir. 2018).
4. Guadamuz A. Can the monkey selfie case teach us anything about copyright law. WIPO Magazine, UK, 2018;1:40-46.
5. *Alfred Bell Co. v. Catalda Fine Arts*, 74 F. Supp. 973 (S.D.N.Y. 1947).
6. The Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).
7. The Patent Act, 1970, § 6, No. 39, Acts of Parliament, 1970 (India).
8. Judijanto L, Masruri M, Zakaria N, Bani-Domi ES, Al-Shreifien IA. Navigating the digital frontier: a comprehensive examination of copyright protection in the digital era, unraveling complex challenges, and proposing legal solutions. *Int J Soc Rev.* 2024;2(2):353-363.