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INTELLECTUAL PROPERTY RIGHTS AND ARTIFICIAL INTELLIGENCE

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ABSTRACT

Artificial Intelligence (AI) has revolutionized every field — from healthcare to law. However, it has also created complex legal challenges in the field of Intellectual Property Rights (IPR). The question arises: who owns the copyright or patent of a work created by AI — the programmer, the user, or the AI itself? This paper discusses how traditional IPR laws are adapting to technological changes, explores global approaches, and suggests reforms for India's legal system to address AI-generated creations.

Keywords: Artificial Intelligence, Intellectual Property Rights, Copyright, Patent Law, Legal Challenges.

INTRODUCTION

Artificial Intelligence (AI) refers to the ability of machines to perform tasks that normally require human intelligence, such as reasoning, learning, and decision-making. With the growth of AI tools like ChatGPT, DALL·E, and Google DeepMind, questions about authorship and ownership have emerged. Intellectual Property Rights (IPR) protect the creations of human minds — such as inventions, artistic works, and symbols. However, when a machine creates something original, the existing laws struggle to decide whether such creations qualify for legal protection. This paper aims to explore the intersection of AI and IPR and to understand whether current Indian and international laws are sufficient to handle AI-generated innovations.

OBJECTIVES OF THE STUDY

1. To understand the concept of AI and its relationship with IPR.
2. To examine whether AI-generated works can be protected under existing IP laws.
3. To compare India's legal approach with international developments.

4. To provide suggestions for legal reforms in this area.

RESEARCH METHODOLOGY

This research is doctrinal in nature and based on secondary sources such as books, research articles, online journals, and statutory laws like the Copyright Act, 1957, and the Patents Act, 1970.

UNDERSTANDING INTELLECTUAL PROPERTY RIGHTS (IPR)

Intellectual Property Rights are legal rights that protect creations of the intellect. They include:

- Copyright: protection of literary, artistic, and musical works.
- Patents: protection of inventions and technological innovations.
- Trademarks: protection of brand names and symbols.
- Designs: protection of aesthetic aspects of a product.

Traditionally, all these rights are granted to natural persons (humans). But with AI producing new works autonomously, this human-centric framework is under strain.

AI AND THE QUESTION OF AUTHORSHIP

AI systems like DALL·E or ChatGPT can create poems, artworks, or even inventions. But under Indian law, copyright ownership requires a human author. Section 2(d) of the Copyright Act, 1957 defines an author as the person who causes the work to be created — meaning a human being. Therefore, if AI creates a painting, there is uncertainty about whether it can be copyrighted at all. Similar confusion exists under the Patents Act, 1970, where an “inventor” must be a natural person.

Case Reference:

• Thaler v. Comptroller General of Patents (UK, 2021): The court held that AI cannot be considered an inventor under the UK Patents Act. The inventor must be a natural person.

• Narendra Kumar v. Union of India (India, 2020): Though not directly related to AI, the case highlighted that intellectual property ownership cannot be extended beyond what statutes explicitly allow.

GLOBAL PERSPECTIVES

- United States: The US Copyright Office has clarified that works generated by AI without human involvement are not eligible for copyright protection.
- European Union: The EU is considering creating a special legal category for AI-generated works.
- China: Courts have begun recognizing limited copyright protection for AI-generated content if human intervention is significant.

These differences show a global uncertainty and lack of uniformity in law.

CHALLENGES AND LEGAL ISSUES

1. Authorship and Ownership: Who owns the creation — AI, its user, or its programmer?

   2. Originality Test: Can an AI's creation be considered "original" if it is based on pre-fed data?
2. 3. Liability: If an AI infringes someone's IP rights, who should be held responsible?

   4. Moral Rights: Can AI have moral rights like attribution or integrity?

INDIAN LEGAL POSITION

Currently, Indian law does not recognize AI as a legal person.
- Copyright Act, 1957 → "Author" must be a human.
- Patents Act, 1970 → "Inventor" implies natural personhood.
- Trade Marks Act, 1999 → Only human or legal entities can apply.

Thus, AI creations are legally considered ownerless, unless a human is directly involved in the creative process.

SUGGESTIONS AND REFORMS

1. Amend IPR Laws: Define "AI-generated works" clearly and assign ownership to the human who operates or trains the AI.
2. Create a New Category: Introduce a separate class of protection for AI-generated works.
3. Establish AI Liability Rules: Determine responsibility for infringement or misuse caused by AI.
4. Promote International Cooperation: Develop uniform global principles for AI and IPR.

5. Encourage Policy Dialogue: Government and legal institutions should initiate public consultation to adapt the law to technological progress.

CONCLUSION

Artificial Intelligence is no longer just a tool; it has become a creator. However, our legal system still views creativity as a human quality. India must reform its IPR laws to address the challenges posed by AI-generated works. By balancing innovation with legal certainty, we can ensure that technology serves creativity without compromising justice and ownership rights.

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