

INTELLECTUAL PROPERTY RIGHTS AND ARTIFICIAL INTELLIGENCE

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ABSTRACT

² Intellectual Property (IP) refers to creations of the human mind. It includes things like inventions, literary and artistic works, and symbols, which are owned and created by humans being. IP is often called the “product of the mind” because it comes from human intellect that is thinking and creativity.

In present scenario, Artificial Intelligence (AI) plays a very important and dynamic role ⁶ in the field of Intellectual Property Rights (IPR). This paper goes through how AI affects the legal and policy aspects of IPR, especially in India. While AI helps in creating innovative products, it cannot own a copyright or patent. According to the Indian IPR laws (like the Patents Act, 1970), IP must be created by a human intellect, not a machine. AI is considered like a tool, much like a computer, that supports human creativity and innovation, but it cannot replace human intellect. In fact, AI itself is a result of human intellect.

AI can be very useful in generating new ideas, analyzing huge amounts of data, spotting trends, and even detecting violations of copyrights, patents, and trademarks quickly. But it still depends on human instructions and works for human benefit.

For example, a young scientist named Munir Khan from Lakhimpur Kheri, Uttar Pradesh, won the Engineering for Humanity Award 2025 for inventing smart glasses for visually impaired people through his start-up Cadre Tech-Notories Service LLC.

⁸ In the case of *Thaler* vs. *Comptroller General of Patents* (UK and EU), the courts ruled that AI ⁴ cannot be listed as an inventor in a patent application because inventor ship is limited to humans.

Keywords – Intellectual Property Rights, Artificial Intelligence, Invention, Copyright, Human Intellect

INTRODUCTION –

In today's digital world, Artificial Intelligence (AI) change the lifestyle by change the working style of human being. It probe in every field like health, education, business, and even in creating music, art, and writing etc. As AI becomes more advanced, it also brings new challenges—especially in the area of Intellectual Property Rights (IPR), which laws are made to protect human creativity and inventions. And who is responsible for plagiarism in research work.

Intellectual Property (IP) means something that is created by a person's mind or human intellect, like an invention, a book, a design, music. IPR laws give rights to people for protection of their original work. But now, since AI can also create things, a big question arise: Can something made by AI get legal protection? And who will own it—the person who made the AI or the AI itself?

This paper studies how AI is affecting IPR, especially in India. It looks at whether the current Indian laws are enough to deal with AI-related inventions and creative work. It also includes important cases like Thaler vs. Comptroller General of Patents, where the court said that AI cannot be listed as an inventor, because only humans can own IP.

Literature review

The intersection of Intellectual Property Rights (IPR) and Artificial Intelligence (AI) is a rapidly evolving field, necessitating a comprehensive literature review to understand its implications. This review synthesizes insights from various studies, highlighting the applications of AI in IPR, the challenges posed by generative AI, and the need for updated legal frameworks.

Applications of AI in IPR

AI technologies are increasingly utilized for patent searches, IP management, and infringement detection, enhancing efficiency in these processes(Yang, 2024).

Case studies demonstrate the effectiveness of AI in evaluating IP, revealing both advantages and areas needing improvement(Yang, 2024).

Challenges of Generative AI

Generative AI complicates traditional IPR frameworks by producing original content, raising questions about authorship and originality(Samuel, 2024).

The legal adequacy of existing IPR systems is scrutinized, emphasizing the need for reforms to address AI-generated works(Samuel, 2024).

Comparative Analysis of IPR Mechanisms

A comparative analysis of IP protection mechanisms across jurisdictions reveals strengths and weaknesses in safeguarding AI-driven innovations(Kazimi & Thalwal, 2024).

The study suggests actionable recommendations for policy reforms to balance robust IP protection with fostering innovation(Kazimi & Thalwal, 2024).

While the integration of AI into IPR ¹¹ presents significant opportunities for innovation, it also poses ethical dilemmas and challenges that require ongoing legislative adaptation to ensure that both human creativity and technological advancements are adequately protected.

METHODOLOGY

This research is based on doctrinal (library-based) methodology, which involves the study of legal texts, case laws, statutes, academic articles, and policy documents. The purpose is to understand the legal position of Intellectual Property Rights (IPR) in relation to Artificial Intelligence (AI), in the Indian context.

³ 1. What are Intellectual Property Rights (IPR)?

Intellectual Property Rights (IPR) are laws that give people the right to protect their own original ideas and creations. This includes things like inventions, art, music, books, software, and more. These rights stop others from copying or using someone's work without permission.

There are different types of IPR:

- Patent – Protects new inventions or machines.
- Copyright – Protects creative work like books, music, movies, and artwork.
- Trademark – Protects brand names, logos, or slogans used in business.
- Designs – Protect the way a product looks.

These rights help people feel safe to create new things because they get credit and legal protection over their work.

2. What is Artificial Intelligence (AI)?

¹ Artificial Intelligence (AI) is when machines or computers are able to do things that normally need human **thinking**. This includes learning, solving problems, making speech, pictures, or taking decisions.

AI is used in every areas, like:

- Healthcare – Helping doctors find and treat diseases.
- Education – Apps and tools that help students learn better.
- Law – Assisting lawyers in finding legal information.
- Business – Chabot that answer customer questions.
- Arts – Creating songs, paintings, or stories.

In short, AI helps make tasks easier, faster, and smarter.

How AI is Used in Intellectual Property

Artificial Intelligence (AI) is now helping a lot in the field of Intellectual Property (IP) in-

- Creating new inventions and technologies.
- Writing poems, articles, and songs.
- Making new designs or artworks
- Studing large data and find patterns
- Quickly detect infringement of copyrights or trademarks.

Now a big question arise : if AI creates something, can it get protection under IP laws? Right now, the law says that only humans can be inventors or authors. AI is treated like a tool—just like a calculator or a computer—that helps people create things, but it can't be the creator itself.

3. Legal Problems with AI and IPR

There are several legal problems comes before AI and Intellectual Property:

Who owns the work? – If AI makes or invent something, is it owned by the person on whose behalf it is made, the person who used it, or the company?

- Can AI be called an inventor? – Courts have said no, only humans can be inventors.
- Can AI-created songs or pictures be copyrighted? – The law isn't clear on this yet.

Who is responsible if AI copies from somebody's work? – It's rigorous to decide who should be accused.

Important Case: Thaler vs. Comptroller General of Patents

A scientist named Stephen Thaler used his AI system called DABUS to create new inventions. He tried to get a patent in the UK and Europe by naming DABUS (the AI) as the inventor. However, the court rejected his request, saying that only humans can be inventors under the law¹. This case shows that today's IP laws do not allow AI to be seen as a legal creator or inventor.

4. Indian Viewpoint

In India, laws like the Patents Act, 1970 and Copyright Act, 1957 clearly say that inventions or creative works must be made by a human intellect². Indian law does not yet allow AI to be treated as an inventor or author.

¹Thaler V. Comptroller General of Patents, UK & EU – AI cannot be named as an inventor.

² Patents Act, 1970 & Copyright Act, 1957 – Only humans can be authors/inventors.

However, AI is still being used in helpful ways in India, such as:

- Assisting lawyers with legal research
- Finding cases of copyright or trademark infringement and passing off.
- Helping startups and businesses grow through new technology³

India is also working on a plan called the National Strategy on AI, but legal changes related to IPR and AI are still in the early stages⁴.

5. Example of Indian Innovation

A young scientist named Munir Khan from Lakhimpur Kheri, Uttar Pradesh, invented smart glasses to help blind people. His innovation won the Engineering for Humanity Award 2025. His company, Cadre Tech-Notories Service LLC, is using technology to help society. This shows how human creativity, supported by tools like AI, can lead to amazing and useful inventions⁵

CONCLUSION – AI is helping humans a lot to create new ideas, but current IPR laws only give rights to humans, not machines. Cases like Thaler vs. Comptroller show that AI can't be an inventor. In India, AI is useful in research and innovation, but legal rules need to be updated. AI is becoming more common in legal research, copyright detection, plagiarism detection and pharmaceutical innovation. This means there is an urgent need to update IPR laws and policies to match the fast growth of technology, while still protecting human rights and creativity. We must change laws carefully to support both technology and human creativity.

REFERENCE

Vesala, J. and Ballardini, R., 2019. AI and IPR infringement: a case study on training and using neural networks. In *Regulating Industrial Internet through IPR, Data Protection and Competition Law*. Kluwer Law International.

Zekos, G.I. and Zekos, G.I., 2021. AI and IPRs. *Economics and Law of Artificial Intelligence: Finance, Economic Impacts, Risk Management and Governance*, pp.461-489.

³ Use of AI in Indian legal and business sectors is increasing.

⁴ India's National Strategy on AI by NITI Aayog is under development.

⁵ Real-world example showing the power of human-AI collaboration.

Ray, A., 2023. AI in IPR: Leveraging Technology for Efficiency and Addressing Concerns. Ananya Ray, AI in IPR: Leveraging Technology for Efficiency and Addressing Concerns, *Ile Lex Speculum (Ile Ls)*, 1(1), pp.333-341.

Lal, S., Singh, B. and Kaunert, C., 2024. Role of Artificial Intelligence (AI) and Intellectual Property Rights (IPR) in Transforming Drug Discovery and Development in the Life Sciences: Legal and Ethical Concerns. *Library of Progress-Library Science, Information Technology & Computer*, 44(3).

Soni, T., 2024. Impact of AI on IPR Framework. Available at SSRN 4831898.

Jammula, S. and Kanjula, M.R., 2024, March. AI and IPR: Balance Between Innovation and Creativity. In *International Ethical Hacking Conference* (pp. 343-350). Singapore: Springer Nature Singapore.

Smits, J. and Borghuis, T., 2022. Generative AI and intellectual property rights. In *Law and artificial intelligence: Regulating AI and applying AI in legal practice* (pp. 323-344). The Hague: TMC Asser Press.

Panjabi, A., 2024. Evaluating IPR Laws for AI-generated content: Challenges and Opportunities. *Library of Progress-Library Science, Information Technology & Computer*, 44(3).

SINGH, M., 2024. The Impact of Artificial Intelligence On Intellectual Property Rights In The Legal Perspective.

Picht, P.G. and Thouvenin, F., 2023. AI and IP: Theory to policy and back again—policy and research recommendations at the intersection of artificial intelligence and Intellectual Property. *IIC-International Review of Intellectual Property and Competition Law*, 54(6), pp.916-940.

Kibirige, H., 2024. The Delving Conundrum of Intellectual Property Rights in The Transformative Era of Artificial Intelligence. Available at SSRN 4841535.

Oguama, L., 2022. Intellectual property and artificial intelligence: Emerging prospects and challenges. Available at SSRN 4046151.

Drexl, J., Hilty, R.M., Desautettes-Barbero, L., Globocnik, J., Gonzalez Otero, B., Hoffmann, J., Kim, D., Kulhari, S., Richter, H., Scheuerer, S. and Slowinski, P.R., 2021. Artificial intelligence and intellectual property law-Position statement of the max planck institute for innovation and competition of 9 April 2021 on the current debate.

Bibliography

1. *Thaler v. Comptroller General of Patents*, [2021] EWCA Civ 1374 (UK Court Appeal).

2. Patents Act, 1970 (India).

3.The Copyright Act, 1957 (India).

4.NITI Aayog. (2018). National Strategy for Artificial Intelligence. Government of India.

5. WIPO. (2021). Artificial Intelligence and Intellectual Property Policy. World Intellectual Property Organization.

6. P. M. (2020). Artificial Intelligence and Intellectual Property Rights: Emerging Legal Issues. Journal of Intellectual Property Rights, 25(3), 123-131.

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