

Machines, Authorship, and the Law: Rethinking Intellectual Property Frameworks in the Age of Artificial Intelligence

JINESH M (ASSISTANT PROFESSOR (LAW) VELS SCHOOL OF LAW (VISTAS), CHENNAI)

In: DSGE 2026 | University of Mumbai (Department of LAW) | IFIM College | Book of Abstract. ISBN 978-81-992602-2-0.

The rapid rise of artificial intelligence in creative and innovative fields has sparked a significant crisis in how we think about technology and intellectual property law. Traditional copyright and patent systems, which are based on the idea of human authorship and inventorship, struggle to keep up with the reality of works created by AI, ranging from self-written novels to drugs designed by algorithms. This paper dives into the new legal hurdles that generative AI systems present to established intellectual property laws, focusing on key issues like authorship, ownership, and how to properly encourage innovation.

By looking at recent legal developments, such as the 2023 guidance from the United States Copyright Office on AI-generated content, the Federal Circuit's handling of AI inventorship in *Thaler v. Vidal*, and the European Patent Office's rejection of applications attributed to DABUS, this paper argues that our current legal frameworks are being pushed to their limits. The discussion places these judicial and regulatory actions within the larger debate between incentive-based and author-rights theories of intellectual property, suggesting that neither approach fully captures the unique nature of creativity generated by AI.

The paper takes a closer look at various proposed legislative and policy measures, such as establishing a unique *sui generis* right for outputs created by AI, implementing compulsory licensing systems, and determining ownership rights for those who deploy or develop AI technologies. It wraps up by stating that a well-rounded regulatory approach requires not just tweaks to existing doctrines but a complete rethinking of what intellectual property law should aim to achieve in this age of non-human intelligence. Given that AI operates across borders, achieving international consistency will be crucial to avoid a patchwork of regulations.