

Artificial Intelligence and Intellectual Property Suman Chopra

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Artificial Intelligence and Intellectual Property: Navigating Ownership, Liability, and Legal Personhood in the Age of Autonomous Creativity

Abstract: The rapid advancement of Artificial Intelligence (AI) has significantly disrupted traditional frameworks of Intellectual Property (IP) law, raising complex questions regarding authorship, ownership, and liability. AI systems, particularly generative models, are now capable of producing creative works, inventions, and designs with minimal human intervention, thereby challenging the foundational principles of copyright and patent law, which are premised on human ingenuity. This paper critically examines whether AI-generated outputs qualify for protection under existing IP regimes and, if so, who should be recognized as the rightful owner—the developer, the user, or the AI itself.

From a copyright perspective, jurisdictions such as the United States and India emphasize human authorship as a prerequisite for protection, as reflected in decisions like *Thaler v. Perlmutter*, where the court denied copyright protection to AI-generated works lacking human input. Similarly, patent law has resisted recognizing AI as an inventor, as seen in global litigation surrounding the DABUS system (*Thaler v. Vidal*). The paper also explores issues of infringement arising from the use of copyrighted datasets for training AI models, raising concerns under doctrines of fair use and data scraping.

Further, the study addresses emerging legal debates on AI liability, including accountability for harm caused by autonomous systems, and evaluates whether existing legal frameworks such as tort law and product liability are sufficient. It also considers the need for sui generis legal frameworks or amendments to existing statutes to accommodate AI-driven innovation. By analyzing international developments and statutory interpretations, this paper highlights the urgent need for a harmonized and adaptive legal approach to balance innovation with the protection of creators' rights.

Keywords: Artificial Intelligence; Intellectual Property; AI-generated works; Copyright law; Patent law