

Data Colonialism vs. Digital Self Determination A Legal Framework for Sovereign AI Infrastructure Harish Yadav(1)

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

Data Colonialism vs. Digital Self-Determination: A Legal Framework for Sovereign AI Infrastructure

Abstract Harish yadav¹

Abstract

The rapid advancement of Artificial Intelligence (AI) is fundamentally reshaping the global landscape of intellectual property (IP), human rights, and knowledge governance. This paper examines the critical intersection of digital sovereignty and global equity in the AI era, arguing that current IP frameworks, designed for the pre-AI industrial age, are increasingly inadequate to address the unique challenges posed by generative AI, data-driven innovation, and algorithmic creativity.

At the core of this transformation lies a profound tension between protecting innovation and ensuring equitable access to knowledge. AI systems, trained on vast datasets often scraped from the internet without consent, raise complex questions regarding copyright infringement, ownership of AI-generated content, and the moral rights of original creators. These issues disproportionately affect Global South nations, exacerbating existing digital divides and threatening cultural rights and traditional knowledge systems. Indigenous communities and biodiversity-rich countries face heightened risks of bio piracy and cultural appropriation as AI tools commodify their ancestral knowledge and genetic resources.

The paper analyses how emerging legal challenges in AI-IP intersect with fundamental human rights, including the right to science and culture, freedom of expression, and the right to development. It critiques the dominance of Western-centric IP regimes in international trade agreements and highlights the urgent need for redefining global governance mechanisms that balance innovation incentives with principles of digital sovereignty and global equity.

Drawing on principles from international human rights law, biodiversity conventions, and cultural heritage frameworks, this study proposes a more inclusive approach to IP reform. It advocates for the recognition of collective rights over traditional knowledge, mandatory benefit-sharing mechanisms in AI development, and the establishment of equitable data governance models that prioritize access to

knowledge as a public good.

Keywords: Digital Sovereignty, Global Equity, Artificial Intelligence, Intellectual Property, Human Rights

--- 1. ASSISTANT PROFESSOR, NEHRU MEMORIAL LAW COLLEGE,
RAJASTHAN.[??](#fnref1)