

The IP Press

IP THREADS

FROM THE PENS OF IPHOLICS

ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY RIGHTS



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ABOUT THE IP PRESS

We believe writing and digitalisation are two ultra- modern weapons of today and torch bearers for tomorrow. With our thoughts penned down on this blog, we bring you our opinion on the emerging issues in the intellectual property (IP) laws.

The IP Press is a team of IP-Holics, who started this blog to ensure access to the latest intellectual property (IP) issues for all the IP hopefuls. Our focus would be to address IP concerns of stakeholders, students, academicians, researchers, start-ups, etc. and guide them to attain and enforce their IP rights.

We, not only hold expertise in law and IP, but our team of technically-skilled professionals, IP specialists and patent agents gives us a better understanding to deal with technical issues in IP. To focus on national and international issues, we are supported with international IP experts as well.

The IP Press is a rapidly growing platform dedicated to Intellectual Property (IP) law education and awareness. Ranked 9th on Feedspot, The IP Press has successfully conducted multiple courses and webinars, impacting over 3,000 students to date.

Below is an insight into the objectives of starting this blog:

- Spread awareness on the latest IP issues
- Conduct workshops for the IP professionals;
- Seminars and video lectures for the IP aspirants;
- Review and comment on the IP policies;
- Encourage and foster the IP culture;
- Career counselling for students who are interested in building their career in IP;
- Motivating stories of the IP professionals; and
- A team of academicians to provide advice on the IP disputes



INDUSTRY COLUMN

“The way so many copyright law disputes have come up across multiple jurisdictions in the global economy, and the way countries have adopted positions on AI and copyrights show something stark that the focus of infringement of any intellectual property rights is ought to have a more trade secret, knowledge management & tech law or general economic law basis, since the application of traditional copyright law frameworks will not be possible at the risk of banning a technical practice. However, in patent law, we might see some stratification of software patent-related applications and disputes, which India’s IP practitioners may find interesting. There is also one shiny possibility of AI and plant varieties. If the assistive role of AI in shaping these genetically modified crops increases somewhere, it might create a new hybrid IP and knowledge management frontier as well.”



MR. ABHIVARDHAN

FOUNDER, INDIC PACIFIC
LEGAL RESEARCH
PRESIDENT, INDIAN SOCIETY
OF ARTIFICIAL INTELLIGENCE
AND LAW



MR. VIBHAV MITHAL

ASSOCIATE PARTNER, ANAND &
ANAND

“For anyone thinking on Artificial Intelligence and Intellectual Property, they must understand that both AI and IP, are two separate disciplines by themselves, and the intersection of AI with IP is a third discipline. The term AI was coined in 1955 and not in November 2022 when Chat-GPT became popular. IP Law (exclusive rights) goes back to 500 BC. To know the intersection of AI and IP, you must be clear about your IP law basics and must put in independent hard work to understand AI. There is scope for lawyers who look at AI from a non-technical perspective, however you must come to AI through a firm legal lens (IP, Data, Arbitration or anything else). When you reach AI, you must be comfortable in going law plus, because current laws may only answer a part of the AI issues. To find the other part, you must think beyond laws, and how do you build effective guard-rails without laws. This second part will come from your understanding of AI.”

"Artificial Intelligence is reshaping Intellectual Property Rights (IPR), challenging traditional concepts of authorship and ownership. Algorithms now produce art, music, code, and inventions, yet most jurisdictions including the U.S. require human authorship for copyright protection. U.S. courts consistently deny copyright for works generated autonomously by AI. Globally, legal responses vary: China recognizes copyright for AI-assisted works with clear human input, while the EU's AI Act stresses transparency and accountability in training data. AI democratizes creativity and accelerates innovation, but legal and ethical concerns persist particularly around copyright infringement from training datasets and unclear ownership. This moment demands rethinking how we can protect creativity without hindering collaboration, and how fairness is ensured when machines contribute to human expression. The future of IPR will be shaped not only by lawyers and lawmakers, but also by technologists, ethicists, and creators requiring informed, adaptive, ambient and inclusive legal evolution."



MR. ABHISHEK SEN

SENIOR PATENT ATTORNEY &
DIRECTOR (HI-TECH &
ENGINEERING) AT S.
MAJUMDAR & CO.



MS. ARUNIMA JHA

HEAD OF LEGAL COMPLIANCE,
AT KGL (CJK GROUP), INDIA /
BOMBAY HIGH COURT
ADVOCATE

"IP and AI aren't just crossing paths anymore, they're basically moving in together. AI is now writing songs, designing logos, generating art, and even assisting with scientific discoveries. That's amazing, but it also throws up some tricky questions: Can AI be credited as an inventor? Who actually owns what it produces? And how do we make sure it's not unintentionally copying someone else's work?"

On the practical side, AI is making IP work faster and sharper, think instant trademark searches, automated infringement detection, smart patent analytics, and even trend forecasting. For young lawyers, this is a front-row seat to a once-in-a-generation shift. If you can speak both "law" and "tech," you won't just stay relevant, you'll help shape the rules everyone else plays by".

NATIONAL NEWS

INDIA'S DPIIT LAUNCHES COPYRIGHT REVIEW TO ADDRESS AI-DRIVEN LEGAL CHALLENGES

India's Ministry of Commerce and Industry, through the Department for Promotion of Industry and Internal Trade (DPIIT), has formed an eight-member expert committee. The committee will evaluate whether the Copyright Act of 1957 is still effective in the age of artificial intelligence. Established by an office memorandum on April 28, 2025, the panel consists of government officials, IP lawyers, industry representatives, and AI experts. Its job is to examine the legal, technological, and policy challenges that come from using AI in content creation and to suggest changes to national copyright law. This move comes after increased scrutiny over claims that AI platforms, especially OpenAI, may have used content from Indian publishers without their permission to train models like ChatGPT. A high-profile lawsuit filed by NDTV, Indian Express, and Hindustan Times against OpenAI in the Delhi High Court raises serious concerns about possible copyright violations in AI training data. The committee is expected to create a detailed working paper that clarifies issues of authorship, ownership, licensing, and fair use in AI-generated content. Current laws do not provide enough clarity on these topics.

Notably, one member of the committee has asked to step down, citing a lack of expertise in AI. This highlights the difficulty in finding suitable representatives for the committee. The panel's findings are likely to shape future changes to India's Copyright Act. This will help ensure that laws effectively deal with the new challenges posed by generative AI. This move is a significant step toward reconciling traditional copyright principles with quickly changing AI technologies.



INDIA HONORS INNOVATORS AT NATIONAL INTELLECTUAL PROPERTY AWARDS 2024

On March 26, 2025, Union Minister Shri Piyush Goyal stressed the important role of innovation in India's growth at the National Intellectual Property (IP) Awards 2024, which took place at Bharat Mandapam in New Delhi. The awards recognized achievements in IP creation and commercialization in 13 categories, highlighting contributions from individuals, institutions, startups, small and medium enterprises, and corporations.

Shri Goyal pointed out India's rise in the Global Innovation Index, moving from rank 81 in 2015 to 39. He mentioned key reforms such as an 80% fee reduction for women entrepreneurs and startups, as well as AI-based systems for quicker trademark and patent processing. He also announced infrastructure improvements, including a new IP office in Dwarka and the hiring of 400 patent examiners. Shri Goyal called for judicial reforms, suggesting the establishment of IP benches in High Courts and internships for law students. He emphasized the need to integrate AI and data analysis in IP enforcement, improve copyright protection, and promote public-private research and development through the Anusandhan National Research Foundation. The event also presented WIPO Awards, connecting India's IP recognition with global platforms and reinforcing India's goal to become a leading innovation center worldwide.

IPR BOOM: INDIA RECORDS MASSIVE GROWTH IN FILINGS ACROSS ALL CATEGORIES

India has seen a remarkable 44% increase in Intellectual Property Rights (IPR) filings over the past five years, according to new data from the Ministry of Commerce and Industry. The number of applications rose from 4.77 lakh in 2020 to 6.89 lakh in 2025. This reflects a significant boost in the country's innovation and legal awareness. Geographical Indications (GIs) experienced an impressive 380% rise. Design registrations increased by 266%, and patent filings went up by 180%. Copyrights and trademarks also grew substantially, rising by 83% and 28%, respectively, while applications for Semiconductor Integrated Circuit Layout Designs increased by 20%. This upward trend is linked to policy reforms, better digital filing systems, and greater IPR awareness among startups, MSMEs, and research organizations. The government's efforts through the National IPR Policy and Startup India have further supported this growth. This positions India as an emerging global hub for innovation and intellectual property protection.

U.S. PLACES INDIA ON IP PRIORITY WATCH LIST OVER PROTECTION GAPS

New Delhi, May 1, 2025. The United States Trade Representative (USTR) has once again put India on its Priority Watch List in the 2025 Special 301 Report. The report points out serious issues in India's intellectual property (IP) framework. It raises concerns about India's weak enforcement, gaps in data exclusivity for pharmaceuticals, and problems with patent protection for life sciences and digital innovation.

The USTR states that India's uneven application of patent standards and delays in legal and administrative processes hold back innovation. The report also notes the lack of protection against the unfair use of test data collected by pharmaceutical companies.

Indian officials argue that the country's IP system meets the World Trade Organization's TRIPS Agreement and balances innovation with public needs. Industry experts see this move as added pressure on India to better align with global IP standards, especially in fields like biotech, AI, and pharmaceuticals. This designation might affect upcoming trade talks and could impact India's goal of establishing itself as a global innovation hub.

STRENGTHENING INNOVATION: KERALA'S VISION FOR IPR AND TK

Kerala's government has proposed a major update to its Intellectual Property Rights (IPR) policy, the first significant change in 17 years. Shri prepared the Draft IPR and Traditional Knowledge (TK) Policy 2025. R.S. Praveen Raj, Senior Principal Scientist – Intellectual Property Management & Technology Transfer, CSIR-NIIST, Thiruvananthapuram, introduces several reforms aimed at protecting traditional knowledge, boosting innovation, and ensuring fair benefit sharing. A key aspect of the draft is the Traditional Knowledge Docketing System (TKDS). This system will record custodianship, location, and community rules for traditional knowledge without granting exclusive rights. This approach addresses worries about commodification and misuse. At the same time, the proposal plans to establish "Knowledge Societies." These community trusts will manage, research, and commercialize traditional knowledge through fair benefit-sharing agreements. The policy also proposes the creation of a Kerala Traditional Knowledge Authority (KTKA). This authority will oversee the recognition of custodianship, legal protection, and the distribution of benefits. Additionally, the draft suggests setting up a Mission IPR, establishing an IPR Academy, and requiring IPR Cells and IP Management Committees in educational and research institutions to improve IP knowledge and support innovation. The policy connects Kerala with the National IPR Policy (2016) while confirming the state's right to create laws on non-patent protection methods specifically designed to safeguard cultural heritage.

INTERNATIONAL NEWS

TOWARD HARMONISATION: WIPO'S AI-IP TRACKER HIGHLIGHTS GLOBAL LEGAL

In July of 2025, the World Intellectual Property Organization (WIPO) announced the launch of its widely anticipated AI Policy Tracker, a public resource designed to track and map how various countries are responding to the intellectual property challenges raised by AI. This tool represents a significant step toward fostering international dialogue, transparency, and harmonization in the evolving landscape of AI and IP law. The Tracker currently incorporates data on more than 80 jurisdictions and draws comparisons on how countries address issues related to the patentability of AI-generated inventions, copyright ownership in AI-generated materials, and the use of AI in the administration of IP matters by IP offices. By categorizing the country responses under key legal themes, the Tracker allows legal practitioners, policymakers, and researchers to understand the state of play globally and where the laws are converging and diverging. This tool has been developed at a time when the conversations regarding AI inventorship and authorship are intensifying.

For example, while the US Patent and Trademark Office (USPTO) asserts that an inventor must be a natural person, the governing IP authority in South Africa had a patent in the name of an AI system (DABUS) as the inventor. These divergent legal positions illustrate how we need to coordinate and be informed in ways to better govern the intellectual property aspects of AI. For example, while the US Patent and Trademark Office (USPTO) asserts that an inventor must be a natural person, the governing IP authority in South Africa had a patent in the name of an AI system (DABUS) as the inventor. These divergent legal positions illustrate how we need to coordinate and be informed in ways to better govern the intellectual property aspects of AI.



REGULATING INTELLIGENCE: EU'S AI CODE INTRODUCES NEW COMPLIANCE ERA FOR GPAI PROVIDERS

On July 10, 2025, the European Union published the final version of its General-Purpose AI Code of Practice, a key element under the broader EU AI Act. This voluntary code was created by a group of 13 independent experts along with many other stakeholders in the industry and builds on three principles: transparency, compliance with copyright, and safety and security of advanced artificial intelligence systems (AI systems).

The code is voluntary upon launch, but provides signatories with a “rebuttable presumption” of compliance with Article 53 of the AI Act, which provides needed legal certainty. The transparency and copyright sections apply to all general-purpose AI (GPAI) providers and require substantial model documentation and detailing of safeguards for copyrighted training data. The safety and security sections, on the other hand, are for frontier GPAI models—like OpenAI’s GPT-4, Google’s Gemini, Meta’s Llama, and Anthropic’s Claude—that face the heaviest expectations.

The code becomes mandatory on August 2, 2025. Providers of new GPAI models are expected to comply immediately, while providers of existing systems will have until August 2, 2027, to transition. This staggered implementation is intended to balance the EU’s goals of being a leader in harmonization of AI regulation internationally, while allowing a compliance transition schedule for the significant developers of AI.

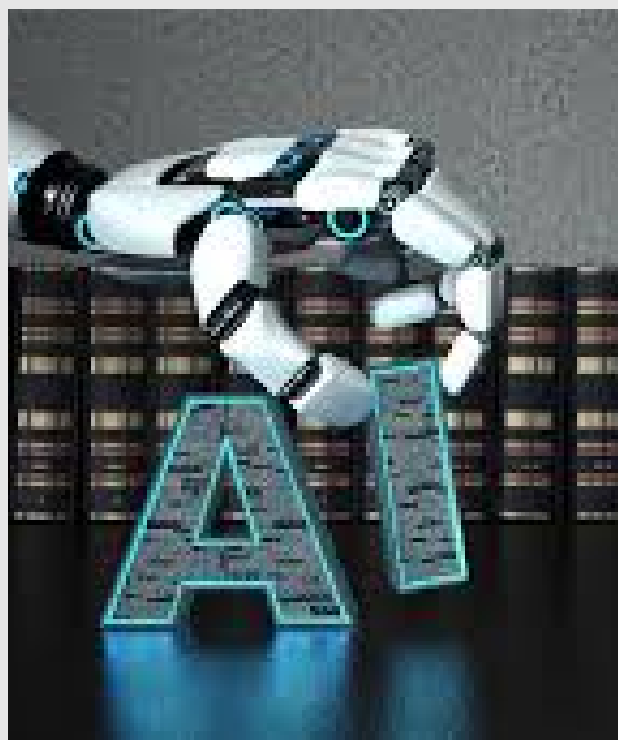


JAPAN TAKES THE LEAD: PATENT LAW AMENDED TO RECOGNIZE AI-GENERATED INVENTIONS

In an unprecedented step, Japan amended its patent law in May 2025 to reflect the use of artificial intelligence in the invention process. The amended law, released by the Japan Patent Office (JPO), also made it clear that an invention made with the assistance of an AI tool is patentable, provided there is still a human inventor who is involved in a meaningful way. This update of the law resolves uncertainties over authorship and ownership of AI-assisted inventions and provides clear processes surrounding disclosure, attribution, and rights.

Most importantly, the amendment does not regard AI to be an inventor. This decision follows the lead set by the United States Patent and Trademark Office (USPTO) reiterated that while AI-assisted inventions are patentable, AI systems cannot be recognized as inventors. However, by identifying the processes of collaboration with humans and AI, Japan gives a pathway for inventors and companies to navigate the increasingly indistinct line between machine assistance and human input.

With this amendment, Japan establishes itself as a regulatory leader in an often-divisive intellectual property landscape, providing clarity in a legal grey area that has challenged traditional patent systems across the globe. The article on Japan's approach is an appropriate reference point for innovators, patent professionals, and policymakers in India, especially as India comes to terms with its IP laws in a world driven by AI.



USPTO EXPANDS GLOBAL REACH: FAST-TRACK PATENT GRANTING WITH BELIZE, GUATEMALA, AND UAE

In July 2025, the United States Patent and Trademark Office (USPTO) announced a new accelerated patent-granting initiative with the Intellectual Property Offices of Belize, Guatemala, and the United Arab Emirates. These new partnerships are intended to support faster access to international patent rights by creating processes for faster identification of U.S.-granted patents abroad.

Under the agreement, as soon as a U.S. utility or plant patent is granted, these countries, Belize, Guatemala, and the United Arab Emirates, have committed to expediting their examination and granting processes for the corresponding applications. Access to international patent rights is usually a lengthy and burdensome process. This greatly reduces the time and bureaucratic burden of obtaining this multinational protection and offers better access for inventors, especially for startups and SMEs, to commercialize their innovations abroad.

The news is of importance to Indian innovators and businesses looking to obtain international protection, as it highlights a trend toward collaborative patent recognition and harmonization, as evidenced by the agreement. Ultimately, the acceleration process compresses the time from U.S. grant to international protection while also reducing the assessment risk for patentees, facilitating cross-border investment in R&D. These fast-track patent agreements indicate the USPTO's intent and commitment to enhancing innovation through global collaboration and paving the way for future bilateral and multilateral cooperation on intellectual property.



UK CONSIDERS COPYRIGHT REFORM FOR AI-CREATED WORKS: JUNE 2025 CONSULTATION OPENS DEBATE

In June 2025, the UK Intellectual Property Office (UK IPO) began a consultation process to review the extent to which copyright law in the UK should accommodate copyright protection for AI-generated creative works, which could cover music, text, and visual artefacts. This consultation covers various recipients of copyright protection across the UK creator community (including creators, technology companies, lawyers, and the general public) about whether creative works produced in the absence of direct human authorship can be granted copyright protection, and if so, under what requirement(s).

In the UK, computer-generated works receive limited protection under Section 9(3) of the Copyright, Designs and Patents Act 1988, which grants authorship to the individual who made arrangements for copyright protection of a work. However, developments in generative AI models are stretching the reach of Section 9(3), and the government is considering whether the law retains its purpose and respects the limits of the law.

The UK IPO consultation process represents an important moment of introspection for common law jurisdictions and is a good opportunity for Indian lawmakers, academics, and innovators to consider the challenges we face and what responses we invoke. The willingness of the UK to review the potential of reform, whilst being appropriately law cautious, will resonate with other states facing similar dilemmas regarding authorship, originality, and liability in the AI context. As jurisdictions diverge or converge on this issue, the outcome of the UK consultation could shape the future of global copyright governance in the age of artificial creativity



DOMESTIC CASE LAWS

Ankur Warikoo

v.

John Doe & Ors.

2025 SCC OnLine Del 3727

Delhi High Court

Facts

Ankur Warikoo, a well-known entrepreneur and motivational speaker, filed a lawsuit after discovering that his name, likeness, voice, and registered trademark, “Warikoo,” were used without permission in AI-generated deepfake videos and impersonation profiles on social media. This content misled users and damaged his personal and professional reputation.



Issue

Ankur Warikoo, a well-known entrepreneur and motivational speaker, filed a lawsuit after discovering that his name, likeness, voice, and registered trademark, “Warikoo,” were used without permission in AI-generated deepfake videos and impersonation profiles on social media. This content misled users and damaged his personal and professional reputation.

Judgement

The Delhi High Court issued a broad John Doe injunction, stopping unnamed individuals from further misuse and ordering social media platforms to remove infringing content within 36 hours. The Court based its decision on Article 21 (right to privacy), Section 29 of the Trade Marks Act, 1999, and Rule 3 of the IT Rules, 2021. This case is significant as it is India’s first judicial acknowledgment of AI-generated deepfake harms. It sets a standard for personality rights in the digital age and broadens trademark protection against new technological threats.

Rajat Sharma & Anr.

v.

Tamara Doc & Ors.

MANU/DEOR/135845/2024

Delhi High Court

Facts

Well-known journalist Rajat Sharma filed a suit in the Delhi High Court after finding out that his name, photo, and voice were used without permission. This included AI-generated and deepfake content promoting a health product. The false representation suggested that he endorsed the product and spread widely across digital platforms.



Issue

The main legal question was whether using AI to replicate Sharma's persona without his consent violated his personality rights, right to publicity, and right to privacy. Additionally, the court had to decide if immediate relief should be granted.

Judgement

The Court issued an ex parte interim injunction to stop the misuse and ordered social media platforms to remove the infringing AI content. The ruling referenced Article 21 of the Constitution, Sections 29 and 30 of the Trade Marks Act, 1999, and the IT Rules, 2021. It acknowledged that digital impersonation using AI tools infringes on personality and publicity rights. This case came up as one of the prominent precedents in the domain of protection of personality rights against AI-driven deepfake misuse, establishing an important milestone in AI and intellectual property law.

Zydus

v.

Bristol-Myers Squibb / ER Squibb

CS(COMM) 376/2024

Delhi High Court

Facts

In *Zydus Lifesciences Ltd. v. ER Squibb & Sons, LLC and Bristol-Myers Squibb Holdings Ireland Unlimited Company* (2024), the Delhi High Court addressed a patent infringement case involving Nivolumab, an important immunotherapy drug for cancer treatment. The plaintiffs, who hold a valid Indian patent until 2027, claimed that Zydus's biosimilar breached their exclusive rights.



Issue

Did Zydus's biosimilar product infringe on the plaintiffs' patented formulation, justifying an interim injunction under the Patents Act, 1970?

Judgement

The Delhi High Court sided with the plaintiffs, granting an interim injunction that prevents Zydus from producing or selling the biosimilar. The Court pointed out that Zydus did not prove that their product did not infringe the patent. The ruling maintained the integrity of Section 48 of the Patents Act, which gives exclusive rights to the patent holder, and referenced Section 108 regarding relief in infringement cases. This ruling strengthens India's commitment to protecting pharmaceutical patent rights, especially in the expanding field of biosimilars. It shows a fair approach to safeguarding innovation under Indian intellectual property law.

Ustad Faiyaz Wasifuddin Dagar

v.

A.R. Rahman & Ors.

CS(COMM) 773/2023

Delhi High Court

Facts

Well-known classical vocalist Ustad Faiyaz Wasifuddin Dagar argued that the song “Veera Raja Veera” from the 2023 film Ponniyin Selvan 2, composed by A.R. Rahman, largely copied his original Dhrupad piece “Shiva Stuti” in raga Adana, despite some minor differences in lyrics and style.



Issue

The case focuses on whether classical compositions based on traditional raga structures can be considered original under the Copyright Act and if “Veera Raja Veera” infringed Dagar’s work.

Judgement

Justice Prathiba M. Singh stated that compositions in Hindustani classical music can receive protection if they show enough creative choices, even within strict raga forms. Using the “lay listener test,” the Court found significant aural similarity between the pieces and decided there was infringement. The Court issued a temporary injunction, instructing Rahman and the producers to credit the Dagarvani tradition, deposit royalties with the court, and cover litigation costs. This judgment once again establishes clear copyright protection for traditional musical heritage. It acknowledges originality in classical compositions, marking a significant step in preserving India’s cultural creativity.

Reliance Industries Limited

v.

Pawan Kumar Gupta & Ors

2025 SCC OnLine Del 4903

Delhi High Court

Facts

Reliance Industries Ltd. (RIL) filed a lawsuit against unknown sellers for offering FMCG products like poha, flour, and salt while using the trademarks "Reliance" and "Jio" on e-commerce sites like Amazon, Flipkart, Meesho, Snapdeal, and IndiaMART. The packaging closely resembled RIL's official trade dress, logos, and domain styles, which confused consumers and diluted the brand.



Issue

The question is whether the unauthorized use of RIL's well-known trademarks on digital platforms by these unknown sellers counts as trademark infringement, and if it requires legal action against the platforms hosting such listings.

Judgement

Justice Saurabh Banerjee of the Delhi High Court ruled in favor of RIL, recognizing its trademarks as "well-known" under Section 2(1)(zg) of the Trade Marks Act, 1999. The Court issued an injunction that required the platforms to remove the infringing listings, reveal seller information, and prevent future misuse. The platforms were also held responsible for allowing deceptive trade practices. This ruling strengthens brand protection in online marketplaces and shows that courts are ready to impose dynamic injunctions to tackle ongoing digital trademark infringements.

FOREIGN CASE LAWS

The John Doe v. GitHub Case

Case No. 3:22-cv-06823

Facts

In J. Doe v. GitHub, software developers sued GitHub, Microsoft, and OpenAI, alleging that the AI tool, Copilot, infringed on their copyrights. They claimed Copilot was trained on open-source code, including their own, and generated code snippets that closely resembled protected works. The plaintiffs argued that Copilot failed to provide required attribution, thus breaching open-source license terms and violating copyright law.



Issue

Did Copilot's outputs constitute copyright infringement? Were open-source license terms breached, amounting to a contract violation? Could plaintiffs seek restitution for unjust enrichment and the claim for punitive damages was justified?

Judgement

The court dismissed the copyright and unjust enrichment claims due to a lack of sufficient evidence of direct copying. However, it allowed the breach of contract claim to proceed, finding plausible violations of open-source license terms. The court also clarified that users entering prompts leading to infringing output could still pursue damages, establishing standing even without broad public misuse.

Kneschke v. LAION e.V.

Case No. 310 O 227/23

Facts

German photographer Robert Kneschke filed a lawsuit against LAION e.V., an organization behind the LAION-5B dataset used in training AI tools like Stable Diffusion. The dataset, built by scraping billions of online images with captions, allegedly includes Kneschke's copyrighted photos without his consent. He argues this use violates German copyright law, as his works were uploaded by a stock agency that explicitly prohibited automated collection.

Issue

Did LAION's actions violate copyright by reproducing images without permission? Can LAION rely on research-use exceptions under German copyright law, and are restrictions in stock agency terms legally enforceable against automated scraping?



Judgement

The Hamburg Regional Court ruled in LAION's favor, stating its data collection qualifies under Section 60d of the German Copyright Act, which permits certain uses by non-commercial research institutions. The court found LAION's free dataset release sufficient to meet this criterion, despite indirect ties to commercial AI developers. Kneschke criticized the decision and is considering an appeal.

Attorney Prof. Dr. Rohnke v. Dr. phil. Stephen L. Thaler

Case No. X ZB 5/22

Facts

In 2019, Dr. Stephen Thaler filed a German patent application (No. 10 2019 128 120.2), naming an AI system called DABUS as the sole inventor. The German Patent Office rejected the application, stating that only a natural person could be named as an inventor. Thaler appealed, requesting alternative formulations that still acknowledged DABUS's role.



Issue

Can an artificial intelligence system be legally recognized as an inventor under the German Patent Act (§ 6, § 37(1) PatG)? Does referencing AI in the inventor designation invalidate the application?

Judgement

The Federal Court of Justice (BGH) held that only natural persons can be inventors under German law. An AI system, regardless of its creative capabilities, cannot hold inventorship or associated rights. However, applicants may still mention AI involvement as long as a natural person is designated as the inventor. The Court dismissed both Thaler's and the Patent Office's appeals, affirming the Patent Court's decision to accept the designation where Thaler was named as the inventor and DABUS referenced as a tool.

Andersen v. Stability AI Ltd.

Case No. 3:23-cv-00201

Facts

Artists Sarah Andersen, Kelly McKernan, and Karla Ortiz sued Stability AI, DeviantArt, and Midjourney, alleging that their generative AI tools (like Stable Diffusion) were trained on copyrighted artworks without permission. Plaintiffs claimed their works were scraped from the internet and used to train AI models that could then produce outputs mimicking their artistic styles. The suit included claims of direct and vicarious copyright infringement, DMCA violations, right of publicity, unfair competition, and breach of contract.



Issue

The central legal question was whether using copyrighted images to train AI models constitutes direct copyright infringement, and whether companies providing access to such AI tools are also liable under related IP and contractual claims.

Judgement

The U.S. District Court allowed the direct copyright infringement claim against Stability AI to proceed. Still, it dismissed other claims (against all defendants), including vicarious infringement, publicity rights, DMCA, and breach of contract, all with leave to amend. The court emphasized that more detailed factual allegations were required to support these broader legal theories.

Li v. Liu

**Beijing Internet Court, China,
in November 2023**

Facts

In November 2023, the Beijing Internet Court heard a case involving a plaintiff who used Stable Diffusion, a text-to-image AI model, to generate an image of a young woman by entering and refining specific prompts. The plaintiff posted the image on Xiaohongshu with AI-related hashtags. Later, the defendant used and published the image on another platform without permission.



Issue

Are AI-generated images eligible for copyright protection under Chinese law? If so, who owns the copyright?

Judgement

The court ruled that the image was a copyrightable work of fine arts under Article 3 of the Copyright Law. It found that the plaintiff exercised significant creative control by designing prompts and adjusting parameters, demonstrating intellectual input and originality. Since AI cannot be the legal author and the AI tool's creators disclaimed ownership, the plaintiff was deemed the author and rightful copyright holder. This decision sets a precedent for recognizing copyright in AI-generated works when substantial human involvement is shown.

BEYOND HUMAN AUTHORSHIP: THE LEGAL DILEMMA OF AI- GENERATED CONTENT

INTRODUCTION: RETHINKING OWNERSHIP IN THE AGE OF AI

Traditionally, it has been a Grund norm that only humans produce novel and creative works that can be protected under the realm of intellectual property law. Contemporarily, generative AI has become magic, and it has led to the prompted examination of AI's potential for intellectual property protection. Validating IP rights of work created by AI systems working independently without human input or intervention is a tremendous challenge, additionally, there is little judicial or legislative clarity about their protection. Thus, it may be said that the philosophical concept of 'person' may encompass both natural and artificial persons and does not only refer to certain biological and psychological traits of humans.

In the prominent case of *Rupendra Kashyap v. Jiwan Publishing House Pvt Ltd.*[1], the High Court of Delhi reinforced the principle that authorship under the Indian copyright regime can only be claimed by natural persons while rejecting the copyright title of an artificial person.

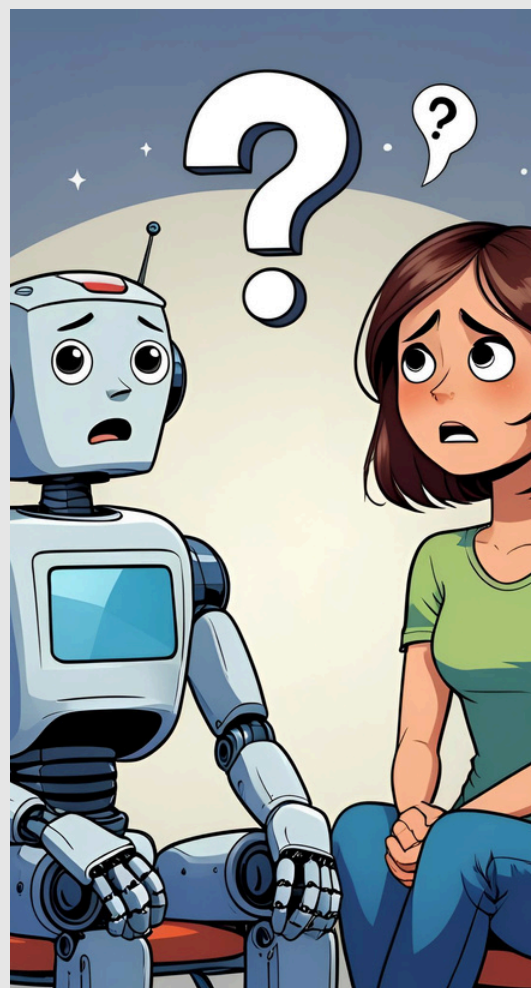


The Indian Copyright Act was amended in 1994 to accommodate claims for works generated by computer; section 2(d)(vi) defines “author” as “in relation to any literary, dramatic, musical or artistic work that is computer-generated, the person who causes the work to be created”. Nevertheless, the protection of works generated by AI remains uncertain due to a narrow interpretation of the word “person”. The prevalence of AI-generated work has led to legal uncertainties related to its production, protection, and preservation. The current law is on the verge of being outdated, and without any reform, it may hinder innovations.

THE UNRESOLVED DILEMMA: WHO OWNS AI-GENERATED CONTENT?

Defining originality and authorship has become one of the most important discourses in determining the applicability of IP rights to AI. Originality is the paramount condition for granting IP rights to any work; however, its degree varies with the jurisdiction. Until 2008, India followed the “sweat of the brow” doctrine that prevails in the UK where the usage of skill and labour of authors is sufficient for granting IP protection, even if creativity is limited[1]. However, in the case of *D.B. Modak and Anr. v. Eastern Book Company and Ors*, the Supreme Court announced a shift to the “modicum of creativity” which is primarily followed in the U.S. where “independent creation” and “minimum degree of creativity” are a prerequisite for a work to be “original”. However, the applicability of these doctrines to AI-generated works is complex, as AI systems create content by analysing and rearranging vast databases of pre-existing human-created material, frequently without direct human creative input. This demands the question of whether algorithmic results can legally be deemed original, and if so, to whom should authorship be attributed?

Identifying thresholds for human involvement is crucial. Courts of law have progressively differentiated AI-autonomous work from AI-assisted work where humans make artistic decisions, such as enhancing prompts or modifying output. In the landmark case of *Thaler v. USPTO*, it was held that mere launch of an AI process shall be inadequate to grant authorship, but continual collaboration between AI and human, i.e. evaluating and altering outputs, may be eligible. India’s 2025 draft CRI Guidelines suggest a “creative control” test, in which ownership is based on the human's capacity to direct the AI’s output toward a defined innovative objective. Ultimately, the dispute revolves around the distinction between human and machine creativity, and how much human input is necessary for a work to be considered original and eligible for copyright.



RETHINKING IP: OWNERSHIP DILEMMAS AND POLICY PATHWAYS IN AI

Determination of ownership of AI-generated work remains one of the most prominent yet contentious challenges. Several discourses suggest distinct models: granting ownership to the organization operating the AI system as a legal entity; to the developer for creation of the AI system; to the user for giving prompts or piloting output; or consigning AI-generated works to the public domain, implying no exclusive right. Experts suggest granting AI legal rights especially the Intellectual Property rights due to its usefulness in the current world. But the European Parliament's 2025 draft AI code has rejected this notion saying that the humans or legal entities should only be entitled to rights in order to avoid legal and ethical problems. A sui generis framework granting limited-period rights to AI-created works, incidental to registration and keeping it transparent about AI's involvement can be a better option.

CONCLUSION

For years, creative works were recognized as owned by people, but AI is now able to produce them, so this law does not reflect reality. According to Indian law, computer-generated works are accepted, yet Section 2(d)(vi) of the Copyright Act. limits authors of these works to real people. Such cases are not limited to the United States, as they can happen anywhere. There are ownership questions when AI can work on its own, since this raise concerns over who should hold the rights, the developer, the user, or no one. The writer suggests setting up IP rights for AI content that protect the human side of the project more than the computer element. There is a need for governments across the globe to agree and introduce new policies to tackle this developing issue.

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