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ARTIFICIAL INTELLIGENCE AND PROTECTION OF AI-GENERATED WORKS UNDER INTELLECTUAL PROPERTY RIGHTS

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ABSTRACT

The volume of works produced by artificial intelligence (AI) challenging basic ideas of intellectual property (IP) law is exploding. This is the outcome of artificial intelligence changing innovation in many different sectors. In the framework of artificial intelligence-driven innovation, this paper offers an assessment and study of the current intellectual property laws. The paper especially addresses the outstanding questions of authorship, ownership, and legal protection of the data produced by artificial intelligence system. In order to provide legal changes and frameworks that recognize the evolving character of creativity in the era of artificial intelligence, a thorough investigation of existing legal interpretations, technical trends, and ethical issues is offered.

Keywords: Artificial Intelligence, Intellectual Property Rights, Protection, Copyright Act, Patent Act, Competition Act

1. INTRODUCTION

The rise of artificial intelligence (AI) has fundamentally changed both functional and creative spheres. Together with music, literature, and visual arts, these disciplines comprise architecture, software development, and the visual arts. Artificial intelligence systems can create content on their own that is quite close to what humans create, which has caused a great debate about the legal validity of such productions [1]. The main focus of this study is the ownership of the produced works resulting from artificial intelligence. More precisely, the issue is whether these works fit for protection under the rules controlling intellectual property (IP) rights. It is more challenging to apply these ideas to the outputs produced by autonomous algorithms, as conventional legal systems usually define authorship and inventiveness in terms of human creativity. This fact complicates the application of these ideas. This paper addresses the interaction between intellectual property law and artificial intelligence [2]. The gaps, conflicts, and evolving responses meant to fit the difficulties this changing terrain provides are addressed during the course of the research.

2. WHAT IS ARTIFICIAL INTELLIGENCE (AI)?

Artificial intelligence (AI) is machine simulation of human cognitive capacities. Natural language processing, pattern recognition, problem-solving, decision-making, and adaptability—activities usually requiring human intelligence—are

among the ones these systems are meant to emulate. AI technologies let machines learn from data, grow over time, and complete jobs with ever more degrees of autonomy.

Over the past few years, AI has been increasingly embraced and developed in many spheres of the Indian economy in many sectors. The artificial intelligence industry in India is likely to experience about a twenty percent increase. This increasing trend reflects larger activities carried out in several sectors to include artificial intelligence into the operations of companies and governmental administration though it has been hostile to technological innovation for its whole history, the legal sector is also starting to embrace AI. Former Chief Justice of India S.A. Bobde promoted the integration of artificial intelligence (AI) into the court system in order to speed the delivery of justice and lower the current case load. Artificial intelligence has the ability to drastically reduce the time needed to settle legal disputes, particularly those involving criminal and matrimonial events, which usually take decades to settle. Already using artificial intelligence (AI) technologies to expedite their procedures are several well-known legal firms, such as Cyril Amarchand Mangaldas and Fox Mandal. Concurrent with this development are some artificial intelligence systems meant for legal use starting to surface. Among the products falling under this category are OneLaw AI, Legal Robot, LeGAI, PatentPal, and Latch. Among the systems that fit this category are intellectual property rights, contract analysis, and entirely automated legal research. The India Brand Equity Foundation (IBEF) projects a factor of fourteen increases in the number of artificial intelligence (AI) companies running in India between 2000 and 2022. The exponential increase rates shown in recent years indicate the country's potential to develop a worldwide hub for artificial intelligence research.

2.1. THE IMPACT OF ARTIFICIAL INTELLIGENCE ON PATENT, TRADEMARK, AND COPYRIGHT LAWS

The quick progress of artificial intelligence (AI) technology has brought about radical changes in the field of intellectual property (IP), therefore challenging the accepted legal rules and systems that have been in place for long times. The World Intellectual Property Organization (WIPO) says that between 2013 and 2016, artificial intelligence technology had an average annual growth rate of 28%. Apart from the more than 1.6 million scholarly publications generated on artificial intelligence (AI) between 1956 and 2017, there have been about 340,000 patent filings for AI-based breakthroughs. Three times the amount of applications received in 2011, the World Intellectual Property Organization (WIPO) had received by 2017—more than 55,000 patent applications linked to artificial intelligence. These tendencies show growing creativity, but legal systems also desperately need to change to fit the new surroundings [3, 17].

One of the most crucial legal issues in this field is whether or not a product or concept created just by an artificial intelligence system—without any direct human input—qualifies for intellectual property protection. Currently, the United States of America and India believe that such outputs do not meet the criteria for patent or copyright protection from either nation. Pioneering in the field of technology, Stephen Thaler is the one who elevated this viewpoint to the stage in the United States of America. Thaler developed a system known as DABUS, or the Device for the Autonomous Bootstrapping of Unified Sentience. It helped to produce the artwork known as A Recent Entrance to Paradise. The United States Copyright Office dismissed Thaler's claim for copyright protection for the work on grounds of lack of human authorship involved. The Copyright Review Board finally opted to maintain the first ruling even if Thaler's appeal claimed that the decision to exclude works produced by machines was both outdated and restricting [4].

The current copyright law provides protection for original works reflecting human creativity and intellectual achievement, therefore safeguarding their integrity. This covers the code for software, usually regarded as a kind of literary work and so under protection. This leads to the protection of the source code used in the building of artificial intelligence models by copyright rules most of the time [5]. Even if the code is covered by copyright, someone can design a comparable artificial intelligence system by using some other programming technique. Moreover, artificial intelligence mostly depends on data; yet, legal protection given to datasets varies depending on the nation. In some cases, the choice of a dataset or the way that that dataset is arranged would show enough originality to qualify for copyright or other related rights [6].

In cases when there is a disagreement on the infringement of copyright and artificial intelligence, the functionality and design of the AI model are under close inspection. To win, claimants must demonstrate the creation of a copy and the remarkable resemblance of the manufactured material to the original [7]. Direct evidence—such as logs or documentation—or indirect evidence—such as proving the defendant had access to the source material—can both help

to show this. Both kinds of proof are acceptable. Sites like "Have I Been Trained" have developed to help in these kinds of circumstances. These sites let users investigate whether specific images were used to teach artificial intelligence art generators. Conversely, there is still a lack of transparency technologies especially meant for writing and music produced by artificial intelligence [8].

The fast rise in the volume of produced content by robots has put more strain on the existing legal systems. This situation arises because artificial intelligence tools are becoming increasingly sophisticated. Thaler's Creativity Machine, for instance, can produce original ideas in many different spheres without human involvement. Conversely, the law controlling intellectual property does not today safeguard any creation resulting merely from random processes or automated systems. This legal limit introduces ambiguity, especially in view of the fact that it is getting harder to distinguish the output of artificial intelligence from human-authored material.

Furthermore, a major issue is the simplicity with which artificial intelligence could replicate or reproduce past-produced works. Many artificial intelligence models scrape vast amounts of web content, which may include content protected by intellectual property rights; thus, they may generate results that are either quite similar or almost exactly, usually without permission from the original creators. This raises important questions about violations of intellectual property rights and plagiarism, especially in industries such as publishing, music, and visual art. This makes the enforcement of intellectual property rights more challenging in a digital world, because the boundaries between original works and derivative works are progressively hazy [9].

3. LEGAL LANDSCAPE

Particularly with regard to authorship, inventorship, and ownership, the advent of artificial intelligence has fundamentally changed intellectual property law. Legal systems all around are struggling to categorize and safeguard works produced or supported by artificial intelligence as it gets more included in creative and technological processes. Each of copyright, patent, trademark, and trade secret law has different difficulties in adjusting to this changing technological scene [10-11].

1) Copyright Law

Copyright law has always been intended to guard original works fixed in a form of expression that may be physically handled. In some ways, the protection is contingent upon authorship. A major point of dispute in the legal sphere has become whether or not an artificial intelligence system may be considered an author or whether or not authorship should instead be given to the human developer, operator, or company liable for installing the AI. Different countries tackle this, nevertheless, in different ways. The Copyright Office of the United States of America has stated time and again that works produced entirely by non-human agents are not eligible for protection. By contrast, nations like the United Kingdom have taken a more flexible approach, allowing copyright to be vested in the programmer or user of the artificial intelligence system, provided they have guided or arranged its use in a significant way.

One recent and notable example that shows these issues is the graphic novel Zarya of the Dawn, which included artificial intelligence-created images. The United States Copyright Office granted protection to those human-written sections of the work; artificial intelligence-generated content was not protected. This example highlights the challenge in differentiating between human and machine contributions as well as the need for more exact regulatory direction.

2) Patent Law

Artificial intelligence's capacity to inspire creativity has been demonstrated; this has resulted in more involvement in the production of fresh ideas in many different fields, including the development of technical solutions and the identification of fresh medical discoveries. The legal world has debated this criterion extensively, especially in cases including autonomous artificial intelligence systems such as DABUS (Device for the Autonomous Bootstrapping of Unified Sentience). The European Union, the United Kingdom, and the United States of America have turned down the applications identifying DABUS as the inventor. They have chosen to turn down these petitions since they are predicated on the belief that legal compliance depends on human creativity and so requires rejection. Conversely, other nations and areas—such as Australia and South Africa—have passed more progressive legislation acknowledging DABUS as a reasonable method of invention. The availability of these conflicting choices has brought important questions about how patent law should recognize the part artificial intelligence contributes to the creative process. Furthermore, this emphasizes the lack of a worldwide consensus.

3) Trademark Law

Artificial intelligence is now permeating the field of branding, especially in the automated creation of logos, slogans, and other trademarks used to define companies. Under the present legal system controlling trademarks, registration usually requires the use of a mark in economic transactions meant to be linked with a human actor. Using artificial intelligence in the creative process raises problems about the legal validity of the marks at issue as well as the originality of the work.

Furthermore, there are concerns about the possible infringement. Artificial intelligence systems taught on large-scale datasets may unintentionally replicate or copy current trademarks, therefore endangering users or authors in legal hot ground. Regarding who bears responsibility in circumstances like these—the user, the developer, or the supplier of the AI tool—there is still a mystery that has to be resolved.

4) Trade Secrets and AI Models

Trade secrets are essential for the protection of the proprietary components of artificial intelligence (AI), which include algorithms, datasets, and training procedures. These components are in addition to the more obvious aspects of intellectual property. When it comes to protecting their artificial intelligence systems, businesses typically rely on trade secret protection rather than patents to prevent those systems' inner workings from being revealed. This silence, on the other hand, does provide its set of legal challenges, particularly in situations when works produced by AI are similar to those that are protected by copyright. The need to maintain a commercial advantage is becoming increasingly important, and it is becoming more difficult to integrate the requirement for openness with the requirement to maintain a commercial advantage. It will be essential to have artificial intelligence (AI) to ensure that there is a state of legal equilibrium that safeguards innovation without encouraging its exploitation or concealment as it evolves.

4. ETHICAL AND ECONOMIC IMPLICATIONS

The growing application of artificial intelligence in the creation of original and creative works raises major ethical and financial questions.

The basic issue is that, although under intellectual property (IP) law acknowledging content produced by artificial intelligence (AI) may promote technological advancement and draw investment, it may also simultaneously devalue human creativity and shift ownership—and financial benefit—away from individual creators and toward corporations and developers. These effects on the economy will be of much importance. With the aim of raising both rates of productivity and efficiency, artificial intelligence (AI) is becoming ever more important in many sectors, including design, software development, and entertainment. Businesses may be reluctant to embrace new technologies in the meantime should there not yet be a clear legal framework in place to protect material created by artificial intelligence.

Lack of clarity on ownership, rights, and the threat of violation could so hinder innovation. For instance, producers of generative artificial intelligence tools might delay launching their products if they are worried about the likelihood of their technology being abused, sued, or with unclear legal responsibilities. From an ethical perspective, the topic of authorship invites a more all-encompassing conversation on concerns of access and fairness. Huge technology companies with access to great resources and proprietary models of artificial intelligence should dominate the field of intellectual property created by artificial intelligence. Conversely, should smaller companies and individual producers also be able to use AI technologies in a way that supports the recognition and preservation of their output?

Legal clarity and ethical supervision will help us to create an atmosphere that is fair and friendly for everyone. Moreover, growing attention has been paid to the illegal use of protected resources. Artificial intelligence systems educated on copyrighted content may generate outputs shockingly close to protected works without owner permission, even without their knowledge. These acts blur the line between inspiration and infringement; hence, it is essential to establish ethical rules and strong enforcement policies to stop exploitation and preserve the rights of original creators.

5. INDIAN LEGAL PERSPECTIVE

The intellectual property framework of India, which includes the Copyright Act of 1957, the Patents Act of 1970, and the Trademarks Act of 1999, was developed with human creativity and invention at its center. The proliferation of information that is generated by artificial intelligence brings new difficulties that the existing legislation does not expressly address, which has resulted in the necessity of legislative change.

1) Copyright Law in India

The people and corporate entities have author rights under the 1957 Indian Copyright Act. the legal coverage excludes works produced by AI. In Section 2(d), "author" is the originator of the work. This concept counters to when computer processing fosters creativity. India could follow the Copyright, Designs, and Patents Act, 1988 model of the UK, which acknowledges users and programmers as authors of computer-generated works. The Indian Copyright Act's new category for AI-generated works could define fair protection and help to solve issues.

2) Patent Law in India

The Patents Act of 1970 states that an inventor must be a regular person, thereby eliminating AI from the list of inventors. It satisfies world standards, ye it is a problem given India's fast-expanding AI in innovation sector. One possible response would be to let human developers or operators be identified as inventors while yet appreciating the relevance of artificial intelligence in the description or documentation of the patent application, given the growing contribution artificial intelligence systems are making to the process of invention.

3) Trademarks and AI

As per Trademarks Act of 1999, the trademarks must be unique and used in commercial transactions focussing on producing income. Concerns about the originality and the look of human direction are being voiced as AI starts to shape the business identities, slogans, and logos. Indian law offers no particular direction on how to settle the conflicts related to the content of this kind or expressly addresses trademarks created by artificial intelligence. Establishing rules for evaluating the uniqueness and originality of trademarks created by artificial intelligence could help to reduce the likelihood of upcoming conflicts.

4) Policy Initiatives and Future Directions

Emphasizing mostly AI development and application, the Ministry of Electronics and Information Technology (MeitY) has taken proactive actions through initiatives including the National AI Strategy. But the junction of artificial intelligence with intellectual property rights hasn't received enough attention. The Ministry of Electronics and Information Technology (MeitY) should establish a specialized task group to evaluate the legal implications and recommend legislative modifications, enabling India to align with global best practices [12].

5) Judicial Interpretation

Indian courts have not yet addressed intellectual property problems resulting from artificial intelligence. Conversely, court inclinations in several related fields point toward a human-centered approach. For instance, in cases involving software patents, the courts have given human creativity and involvement great importance. It is also likely the same reasoning would apply to content created by artificial intelligence in the absence of legal legislation that clearly expands the notion of authorship or inventorship to include works assisted by AI. From education to healthcare, logistics to government, artificial intelligence is finding use in a range of Indian sectors. India's technology is changing right now. Among these tools gradually replacing more traditional methods of writing, design, and software development are ChatGPT, Bard AI, and Midjourney. India's intellectual property laws still need to be revised to guarantee responsible use and give legal certainty to both those who create AI technology and those who use it, even while the nation has started to address the more far-reaching consequences of artificial intelligence by policy efforts.

6. LEGAL PROVISIONS GOVERNING AI IN INDIA

Despite the rapid spread of artificial intelligence technologies, India does not yet have any laws especially targeted at controlling this technology. The dynamic character of artificial intelligence development and the ethical difficulties involved have caused government officials—including the Minister of Information Technology Ashwini Vaishnaw—to admit the lack of a defined legal framework. Conversely, current legislation and policy proposals try to solve aspects of artificial intelligence control in a tangential manner.

1) Information Technology Act, 2000

Information Technology Act, 2000 is among the most crucial elements of India's digital governance framework, although the Act does not specifically address artificial intelligence, several of its clauses are relevant to it. Its Section 43A, which permits compensation in cases when sensitive personal data has been handled incorrectly, is one instance. This is a dilemma particularly pertinent to artificial intelligence systems depending on extensive data processing. In the same vein, Section 72A lists the fines that can be applied for the publication of personal data without permission.

2) Judicial Precedent: Right to Privacy

In the 2017 case Justice K.S. Puttaswamy (Retired) v. Union of India, the Supreme Court of India decided that the right to privacy was a basic one. Article 21 of the Indian Constitution informed this choice. This choice has major effects on artificial intelligence technology that gathers, examines, or uses personal data, so stress the need of putting policies in place to stop invasions of personal privacy.

3) Personal Data Protection Bill, 2019

The Personal Data Protection Bill, 2019 (PDP Bill), aims to create a thorough data protection program. It entails the minimization of data, the localization of data, the establishment of duties for consent, and the limitation of purposes. The measure deals with the effects of automated decision-making and profiling as well as with express user permission for data handled by artificial intelligence systems that significantly affects individuals. This is quite crucial. The suggested Data Protection Authority would handle regulatory compliance and enforcement.

4) Indian Copyright Act, 1957

The Copyright Act of 1957 provides protection for creative works of literature, art, music, and theater. Still, when it comes to writing produced by AI, authorship and originality present challenges. The Delhi High Court decided in Gramophone Company of India Ltd. v. Super Cassettes Industries Ltd. (2011) that content created just by machines lacks the human inventiveness required for copyright protection. This case draws attention to how poorly the current copyright laws handle works produced by artificial intelligence.

5) National e-Governance Plan (NeGP)

Originally meant to automate public services and boost openness, the National e-Governance Plan combines artificial intelligence to improve responsiveness and efficiency in government. Nowadays, some departments employ artificial intelligence techniques for personalizing citizen services, data analysis enhancement, and automation of processes.

6) New Education Policy (NEP), 2020

The new education policy of India gives significant weight to the early development of digital literacy. The government wants to raise a generation ready to propel innovation in artificial intelligence and related technologies by including coding and computational thinking at the school level [13].

7) AIRAWAT Initiative

Launched by NITI Aayog, the leading policy think tank in India, AIRAWAT (AI Research, Analytics, and Knowledge Assimilation Platform) seeks to offer a national framework for AI research and infrastructure. Acting as a central hub, AIRAWAT helps ethical AI development, data sharing, and teamwork to be facilitated [14].

7. LEGAL LOOPHOLES IN REGULATING ARTIFICIAL INTELLIGENCE IN INDIA

Although India is increasingly utilizing technology across various fields, its legal and regulatory system remains inadequately prepared to address the complex repercussions of artificial intelligence systems. Effective administration and ethical deployment of artificial intelligence systems are hampered by many main difficulties and constraints [16].

1) Absence of legislation, especially for artificial intelligence

India does not presently have a comprehensive legislative framework meant especially to control artificial intelligence. Although they do not address the broader spectrum of issues particular to autonomous technology, current legislation such as the Information Technology Act of 2000 and the proposed Personal Data Protection Bill of 2019 include features pertinent to artificial intelligence. Concerns concerning monitoring, enforcement, and flexibility have been expressed given the rapid rise in technology capabilities brought about by this legislative void.

2) The Insufficient System of Ethical Control

One of the most important weaknesses in India's artificial intelligence industry is the lack of clear ethical guidelines. The absence of established policies to oversee the development and implementation of artificial intelligence could lead to uneven policies and ethical transgressions. This discrepancy inhibits the evolution of shared responsibility rules and allows the public and private sectors to run unimpeded artificial intelligence systems to be implemented.

3) Algorithms Still Allow Discrimination and Bias

Artificial intelligence systems taught on historical data could be able to magnify already existing prejudices in society, therefore generating discriminatory outcomes by means of preservation. The present legal system in India does not directly address the problem of algorithmic fairness or bias reduction, so it creates some hazards in relevant domains, including recruiting, credit evaluation, law enforcement, and healthcare contexts [15].

4) Unknown Regarding Ownership and Responsibility

A major legal difficulty is raised by assigning responsibility for the activities of autonomous artificial intelligence systems. It is difficult to determine who owns responsibility for AI-related damage or failures since there are no obvious systems guiding the process. Unknown is whether the operator, developer, or user bears the liability. The complexity of the subject increases difficulties for companies as well as for customers in terms of legal remedy.

5) An inconsistent approach to control over regulations

The data protection entity proposed under the PDP Bill is supposed to be responsible for monitoring threats related to data even if there is no specialized institution assigned especially to manage artificial intelligence technologies. This fragmented control leads to many areas of artificial intelligence governance being left unmonitored and unenforced, neglected.

6) The uncertainty about the intellectual property rights

The intricacy of ideas and knowledge generated by artificial intelligence calls for different handling of intellectual property rights in India today. Regarding innovation, creativity, and authorship, unresolved problems still remain. Artificial intelligence-produced works can lack the human creativity needed for copyright protection, which begs issues around ownership and enforcement.

8. CASE STUDIES AND REAL-WORLD IMPLICATIONS

1) Talks on D ABUS and Inventorship

Globally, the DABUS case—where an artificial intelligence system was proven to be the inventor—started conversation. While other governments—including the United States—did not welcome the concept of artificial intelligence innovation, South Africa and Australia did. Given this difference, we must agree on the part artificial intelligence stimulates imagination. Generative artificial intelligence models, such as DeepMind's WaveNet and OpenAI's DALL-E, have demonstrated their potential in the arts and music fields when applied in realms of creativity. Conversely, legal disputes over synthetic intelligence-generated remixes and derivative works highlight the careful balance between advancing innovation and breaching copyright.

2) Owner Responsibility in Open-Source Codes

GitHub Copilot's recycling of copyright-protected code has raised legal issues. These problems highlight, in the realm of artificial intelligence-assisted software development, the requirement of open licensing and contributor attribution systems.

3) Advocating quickly expanding markets

Artificial intelligence (AI)-driven intellectual property (IP) systems in developing countries demand specific aid programs. By means of funding, open-source platforms, and community events, government-sponsored projects can democratize access to artificial intelligence infrastructure and encourage innovation.

4) Cooperation in the public and private sectors

Public organizations and businesses working together could design more equitable intellectual property rules for artificial intelligence. Joint ventures allow the healthcare sector to successfully mix more widespread public health objectives with patent protection.

9. CONCLUSION

It can be concluded that the artificial intelligence has not only made hitherto unthinkable technological and creative possibilities possible but also exposed major gaps in the current laws controlling intellectual property. Legal systems all throughout the world today have to address the challenge of creating frameworks that not only recognize the part

artificial intelligence contributes to the creative process but also defend the rights of human innovators. The rapid development of AI in India, depends on regulatory framework that would allow its greater integration into governmental, business, and legal activities. Although the existing rules provide some guidance and control, they fall short in addressing the complex issues generated by AI. This area includes data security, responsibility, and authorship and we have to change laws, monitor ethics, and incorporate everyone who has an interest in advantages of artificial intelligence while safeguarding democratic values and basic rights.

India is gradually using technology in many different sectors, although its legal and regulatory framework is still not entirely ready to handle the complex effects artificial intelligence systems could cause. Many simple problems and restrictions exist that make it difficult to properly implement artificial intelligence systems and apply them ethically.

1) Lack of suitable laws, especially with reference to artificial intelligence

Currently, India lacks a whole legislative framework meant especially for the control of artificial intelligence. Although the current pieces of legislation, including the Information Technology Act of 2000 and the proposed Personal Data Protection Bill of 2019, do not address the full range of issues unique to autonomous technology, they still include clauses relevant to artificial intelligence. Given the fast rise in technology capabilities brought about by the lack of a suitable legal framework, questions have been raised on monitoring, enforcement, and adaptability.

2) The method now in use for ethical control is insufficient

Lack of adequately defined ethical guidelines is one of the most important flaws of the artificial intelligence company operating in India. Conversely, the lack of clear procedures to monitor the evolution and implementation of artificial intelligence could lead to contradictory laws and ethical transgressions. The existence of this discrepancy hinders the evolution of rules controlling shared responsibility and enables the public and commercial sectors to pursue the use of artificial intelligence systems free from any challenges.

3) Algorithms still allow the use of prejudice and discrimination

Artificial intelligence systems educated on historical data could magnify already existing prejudices in society, therefore generating biased findings by means of retention of these prejudices. The present legal system in India creates several risks in significant spheres, including those affecting recruiting, credit evaluation, law enforcement, and healthcare, since it does not specifically address the issue of algorithmic fairness or bias reduction. Regarding duty and ownership, several things are yet unknown. Legally speaking, it is quite difficult to assign responsibility for the acts of autonomous artificial intelligence systems. Given that no clear mechanism is guiding the process, it is challenging to identify who is accountable for any damage or failures linked with artificial intelligence. The liability is unknown among the user, the developer, or the operator. The complexity of the subject causes problems for companies as well as for their clients about legal treatments.

4) A method of handling commands and management of rules contradicting each other

There should be no dedicated organization designated especially to manage artificial intelligence technology, the PDP Bill's envisioned data protection entity is expected to be in charge of tracking data-related risks. This disjointed control results in many facets of artificial intelligence governance lacking regulation, enforcement, and enough attention. Moreover, the rights of intellectual property are not very clear-cut. The complicated character of the ideas and knowledge generated by artificial intelligence calls for a different approach to the management of intellectual property rights in India at the present day. Regarding authorship, creativity, and invention, there are still problems that remain unresolved. Works created by artificial intelligence could lack the human inventiveness needed to guard copyrights. This begs problems about ownership and approaches to enforcement.

India's legal system must grow in line with the continuous changes artificial intelligence is bringing about in spheres of innovation, business, and creativity. Striking a balance between the inventiveness of people and the transforming power of artificial intelligence will need a forward-looking, inclusive, and enforced legal framework. Adoption of hybrid authorship models, new intellectual property classifications, ethical standards, international cooperation, and technical infrastructure represents a whole road plan to future-proof India's artificial intelligence governance.

CONFLICT OF INTERESTS

None.

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REFERENCES

Abbott, R. (2020). The Reasonable Robot: Artificial Intelligence and the Law. Cambridge University Press.
Samuelson, P. (2016). Copyright and Creativity in the Age of AI. Harvard Law Review.
WIPO. (2021). Artificial Intelligence and Intellectual Property: A Policy Perspective. Geneva: World Intellectual Property Organization.
Case law: United States Copyright Office rulings, UK Copyright Designs and Patents Act 1988, DABUS patent applications.
Guadamuz, A. (2021). The Authors of Machine-Generated Works. Journal of Intellectual Property Law & Practice.
European Patent Office. (2022). Guidelines for Examination: Inventorship in AI-Generated Inventions.
Rumball, N. (2023). AI, Authorship, and Copyright: Emerging Trends. Journal of Legal Technology.
OpenAI Policy Papers. (2022). Ethical AI Development: Balancing Innovation and Accountability.
https://inbaviewpoint.org/laws-related-to-artificial-intelligence-in-india/
https://www.legalserviceindia.com/legal/article-8171-artificial-intelligence-and-laws-in-india.html
https://www.ibef.org/research/case-study/future-of-data-science-and-ai-in-india
MeitY. (2020). Artificial Intelligence: A Strategy for India. Ministry of Electronics and Information Technology.
Mittelstadt, B. D., Allo, P., Taddeo, M., Wachter, S., & Floridi, L. (2016). The ethics of algorithms: Mapping the debate. Big Data & Society, 3(2), 1-21.
NITI Aayog. (2021). Responsible AI for All: Strategy for India.
Obermeyer, Z., Powers, B., Vogeli, C., & Mullainathan, S. (2019). Dissecting racial bias in an algorithm used to manage the health of populations. Science, 366(6464), 447-453.
Singh, R., & Sharma, M. (2020). Ethics and Artificial Intelligence: Indian Perspective. Journal of Ethics & Social Philosophy, 5(3), 21-35.
WIPO. (2022). Intellectual Property and Artificial Intelligence: A Global Perspective. World Intellectual Property Organization.