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INTELLECTUAL PROPERTY RIGHTS IN THE ERA OF GENERATIVE AI AND DEEP LEARNING

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I. ABSTRACT

In the era of technological advancement and generative AI and deep learning, the authors of the paper focused on the research study that addresses the research problems including lawful unreliability encircling authorship, possession, potential for exclusive rights, and violation driven by contents and inventions generated by AI. The authors' research objective aims to assess the legal frameworks for intellectual property specifically in relation with patent law and Indian copyright frameworks. Through this analysis, adequacy is measured in regulation of algorithmically generated content and solutions in the lack of AI regulations. The scope of the study is restricted to copyright and patent involvement of Generative AI with deep learning technologies, that integrates the use of licensed and confidential data in the process of training of AI, acknowledgement of works that are AI generated, industry wide administrative responses. The authors adopted doctrinal and analytical method approach as the research methodology involving the statutory provision's examination, judicial rulings, policy papers, scholarly articles, and sector practices are used to discover areas lacking regulation and difficulties in interpretation. The key findings and analysis of the paper indicate that present intellectual property regulations are highly aimed at humans and are not enough prepared to manage outputs from autonomous AI, as AI systems lack juristic personality, which results in ongoing hurdles regarding proprietorship, responsibility, and safeguard. Additionally, the research shows that using licensing content to train AI models carries major risks of infringement, leading to overreliance on contractual safeguards and self-regulatory mechanisms by online platforms. The document concludes that the rapid development of generative AI requires updates to legal frameworks, clearer

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policy directions, and a new understanding of creativity and originality to safeguard human intellectual efforts while promoting responsible tech growth.

II. KEYWORDS

Generative Artificial Intelligence; Deep Learning; Intellectual Property Rights; Copyright and Patent Law; AI-Generated Works.

III. INTRODUCTION

We are currently living in an era of rapid advancement in technology, and everything is becoming more and more digital in nature, Generative AI has become an important feature in almost every industry, including healthcare and engineering, and further. Along with this advancement in technology, Generative AI brings with itself a host of problems, mainly in the era of Generative AI, which includes trying to figure out who owns what in a situation where machine learning technology comes into play.

This puts the author in a situation to wonder: "What does Indian copyright law say in terms of whether or not an artificial intelligence system can learn from others, whether from a book, a piece of music, a photograph, and whatnot? This isn't a hypothetical question." This gets to the very basic question of whether or not it is acceptable to use copyrighted works to program a machine, whether or not that is fair dealing, and what companies ought to do to protect them before they utilize an AI model. Intellectual Property is facing a huge problem due to the pre-existing human data that an AI program such as ChatGPT utilizes to produce new content.

Governments across the world have begun adopting regulatory measures, including the EU Artificial Intelligence Act, China's binding Interim Measures for the Management of Generative Artificial Intelligence Services, which came into force on 15 August 2023, and the United Kingdom's continuing consultations on AI policy. China's framework has further been supplemented by AI-generated content labelling rules effective from 1 September 2025. However, these regulatory measures still do not directly resolve the core intellectual property questions concerning authorship, ownership, and protection of AI-

generated works. For example, Chinese courts recognize the protection of IP when there is proper human involvement; however, the UK protects computer-generated works even if there is no human author. While WIPO and UNESCO have begun discussions regarding the regulation of AI globally, there are no standards regarding AI-generated IP that can be legally bound and implemented by the government.

A. Statement of the Research Problem

The recent provisions of Intellectual Property Rights under various Intellectual Property Rights Acts like Copyright and Patent Acts are not drafted to address Intellectual Properties created by other than human entities like creations of generative AI. There are uncertainties regarding basic concepts like authorship, ownership, originality, inventorship of intellectual properties created by AI entities and their liability. In Copyright Act of India of 1957, "author" means human beings.

This leads to the issue of Intellectual Properties created by AI entities. Moreover, the concept of originality, which was emphasized by the Supreme Court of India in the case of Eastern Book Company v. D.B. Modak, cannot be satisfied by creations of AI entities. Further, the use of large quantities of other people's Intellectual Property for the training of AI creates concerns of the violation of the copyrights of the authors of the work. In the context of patent law, the Patents Act of 1970 does not specifically define AI as an inventor. In addition, the provisions of Section 3(k), which restrict the patenting of algorithm-based inventions, raise concerns about the patenting of AI-assisted inventions with respect to the concept of "technical effects."

B. Research Objectives

The present study aims to look into the present judicial developments and policy interventions in this matter at both national and global levels on issues such as the relationship between the work generated or assisted by AI technology and existing copyright and patent laws. The present study attempts to focus on the gaps in the current Intellectual Property laws that create problems in the effective protection and promotion of Intellectual Property laws in the current AI technology world. With respect to the

methodology that the present study attempts to follow, the present study attempts to follow a qualitative approach to Intellectual Property law, focusing on the current intellectual property laws like copyright and patent laws, while also making a comparison with the current Intellectual Property laws at the global level, including the laws under the TRIPS and WIPO.

C. Research Questions

1. Does the present Indian regime of Intellectual Property Rights suffice to address challenges arising due to AI and AI-enabled creations?
2. To what extent can copyright laws be satisfied in case of AI-enabled creations, in matters of inventiveness and authorship?
3. Can the existing patent laws be extended to include AI-aided inventions in their purview?
4. What can India learn from international approaches in regulating IP-related concerns associated with AI?

D. Research Hypotheses

1. The existing IP regime of India is inadequate for dealing with the problems posed due to works created by or in association with the assistance of AI.
2. The current laws governing copyright and patent systems, which are based on human attributes such as authorship, originality, and inventorship, cause ambiguity with respect to determining IP rights over the outputs of AI technologies.
3. The absence of laws dedicated to the field of generative artificial intelligence causes inconsistency with respect to ensuring the protection and enforcement of IP rights.
4. The need for an improved IP regime is evident through the comparative analysis of international practices.

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E. Scope

This research highlights the emerging relationship between generative AI technology innovations and the existing intellectual property law framework. The scope of this investigation covers only legal implications arising due to creation or creation assistance by AI technologies, in particular copyright and patent law aspects. Thus, it evaluates whether the current IP regime in India manages to address issues related to authorship, ownership, originality, inventorship, and infringement under the conditions of utilizing AI technologies.

In addition, an examination of advances in global legislation in terms of regulating issues associated with generative AI will be carried out, with a special emphasis on approaches to solving similar problems implemented through international agreements like TRIPS and WIPO. Through analyzing these approaches, it is expected that potential flaws in regulation will be identified, which will contribute to evaluating the need to make legislative amendments.

F. Research Methodology

The present study adopts a qualitative doctrinal research method in examining the legal challenges posed by generative AI technologies in light of intellectual property law. The study is predominantly based on secondary sources of data, including statutory rules, case laws, policy documents, scholarly writing, books, reports of international agencies, and other relevant academic literature. For the purposes of analyzing the current state of law relating to copyright and patent laws in India, along with assessing the advancements made across the world concerning artificial intelligence and intellectual property in order to draw comparisons, a comparative analysis method has been adopted in this study. In order to ascertain whether the provisions and policies under TRIPS and WIPO are applicable to tackle the current challenges, the focus has been on their legislative and policy approaches.

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G. Literature Review

There has been growing academic interest in relation to the fast development of generative artificial intelligence and its implications for intellectual property law. The gap between the development of autonomous systems that can produce innovative and creative outputs and existing human-oriented intellectual property regimes become evident when examining current literature on the topic. Lim, in his book AI & IP: Innovation & Creativity in an Age of Accelerated Change, focuses on the transformative impact that artificial intelligence has had on innovation ecosystems and suggests that existing intellectual property rules may not cope with technological advancements that put into question traditional definitions of authorship and inventorship.

It is essential to preserve the balance between the promotion of innovation and the protection of the core principles of intellectual property laws. Duggal emphasizes the inadequacy of current legislation regulating artificial intelligence in India and considers the new trends related to artificial intelligence law. The author stresses that it is necessary to be prepared for regulation by mentioning potential concerns such as accountability, ownership, and infringements that arise due to generative AI technologies. Mehrotra discusses the transformation of the intellectual property environment amid the development of artificial intelligence technologies and encourages building an internationally coordinated approach to handling related challenges.

While emphasizing the crucial role that international institutions have played in fostering convergence of policies, the article mentions the insufficient level of existing legislation regarding uniqueness, authorship, and ownership of output produced by artificial intelligence technologies. De Beer warns against adopting strict legal measures without taking into account the bigger picture and calls for an evidence-based policy approach to intellectual property issues. According to the article, intellectual property laws must be shaped in accordance with real-life facts and public interest rather than assumed benefits of enhanced protection for innovative outputs.

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As far as patents are concerned, Flynn, Baker, and Ragavan consider India's patent regime and its compliance with international intellectual property law standards. In particular, the authors discuss the difficulties associated with adjustments of internal patent regulations in line with technological realities and achieving balance between social concerns and incentives for innovations.

Current literature sheds light on the relationship between artificial intelligence and intellectual property rights. Nevertheless, there are only a few studies that involve comparative analysis using international frameworks such as TRIPS and WIPO in order to determine whether existing Indian copyright and patent laws are able to address legal issues emerging in connection with generative AI technologies.

IV. EMERGENCE OF GENERATIVE AI AND DEEP LEARNING

The emergence of generative AI and deep learning signifies an unprecedented revolution in digitization from rule-based IT technologies to data-based models that are capable of mastering, adjusting, and innovating ideas at an equally high level of human creativity. The current AI models, especially those that use machine learning, neural networks, and natural language processing, are becoming proficient at analyzing massive amounts of data obtained from human-created content for creating text, music, images, designs, and even novel ideas. Unlike past AI models that followed specific guidelines, generative AI models use deep learning models that mimic specific intellectual capabilities such as creating sentences, detecting patterns, and predicting specific events. This enables them to perform at an equally high level or even advance the capacity of humans in terms of decision-making, communication, and innovation. Technology has led to an era where the rate at which AI models are integrated into the various industries has accelerated.

A. Generative AI, Deep Learning, and Creative Liberty

Generative AI uses complicated systems to create content without detailed guidance from humans. Today, generative AI systems using deep learning are no longer just tools that help humans; they can independently create music, art, text, videos, and designs by

learning patterns from large amounts of existing data. This has changed the meaning of creativity because the final output may not come directly from a human's imagination, but from an AI system that has been lacking authenticity and combine human creativity[3]. When a piece of work is produced solely by AI, it creates uncertainty regarding who owns the resulting creation; whether it belongs to the user, the creator, or if ownership is unclear entirely. While AI can threaten the idea of human creativity, it can also empower creativity by helping more people create content who might not have the skills or resources. Overall, this section highlights how generative AI blurs the line between human and machine creativity and why existing copyright and IP laws struggle to deal with this new reality.[4]

B. Human vs Machine Creativity: Authorship, Ownership, and Originality Challenges in Intellectual Property Law

The main conflict in the relationship between human and generative AI built from the fact that the entire legal framework of Intellectual Property Rights is based on the idea of human creativity. Copyright and patent laws are framed in such a manner so as to encourage and reward authors and creators of inventions for their original intellectual contributions. However, the situation becomes unclear in the case of AI systems and deep learning models generating texts, artwork, music, and inventions with little or no human involvement; Now it is possible for computers to create content, designs, and technical solutions on their own with minimal human involvement.

If a human merely gives prompts and the AI generates the final output, the question arises whether the human's role is creative enough to claim authorship, or whether the AI should be seen as the true creator of something the law does not currently recognize[5].

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[3] (Delev, Zlatko (2025). 'AI and Intellectual Property: Legal Challenges and Opportunities'. GDPR Local, n.d.).
[4] Duggal, Pavan (2024). 'Artificial Intelligence and Legal Trends'. DIGITAL TERMINAL, https://digitalterminal.in/opinion/artificial-intelligence-and-legal-trends.
[5] Lim, Daryl (2019). 'AI & IP Innovation & Creativity in an Age of Accelerated Change'. Akron Law Review, vol. 52, no., https://ideaexchange.uakron.edu/akronlawreview/vol52/iss3/6

This creates ownership uncertainty, because if there is no legally recognized author, the work may fall outside IP protection altogether. Originality is often challenged on the ground, as AI systems generate outputs by learning from existing works, raising concerns about whether such creations are genuinely original or simply complex reproductions of pre-existing content.

V. INDIAN LEGAL FRAMEWORK

Till this date, Indian courts have not provided a legally binding ruling on the authorship of generative AI such as ChatGPT or Midjourney. However, the Supreme Court has set high standards for "originality" that explicitly mandate human involvement. Registering a trademark is the most popular method of safeguarding its rights. But in some ways, this registration might not be enough to protect the owner of the trademark. By ensuring the trademark, the owners of it can be protected in these situations.

A. Copyright Law and AI-Generated Content

In India, copyright law remains strongly human-centric. The Copyright Act, 1957 protects 'original' literary, artistic, musical, and artistic works, and its concept of authorship largely presupposes a natural person. Although Section 2(d)(vi) recognises computer-generated works by treating the 'person who causes the work to be created' as the author, this provision was framed before modern generative AI systems. The uncertainty became evident in the Suryast matter, where the Indian Copyright Office initially registered Ankit Sahni and the AI tool RAGHAV as co-authors of an artwork in November 2020, but later issued a withdrawal notice asking Sahni to clarify the legal status of RAGHAV with reference to Sections 2(d)(iii) and 2(d)(vi) of the Act.

This administrative development demonstrates that India has not yet settled whether AI may be treated as an author, co-author, or merely as an assistive tool. Therefore, purely

AI-generated works, or works involving minimal human creative control, continue to face uncertainty regarding copyright protection under Indian law.[6]

B. Patentability of AI-Assisted and AI-Generated Inventions

Indian patent law under the Patents Act, 1970 also follows a human-centric innovation. An inventor is usually a natural person, but AI systems cannot be named as inventors as they can't be natural person. If AI is used as a supporting tool and the inventive step comes from human ingenuity, patents may still be granted in the human inventor's name. However, inventions autonomously generated by AI raise serious legal challenges, as they do not fit systematically into existing definitions of "inventor" or "inventive step." Indian authorities currently do not recognize AI as a "creator", which limits patent protection for fully AI-generated inventions and discourages clarity in this area. [7]

C. Judicial Trends and Administrative Practices in India

So far, Indian courts have not directed any ruling on the ownership or inventorship of fully AI-generated works. However, judicial trends show a consistent emphasis on human creativity, originality, and control. Other administrative bodies, like the Copyright Office and Patent Office, also follow conservative practices, requiring disclosure of human authorship or inventorship. In the United States, AI-related questions of inventorship and authorship are addressed primarily by the United States Patent and Trademark Office and the United States Copyright Office through administrative guidance and policy statements, in the absence of dedicated AI-specific IP legislation. In India, decision-making on similar issues likewise continues to depend on existing intellectual property statutes, administrative practice, international developments, and ongoing policy discussions. This reveals that although India

[6] Intellectual Property *Innovation and development of knowledge societies: Artificial intelligence and knowledge-based socioeconomic growth* (1st end). Routledge. https://doi.org/10.4324/9781003528517
[7] Ragavan, S., Flynn, S., & Baker, B. (2015). Justifying India's patent position to the United States international trade commission and office of the United States trade representative. *Indian Journal of Intellectual Property Law*, *7*, 1–27. https://scholarship.law.tamu.edu/facscholar/808

acknowledges that with its growing significance, however, its legal framework has still not adapted sufficiently to address complexities in relation to autonomous AI creativity. Overall, the Indian legal framework remains cautious and human centric, leaving gaps and uncertainty in protecting AI-generated and AI-assisted creations under copyright law under the current IP laws.

VI. GLOBAL IP GOVERNANCE AND ARTIFICIAL INTELLIGENCE: TRIPS AND WIPO PERSPECTIVES

In the international context, global IP governance has not yet established a clear, such as binding regulations for artificial intelligence, yet instruments such as TRIPS and WIPO strongly influence how countries address AI-related issues of IP. The TRIPS Agreement sets minimum global standards for copyright and patent protection, but it is based on traditional assumptions of human authorship and inventorship, and it does not address the question of AI-generated works. This allows the member states to have different interpretations and approaches to the implementation of their respective IP law this includes dealing with Generative AI (Verma, 2025)[8]. It appears that WIPO has taken a more proactive role by recognizing, for example, that challenges are posed to basic intellectual property concepts such as authorship, originality, and ownership through facilitating worldwide discussions, issue papers, and consultations. Yet, WIPO has thus far avoided laying down any uniform prescriptions and opted for cooperation and gradual adaptation of existing IP frameworks.[9]

A. Comparative Analysis: EU AI Act, US Approach, and UK Policy

In this global context, different legal systems have adopted distinct approaches to AI regulation and intellectual property. The European Union, through the EU AI Act,

[8] Verma, R. (2025). The Role of World Intellectual Property Organization in Global Intellectual Property Governance. Motherhood International Journal of Research & Innovation, 2(01), 113-120.
[9] Ananya Mehrotra. (2024). Navigating the Intellectual Property Landscape in the Age of Artificial Intelligence: Towards a Global Legal Paradigm. International Journal of Innovations in Science, Engineering and Management, 3(2), 253-258. https://doi.org/10.69968/ijisem.2024v3si2253-258

follows a risk-based model centred on transparency, human oversight, and accountability, without recognising AI as a legal author or inventor. The United States adopts a decentralised and innovation-oriented approach, retaining human-centred IP standards while relying on administrative guidance, sectoral regulation, and judicial interpretation.

The United Kingdom similarly maintains a human-centred position, as confirmed in Thaler v Comptroller-General of Patents, Designs and Trademarks[10], where the Supreme Court held that DABUS, an AI system, could not be named as an inventor under the Patents Act 1977 because an inventor must be a natural person. Parallel outcomes in the United States, Australia, and before the European Patent Office further reinforce the prevailing comparative position that AI systems cannot presently be treated as inventors. At the same time, jurisdictions such as the UAE and Saudi Arabia continue to regulate AI through existing legal frameworks while keeping future reform open.

These approaches show that, despite the absence of binding global AI-IP standards under TRIPS or WIPO, most jurisdictions currently preserve human authorship and inventorship as the foundation of intellectual property protection.[11]

B. Fair Use, Exceptions, and Limitations: A Comparative View

Across jurisdictions, fair use, fair dealing, and statutory exceptions play a significant role in determining whether copyrighted works may be used for AI training. In the United States, fair use is relatively flexible and may be invoked to justify large-scale machine learning uses, whereas the European Union relies on text-and-data-mining exceptions subject to safeguards for rights holders. India, however, follows a more limited fair dealing model under Section 52 of the Copyright Act, 1957, which does not expressly address AI training. This uncertainty is now directly before the Delhi High Court in ANI

[10] Thaler v Comptroller-General of Patents, Designs and Trade Marks [2023] UKSC 49.
[11] Akinola, O., Tunbosun, O. A., & Oladapo, B. (2022). Comparative analysis regulatory of ai and algorithm in uk, eu and usa. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.4212588

Media Pvt. Ltd. v. OpenAI Inc. & Anr.,[12] India's leading generative-AI copyright infringement suit, filed in November 2024. ANI alleges unauthorised use of its copyrighted news content for training and operation of ChatGPT, while OpenAI relies on fair use/fair dealing-type justifications. The Court's order dated 27 March 2026 records that judgment was reserved, making the case the first major Indian judicial test of whether AI training on copyrighted content constitutes infringement or may fall within Section 52 exceptions.[13]

VII. RESEARCH & ANALYSIS

A. An IP-Centric Legal Framework for AI: Gaps, Challenges, and Policy Directions

A new legal structure that focuses on intellectual property rights with regard to artificial intelligence should address the existing regulatory loopholes that have resulted from the disconnect between existing intellectual property rights structures and data-centric advancements. Existing processes of developing intellectual property rights policies are often influenced by diverse opinions, financial support from industries, and questionable economic theories that support stronger intellectual property rights as a way to promote innovation.

Existing structures that depend on patent statistics, copyright statistics, or innovation indexes do not fully address the combined or incremental nature of technological advancements. Studies have shown that companies often pursue alternative routes, including trade secrets, first-mover benefits, or collaborative innovation, rather than depending on intellectual property rights. Thus, this study promotes data-driven, cohesive, and adaptable structures that focus on public interest with regard to changes to existing intellectual property rights structures, which can adequately regulate generative

[12] ANI Media Pvt. Ltd. v. OpenAI Inc. & Anr., CS(COMM) 1028/2024.
[13] Merheb, C. (2025). Smart Machines & Smarter Legislation: Regulating AI Works within the Framework of Copyright Law. La Sagesse University.

artificial intelligence while balancing innovation, information access, and socio-economic benefits.[14]

B. Human versus Machine Creativity: Challenges of Authorship, Ownership, and Originality

The foundation of laws surrounding intellectual property rights lies in human creativity and capabilities. However, the emergence of generative AI makes it hard to distinguish between creations made by humans from those made by machines. This poses the question whether one who provides prompts is a creator or not, which owner the copyright belongs to, whether it is the developer or the user, and whether the creations made by an AI can be called original. All these raise fundamental problems in the existing intellectual property law framework.

Figure 1: Comparative Analysis of Human and AI Creativity in Intellectual Property Law

Parameter	Human-Created Works	AI-Assisted Works	Fully AI Generated Works
Author/Inventor	Natural Person	Human User with AI Assistance	Legally Uncertain
Copyright Eligibility	Recognized	Recognized (subject to human contribution)	Uncertain
Patent Eligibility	Recognized	Possible if inventive step is human-driven	Not recognized under current Indian law

[14] De Beer, J. (2016). Evidence-based intellectual property policymaking: An integrated review of methods and conclusions. The Journal of World Intellectual Property, 19(5–6), 150–177. https://doi.org/10.1111/jwip.12069

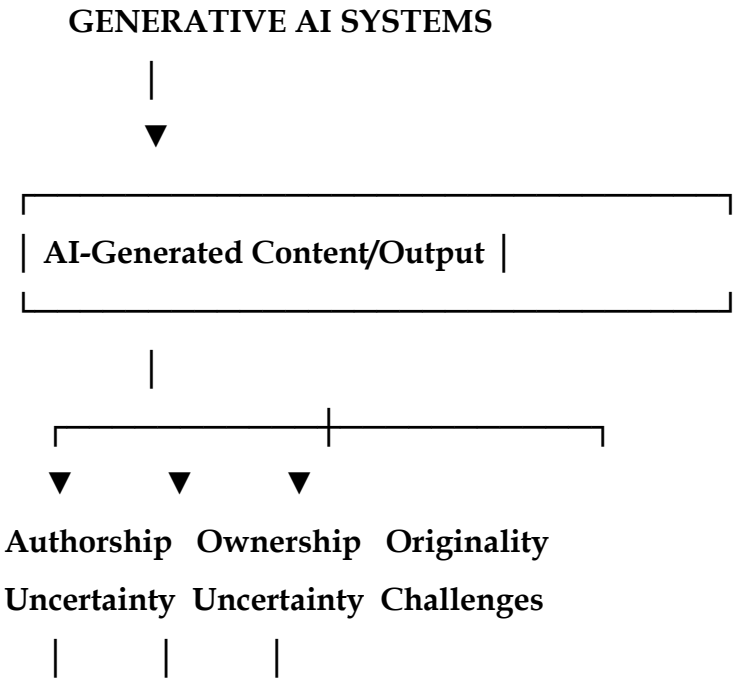
Parameter	**Human-Created Works**	**AI-Assisted Works**	**Fully AI Generated Works**
Originality Requirement	Satisfied through human skill and judgment	Depending on extent of human involvement	Contested

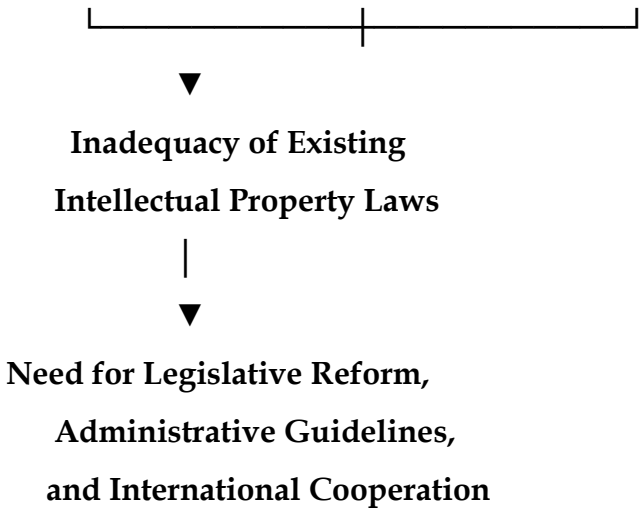
Source: Compiled by the Authors based on analysis of the Copyright Act, 1957 and Patents Act, 1970.

C. Towards an Intellectual Property-Centric Framework for Artificial Intelligence

From the results gathered during this research, the current IP laws are inadequate in dealing with the problems associated with generative AI. An adaptive legal system is crucially needed that will be able to reconcile the interests of the public, technology developers, innovators, and producers. In the future, policy measures must ensure that innovation occurs without undermining the core aims of IP law.

Figure 2: Existing Regulatory Gaps in AI-Generated Intellectual Property





Source: Developed by the Authors

VIII. SUGGESTIONS AND RECOMMENDATIONS

The increasing use of generative artificial intelligence technologies in creative processes implies a need for developing an adaptive and progressive legal framework. Based on the findings of this research, the following recommendations could be suggested:

1. **Clarifying Ownership of AI-Assisted Artistic Works:** It is recommended to add some amendments to the Indian Copyright Act of 1957 regarding issues connected to the creation of works by using artificial intelligence and its legal status. In particular, there should be clear regulations on how much contribution humans make in AI-assisted works to be regarded as their creators.
2. **Guidelines on Intellectual Property Issues Relating to AI Technology:** It is also recommended that the Copyright Office and Patent Office develop a special set of guidelines specifically dedicated to AI applications for ensuring consistency of their practices.
3. **Recognizing Innovation Inspired by Artificial Intelligence:** While making a clear distinction between AI-only and AI-assisted outputs, a human-centered approach should be promoted. The former innovations will not get any legal recognition; however, the latter should be appropriately acknowledged.

4. **Reviewing Patents' Eligibility Criteria:** There should be a review conducted in relation to the provisions of the Patents Act of 1970 regarding the possibility of being regarded as the creator of a patent and in particular Section 3(k).
5. **Increasing Transparency in Developing AI Systems**: Generative AI systems developers should be guided by regulations regarding the disclosure of datasets they use for training their algorithms to minimize any potential risks related to copyright issues.
6. **Development of Licensing Structures:** It is crucial to develop special licensing structures facilitating the employment of copyrighted materials during AI training.
7. **Cooperation in Establishing Global Standards**: Proactive participation of Indian representatives in negotiations at international organizations such as WIPO is essential to establishing globally accepted standards on AI and IP.
8. **Ongoing Review of Intellectual Property Laws:** With the rapid progress of technology, intellectual property law should be reviewed regularly to keep pace with current developments and effectively solve emerging challenges related to artificial intelligence.
9. **Specialized Training Programs for Judges and Policymakers:** Special training programs aimed at enhancing the understanding of emerging problems and challenges relating to generative AI technologies among judges, policymakers, and other IP specialists need to be introduced.

These measures are intended to help modify the intellectual property law framework not for granting any legal entity status to artificial intelligence but for fostering human creativity and innovation.

IX. CONCLUSION

Intellectual property law was originally created on the assumption that only human beings are capable of creativity and invention. Concepts such as authorship, originality, and inventorship are all based on the belief that the human mind applies skill, judgment,

and creativity to produce a work or an invention. For many years, this basic assumption remained stable because technology only assisted humans and did not create independently. However, the emergence of Generative Artificial Intelligence and deep learning has changed this foundation. With minimal human contribution, AI systems can now create content, designs, and technological solutions on their own. These contradict the idea of creativity and innovation under intellectual property law.

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13. Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299.
14. World Intellectual Property Organization Convention (signed 14 July 1967, entered into force 26 April 1970) 828 UNTS 3.
15. Eastern Book Company v DB Modak (2008) 1 SCC 1.