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A Fundamental Perspective



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The International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective” provided an academic platform to examine the transformative impact of Artificial Intelligence on law, legal systems, governance and society.

The conference explored emerging legal and ethical questions relating to Artificial Intelligence, including intellectual property, authorship and ownership, liability, data privacy, cybersecurity, criminal justice, evidence law, human rights, ethics and accountability. It addressed the implications of Artificial Intelligence for legal education, commercial law, regulatory frameworks, policy development, research and scholarly communication.

The conference brought together academicians, research scholars, legal professionals and students to present research, exchange ideas and engage in interdisciplinary discussions. It encouraged meaningful academic dialogue and contributed towards the development of effective, ethical and inclusive legal responses to the rapidly evolving Artificial Intelligence landscape.

Conference	International Conference
Theme	Law in the Age of Artificial Intelligence: A Fundamental Perspective
Date	24 January 2026
Time	10:00 AM onwards
Mode	Online
Organised by	IQAC, Student Research Society and Library Committee
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PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



It gives me immense pleasure to welcome all academicians, research scholars, legal professionals and students to the International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective.”

Artificial Intelligence is transforming the way societies function and is increasingly influencing legal systems, governance, professional practices and education. These developments bring significant opportunities as well as complex legal, ethical and social challenges.

This conference provided a valuable platform for intellectual exchange and interdisciplinary dialogue on emerging issues such as data privacy, intellectual property, liability, criminal justice, human rights, ethics and the governance of Artificial Intelligence. The scholarly contributions and discussions during the conference encouraged deeper understanding and promoted responsible approaches to the use of Artificial Intelligence.

I extend my best wishes to all the speakers, researchers, presenters, participants and members of the organising team for a meaningful and intellectually enriching conference.

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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ARTIFICIAL INTELLIGENCE AND TRADEMARK LAW IN INDIA: A DOCTRINAL ANALYSIS OF EMERGING LEGAL CHALLENGES

Adv. Sanjana Prajapati¹

I. ABSTRACT

Artificial intelligence (AI) has significantly altered the landscape of commercial branding by influencing how trademarks are conceptualized, marketed, and safeguarded in digital environments. Organizations now make extensive use of AI based technologies for developing brand identities, designing visual marks, implementing data-driven advertising strategies, and enhancing consumer interaction. Although these technologies improve operational speed and market reach, they simultaneously challenge long-standing trademark doctrines that were developed around human authorship and traditional marketplace dynamics. In India, trademark rights are protected under the Trade Marks Act, 1999, which offers legal remedies against infringement and misuse of registered marks. However, the legislation does not explicitly regulate issues arising from AI-created branding, automated imitation of trademarks, or algorithm-based exploitation across online platforms. Comparable gaps are evident in legal systems such as those of the United States, the European Union, and the United Kingdom, where determining accountability for AI-related trademark violations and enforcing rights across borders remains complex. The expansion of e-commerce platforms, digital advertising practices, and online counterfeiting has further intensified these concerns. AI therefore occupies a complex position, functioning both as a potential source of trademark violations and as a technological aid for detection and enforcement. In this context, this paper underscores the necessity for progressive legal reforms that accommodate technological advancements while safeguarding trademark rights, preserving consumer confidence, and promoting fair competition in the digital economy.

¹ 3rd Semester L.L.M Student at Mumbai University, Mumbai (India).Email:sjpajapati78@gmail.com

II. KEYWORDS

AI and Trademark Law, AI Generated Trademark, Digital Trademark Enforcement, Infringement and Legal Reforms.

III. INTRODUCTION

Artificial Intelligence (AI) has rapidly transformed creative and commercial activities, including branding and technological innovation. While AI enhances efficiency and productivity, it challenges traditional Intellectual Property Rights (IPR) systems that are based on human creativity and labour. The ability of AI to independently generate content raises legal concerns regarding ownership, authorship, accountability, and enforcement of intellectual property rights.²

Intellectual property law has historically protected human intellectual effort, a principle rooted in theories such as John Locke's Labour Theory.³ However, digital technologies have already strained these protections, and AI further complicates the distinction between human-created and machine-generated works. This challenge is particularly significant in trademark law, where marks function to distinguish goods and services and prevent consumer confusion.

This paper examines the intersection of Artificial Intelligence and trademark law under the Indian legal framework, with reference to international developments. It evaluates the adequacy of existing laws in addressing AI-generated trademarks and suggests reforms to balance technological advancement with legal certainty and protection of human creativity.

A. Statement of the problem

1. **What is AI and Its Growing Use in India:** Artificial Intelligence refers to computer systems that mimic human cognitive functions such as learning, reasoning, and decision-making. In India, AI is increasingly applied in the legal sector for tasks like research and case management, with firms like

² World Intellectual Property Organization. (2016). *WIPO intellectual property handbook: Policy, law and use* (2nd ed.). Geneva: WIPO.

³ Prasanna, A. (n.d.). *John Locke's labour theory: A justification of IPRs*. Legal Service India. <https://www.legalservicesindia.com/article/2536/John-Locke%E2%80%99s-Labour-Theory:-A-Justification-of-IPRs.html>

Cyril Amarchand Mangaldas and Fox Mandal adopting AI tools. India has emerged as a significant global AI ecosystem. According to the Stanford AI Index Report 2025, India ranks 3rd globally in AI Vibrancy, reflecting strong performance in AI skill integration, research output, and private investment⁴. However, under the IMF AI Preparedness Index 2024, India ranks 72nd, indicating scope for improvement in regulatory readiness and infrastructure preparedness. These rankings demonstrate both India's rapid growth in AI adoption and the regulatory challenges that accompany such expansion. The Indian AI market is projected to grow steadily in the coming years, driven by government initiatives such as Digital India and increased private sector investment. This expanding AI ecosystem directly affects branding and trademark practices, necessitating doctrinal clarity within intellectual property law.⁵

2. What is IPR? Intellectual Property Rights (IPR) are legal protections granted for creations of the human mind, including inventions, artistic works, symbols, names, designs, and brands. IPR aims to promote innovation by giving creators exclusive rights to use and benefit from their work for a set period. Key types of IPR include copyrights, patents, trademarks, industrial designs, and trade secrets, each governed by specific laws.⁶ Trademark enforcement ensures that registered marks are not used without authorization. In India, the Trade Marks Act, 1999 governs enforcement by defining ownership and providing remedies for infringement and passing off.

3. National Perspectives

- **Indian Approaches:** In India, the Trade Marks Act, 1999 does not explicitly cover AI-generated trademarks, leaving questions about

⁴ Stanford Institute for Human-Centered Artificial Intelligence. (2025). Which countries are leading in AI? Global AI Vibrancy Tool. Stanford University. Available at <https://hai.stanford.edu/ai-index/global-vibrancy-tool>

⁵ Nazir, Z. (2024, July 29). International Monetary Fund maps 174 countries' artificial intelligence readiness: India is at 72. NDTV. Available at <https://www.ndtv.com/ai/international-monetary-fund-maps-174-countries-artificial-intelligence-readiness-india-is-at-72-5980742?utm>

⁶ Cornish, W., Llewelyn, D., & Aplin, T. (2019). *Intellectual property: Patents, copyright, trade marks and allied rights* (9th ed.). London: Sweet & Maxwell

ownership and distinctiveness unclear. Under current law, AI-created logos and brand names must meet standard statutory requirements, with ownership attributed to the human or legal entity submitting the application, not the AI system.⁷

- **United States (US) Approaches:** The U.S. trademark framework, governed by the Lanham Act⁸, requires trademarks to be distinctive and used in commerce. AI-generated names can be registered but must meet the same distinctiveness and confusion standards as traditional marks. Recent cases involving AI companies show that courts continue to apply standard infringement tests, emphasizing the role of human entities in ownership and enforcement.⁹
- **European Union (EU) Approaches:** European discussions, including WIPO panels and EUIPO practices, emphasize that AI-generated marks must meet the same distinctiveness and compliance standards as traditional trademarks.¹⁰ EU scholarship also links these issues to broader regulations, such as the Digital Markets Act and AI Act, which guide AI integration into IP and competition law.¹¹

4. International Perspectives

- **WIPO Reports on AI and IP:** Internationally, AI is recognized as reshaping intellectual property systems and trademark protection. WIPO has conducted extensive discussions on the impact of AI on IP law.¹²
 - The Nice Classification, managed by WIPO, is a global system for categorizing goods and services in trademark registration across more than 150 jurisdictions. From 1 January 2026, the 13th Edition

⁷ Trade Marks Act, No. 47 of 1999, India.

⁸ Lanham Act, 15 U.S.C. §§ 1051–1127 (United States)

⁹ OpenAI, Inc. v. Open Artificial Intelligence, Inc. et al, No. 4:2023cv03918 - Document 326 (N.D. Cal. 2025)

¹⁰ European Union Intellectual Property Office. (2021). Artificial intelligence in intellectual property administration. EUIPO

¹¹ European Commission. (2021). *Proposal for a regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)*.

¹² World Intellectual Property Organization. (2020). *WIPO conversation on intellectual property (IP) and artificial intelligence (AI)*. WIPO

introduces updates reflecting modern commerce and technology, requiring applicants to review classifications carefully to avoid registration issues.¹³

- The Madrid System, managed by WIPO, allows trademark owners to secure protection in multiple countries with a single application and fee, simplifying registration, renewal, and management across member states.¹⁴

B. Research Objectives

This research seeks to achieve the following objectives:

1. To examine the legal framework governing trademarks in India under the Trade Marks Act, 1999 and analyse its applicability to trademarks generated or influenced by AI.
2. To analyse the emerging legal challenges posed by Artificial Intelligence in trademark law, including issues of authorship, ownership, distinctiveness, and likelihood of confusion in AI-generated marks.
3. To evaluate the adequacy of existing trademark doctrines, such as infringement, passing off, and dilution, in addressing disputes involving AI-generated or AI-assisted trademarks.
4. To study relevant judicial decisions and legal principles that may indirectly guide the regulation of AI-generated trademarks within the Indian legal system.
5. To identify regulatory gaps in the current trademark regime in addressing the role of AI in trademark creation, selection, and market deployment.
6. To analyse comparative legal developments and policy discussions concerning AI and trademark law in other jurisdictions, and to assess their relevance to the Indian legal framework.
7. To examine cross-border enforcement issues relating to AI-generated trademarks through the Madrid System, particularly addressing

¹³ World Intellectual Property Organization. (2025). *Nice classification of goods and services for the purposes of the registration of marks (13th ed.)*. WIPO)

¹⁴ World Intellectual Property Organization. (2026). Madrid System – International trademark protection. Available at <https://www.wipo.int/en/web/madrid-system>

jurisdictional challenges arising from digital misuse through relevant case law.

C. Research Questions

Current trademark laws in India inadequately address the complexities introduced by AI-generated trademarks, leading to uncertainty in ownership, distinctiveness, and infringement adjudication. Key issues arising in this context include:

1. **Ownership of AI-Generated Trademarks:** The Act does not clearly specify the ownership of AI-generated trademarks, raising uncertainty as to whether the rights should belong to the AI user, the developer, or the entity commercially using the technology.
2. **Distinctiveness and Registrability of AI-Generated Marks:** AI tools often generate brand names or logos by analysing extensive datasets of existing marks and market trends. This may result in outputs that lack inherent distinctiveness or resemble commonly used terms, raising challenges under Section 9 of the Trade Marks Act, 1999.
3. **Algorithmic Similarity and Risk of Infringement:** AI-generated trademarks may unintentionally resemble pre-existing registered marks due to pattern-recognition algorithms trained on existing datasets. This increases the likelihood of refusal under Section 11 and raises concerns regarding consumer confusion.
4. **Automated Trademark Misuse in Digital Platforms:** AI technologies can also be used to generate misleading advertisements, deepfakes, or counterfeit branding, complicating enforcement of trademark rights in online marketplaces.
5. **Cross-Border Enforcement Issues:** AI-generated trademarks may circulate globally through digital platforms and e-commerce systems, creating jurisdictional and enforcement challenges within the traditional territorial framework of trademark law.

D. Research Methodology

The rapid integration of Artificial Intelligence into branding and commercial practices has created complex legal questions within trademark law, particularly concerning

ownership, distinctiveness, and infringement. Examining these emerging issues requires a structured legal analysis of the existing regulatory framework governing trademarks and related digital activities. This study adopts a doctrinal research methodology, relying primarily on the analytical examination of statutory provisions, judicial precedents, and authoritative legal literature. It focuses on the interpretation of the Trade Marks Act, 1999, while also considering relevant legal developments governing digital technologies and data protection that may influence AI-related trademark disputes.

In addition, the analysis further incorporates secondary sources, including scholarly writings, policy discussions, and international legal perspectives, in order to assess the adequacy of the present legal framework and to identify potential areas for reform in addressing challenges arising from AI-generated trademarks.

E. Scope and Implications

The scope is limited to trademark law within intellectual property, emphasizing Indian statutes and comparative international insights. It examines doctrinal issues like registrability, ownership, and infringement, as well as practical challenges such as AI-assisted trademark searches and enforcement.

The study has practical significance for legal scholars, policymakers, trademark practitioners, businesses and courts to ensure fairness and predictability in the evolving AI-driven trademark landscape.

IV. STATUTORY FRAMEWORK: AI-GENERATED TRADEMARKS IN INDIA

A. Definition of "Trade Mark"

1. **Section 2 (1) (zb), Trademark Act, 1999:** A mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours. AI-generated marks must also satisfy this defining criterion.
2. **Trade Marks Act, 1999: Core Provisions:** The Trade Marks Act, 1999 governs trademark registration and protection in India. Although the

statute does not yet contain AI-specific provisions, its principles are directly applicable to trademarks created or influenced by AI tools, thereby requiring comprehensive doctrinal scrutiny.

- **Section 9 (Absolute Grounds for Refusal):** This provision prohibits the registration of marks that are devoid of distinctive character, descriptive or generic in nature, customary in trade, deceptive, or contrary to law, morality, or public policy. However, a descriptive mark may still be registered if it has acquired distinctiveness through prior use before the date of application. In the context of AI-generated trademarks, algorithmic outputs may often produce generic or descriptive names derived from large datasets. Such marks are likely to be refused under Section 9 unless the applicant can prove demonstrate that the mark has acquired distinctiveness in the marketplace.
- **Section 11 (Relative Grounds for Refusal):** This provision bars the registration of a trademark if it is identical to or deceptively similar to an earlier trademark, and its use is likely to cause confusion among the public or create an association with the prior mark. It safeguards existing trademark owners and prevents consumer deception in the marketplace. AI-generated trademarks may unintentionally resemble existing registered marks in name, sound, pronunciation, design, or overall commercial impression due to their reliance on extensive data inputs. Such similarity may result in refusal under Section 11, as the determining test remains the likelihood of consumer confusion, regardless of whether the mark was created by a human or an AI system.
- **Section 11(6)-(10) (Protection of Well-Known Trademarks):** Subsections of Section 11 specifically deal with well-known trademarks and the factors considered by courts and the Registrar when determining such status. AI-generated marks may inadvertently reproduce or resemble well-known trademarks due to large training datasets. Because well-known marks enjoy broader protection even

across different classes of goods, AI-generated similarities could result in refusal or infringement even where the goods are unrelated.

- **Section 17 (Effect of Registration of parts of a Mark):** This provision is particularly relevant for composite AI-generated marks that combine words, logos, and stylised elements. Registration ordinarily protects the mark as a whole, unless specific elements are separately registered. This principle prevents trademark owners from asserting monopolistic claims over common or descriptive elements contained within a composite mark. For instance, if a mark contains a generic word along with a distinctive logo, the protection extends primarily to the overall commercial impression rather than to the generic word itself. Section 17 of the Trade Marks Act, 1999 becomes particularly relevant for AI-generated branding because AI tools frequently generate multimodal trademarks that combine textual and visual elements. AI-assisted design platforms may create composite marks integrating stylised typography, symbols, and graphic motifs. Under Section 17, the registrability and enforceability of such marks depend on the distinctive character of the mark as a whole rather than on each algorithmically generated element individually.
- **Section 18 (Application for Registration):** This provision governs the procedure for filing a trademark application. It provides that any person claiming to be the proprietor of a trademark used or proposed to be used may apply for registration. This section is relevant for AI-generated trademarks because it implicitly assumes the presence of a human or legal entity claiming proprietorship. Since AI itself cannot hold legal personality under Indian law, the ownership of AI-generated marks must be attributed to the individual or company that deploys or controls the AI system. This provision therefore becomes central to debates about ownership and authorship of algorithmically generated trademarks.
- **Section 29 (Infringement of registered Trademarks):** This section defines infringement as the unauthorized use of identical or similar

marks that causes confusion. It applies equally to AI-driven reproductions in e-commerce. AI-generated marks may infringe registered trademarks if they create a likelihood of confusion, dilution, or unfair advantage. Courts must apply traditional infringement tests even where the similarity arises from algorithmic processes.

- **Section 30 (Permitted Use / Fair Dealing):** Section 30 provides exceptions to trademark infringement by allowing bona fide and limited use of a registered mark for descriptive purposes, comparative advertising, compatibility reference, criticism, or commentary, provided such use does not cause confusion or take unfair advantage of the mark's reputation. In the AI context, references to existing trademarks for identification, review, or parody may fall within permitted use if they are non-deceptive and commercially fair. However, if AI-generated outputs reproduce trademarks in a manner that exploits goodwill or creates confusion, the protection under Section 30 would not apply.¹⁵

V. TRADEMARK DISTINCTIVENESS AND AI: KEY CASE LAW

Indian courts have established clear principles on distinctiveness relevant to AI-generated trademarks:

1. **Umang Dairies Ltd. v. Registrar of Trade Marks:** The Delhi High Court held that the composite mark "White Magik" was sufficiently distinctive, emphasizing evaluation of the mark as a whole rather than its descriptive elements.¹⁶
2. **Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd. (SC, 2004):** The Supreme Court extended trademark protection to domain names as business identifiers,

¹⁵ Government of India. (1999). *The Trade Marks Act, 1999 (Act No. 47 of 1999)*. Ministry of Law and Justice, Legislative Department. Available at

https://www.indiacode.nic.in/bitstream/123456789/15427/1/the_trade_marks_act%2C_1999.pdf

¹⁶ Umang Dairies Limited vs Registrar of Trade Marks, C.A.(COMM.IPD-TM) 145/2021 (Delhi High Court, Feb. 21, 2023). *Indian Kanoon*. Available at <https://indiankanoon.org/doc/160663514/>

a principle applicable when AI generates digital marks or domain-like identifiers.¹⁷

A. Combating Deepfakes and AI-driven Misuse of Trademarks

AI-generated content, such as logos or brand identifiers, may imitate existing trademarks, risking consumer confusion or infringement. While India has no specific law for AI-generated trademarks, provisions under the Information Technology Act, 2000 and Bharatiya Nyaya Sanhita (BNS), 2023 (effective July 1, 2024, repealing the Indian Penal Code, 1860) may apply in cases of deceptive AI-generated content:

1. **Section 66D, IT Act, 2000:** Criminalizes online cheating by impersonation, which can include the fraudulent use of AI-generated trademarks or logos.¹⁸
2. **Sections 316-318, BNS, 2023 (replacing IPC 415-420):** Address cheating and dishonest inducement, applicable to deepfake trademark misuse.¹⁹

B. Digital Personal Data Protection Act, 2023

AI tools generating trademarks may process personal or brand-related data, including existing brand identifiers. Compliance with the Digital Personal Data Protection Act, 2023 ensures lawful data collection, transparency and consent for AI use, and secure storage with prompt reporting of breaches.²⁰

C. Information Technology Act, 2000

The IT Act includes provisions relevant to AI-generated trademarks, aimed at preventing misuse, impersonation, and harmful online activities:

1. **Section 43A:** Provides compensation for negligent handling of sensitive data.²¹
2. **Section 66D:** Criminalizes impersonation via computer resources (relevant when AI replicates existing brands).²²

¹⁷ *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.*, C.A. No. 3028 of 2004 (Supreme Court of India, May 6, 2004). *Indian Kanoon*. Available at <https://indiankanoon.org/doc/1630167/>

¹⁸ Information Technology Act, 2000, Section 66D (India).

¹⁹ Government of India. (2023). *Bharatiya Nyaya Sanhita, 2023* (Act No. 45 of 2023). India Code Digital Repository. Available at <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf>

²⁰ Digital Personal Data Protection Act, 2023 (India).

²¹ Information Technology Act, 2000, Section 43A (India)

²² Information Technology Act, 2000, Section 66D (India)

3. **Section 67:** Penalizes publishing or transmitting harmful content online, including deceptive AI-generated marks.²³

D. Ownership and Authorship

Ownership of AI-generated trademarks is often contested. Typically, the human commissioning the AI claims rights, but disputes can arise with developers if the AI produces commercially valuable marks independently. Contracts and licensing agreements help clarify ownership, though explicit legal provisions would reduce uncertainty.

In the U.S., cases like *OpenAI Inc. v. Open Artificial Intelligence Inc.*²⁴ show that AI-related branding disputes are resolved using traditional trademark rules, emphasizing that human entities remain responsible for legal ownership and liability.

E. Infringement and Consumer Confusion in AI Contexts

Trademark infringement depends on the likelihood of consumer confusion. AI-generated marks may unintentionally resemble existing trademarks, and automated tools can increase this risk, requiring courts to consider algorithmic origins while maintaining established legal standards.

In *Amazon v. Beverly Hills Polo Club*²⁵, the Delhi High Court Division Bench, on 1 July 2025 stayed the operation of a single-judge order that had directed Amazon Technologies to pay ₹339.25 crore in damages to Lifestyle Equities, the owner of Beverly Hills Polo Club (BHPC), in a trademark infringement suit, highlighting that digital and automated content must comply with trademark law.

Similarly, in *Tata Sons Ltd v. Hakunamatata Tata Founders & Ors.*,²⁶ the case primarily addressed trademark infringement, passing off, and territorial jurisdiction over foreign seated defendants using the TATA mark on cryptocurrency platforms. The

²³ Information Technology Act, 2000, Section 67 (India)

²⁴ *OpenAI Inc. v. Open Artificial Intelligence Inc.* (2025)

²⁵ Yadav, R. (2025, July 2). *Delhi HC stays ₹339 cr damages order against Amazon in Beverly Hills Polo Club trademark row*. LawBeat. Available at <https://lawbeat.in/news-updates/delhi-hc-stays-rs-339-cr-damages-order-against-amazon-in-beverly-hills-polo-club-trademark-row-1500462>

²⁶ *Tata Sons Private Limited v. Hakunamatata Tata Founders & Others*, CS(COMM)-316/2021 (Delhi High Court, Sept. 27, 2022), CaseMine, Available at <https://www.casemine.com/judgement/in/635d4dc0f41be14c9cb468dc>

courts upheld protection against unauthorized digital misuse, principles that also apply to AI-generated content in digital marketplaces.

F. Comparative Jurisprudence

Internationally, trademark authorities are beginning to address AI's impact. In the U.S., AI-generated brands have faced infringement cases, showing that traditional legal tests still apply. The EUIPO has highlighted the need to adapt examination procedures to address AI challenges such as algorithmic bias and similarity detection. Overall, while core trademark principles remain, procedural and policy frameworks must evolve to accommodate AI.

VI. LEGAL GAPS AND PROSPECTIVE REFORMS

1. **Absence of AI-Specific Legislation:** India currently lacks specific legislation governing AI. Existing laws address AI only indirectly and do not fully cover accountability, bias, intellectual property, or liability for AI-generated outputs. Dedicated AI regulations are needed to ensure responsible and transparent innovation.²⁷
2. **Algorithmic Bias and Discrimination:** Artificial intelligence models may reflect prejudices present in the data on which they are trained, resulting in unfair or unequal outcomes. In India, NITI Aayog has promoted ethical AI guidelines, but no binding laws yet address algorithmic bias, raising concerns in sectors like employment, finance, and healthcare.²⁸
3. **Data Privacy and Protection:** The extensive reliance of AI systems on personal data raises privacy concerns. Although the Digital Personal Data Protection Act, 2023 offers a basic framework, advancing AI technologies may require stronger safeguards against misuse, unauthorized processing, and breaches.²⁹

²⁷ NITI Aayog, *National Strategy for Artificial Intelligence: #AIForAll* (2018), Government of India.

²⁸ NITI Aayog, *Responsible AI for All – Operationalizing Principles for Responsible AI* (2021), Government of India.

²⁹ Government of India, *Digital Personal Data Protection Act, 2023*, Ministry of Electronics and Information Technology.

VII. SUGGESTIONS

1. **AI Examination Guidelines:** The Trade Marks Registry should issue specific guidelines for examining AI-generated trademarks, particularly for similarity assessment under the Trade Marks Act, 1999.
2. **Regulation of AI Training Data:** Regulatory standards should govern the use of trademark datasets in training AI models to prevent automated replication of existing marks.
3. **Ownership and Liability Clarification:** Legal responsibility for AI-generated trademarks should be clearly attributed to the human or corporate entity deploying the AI system. This would reduce legal uncertainty in disputes involving automated trademark creation.
4. **Comparative Regulatory Borrowing:** India may draw guidance from regulatory models such as the EU AI Act (2024), which adopts a risk-based classification approach to AI systems, and emerging UK policy discussions on AI and intellectual property governance.
5. **Stronger Digital Enforcement:** Coordination between trademark authorities, cybercrime units, and digital platforms should be enhanced to address AI-driven infringement and deepfake branding.
6. **International Cooperation:** Cross-border enforcement should be strengthened through collaboration with the World Intellectual Property Organization and the Madrid System.
7. **Periodic Legal Review:** Intellectual property laws should be periodically reviewed to ensure they remain effective in addressing emerging AI-related challenges.

VIII. CONCLUSION

The increasing use of Artificial Intelligence in branding, marketing, and digital commerce has introduced significant challenges for traditional trademark law. While the Trade Marks Act, 1999 provides a foundational framework for the protection of trademarks, it was drafted at a time when trademark creation and use were primarily human-driven. Consequently, issues such as ownership of AI-generated trademarks,

algorithmic similarity with existing marks, automated brand creation, and cross-border digital misuse are not directly addressed within the present statutory scheme.

Existing trademark laws, while providing basic guidance for AI-related issues, lack the detailed mechanisms necessary to effectively regulate AI-generated trademarks, particularly in matters relating to distinctiveness assessment, infringement analysis, and liability attribution. The absence of explicit provisions dealing with AI-generated outputs creates uncertainty for businesses, innovators, and regulators. As AI tools become increasingly integrated into commercial decision-making and brand development processes, the need for legal clarity and regulatory adaptation becomes more pressing.

Therefore, a balanced legal approach is required one that preserves the fundamental principles of trademark protection, such as distinctiveness, consumer protection, and fair competition, while simultaneously adapting to technological developments. Addressing these emerging challenges through doctrinal interpretation and targeted regulatory reforms will be essential to ensure that trademark law remains effective and relevant in the evolving digital economy.

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