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Artificial Intelligence in the World of IP

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ABSTRACT

The present world is moving towards a scenario where it is completely dependent upon technology. Initially, there was no need to protect the databases because the technology was not so advanced during that period. Artificial intelligence comes with no proper definition. Artificial intelligence comprises data that can be protected by copyright. Apart from the main concept of Artificial Intelligence in Intellectual Property Rights, several types of Artificial Intelligence play an important role concerning IP laws. The importance of AI is increasing day by day because of the increasing technology. The databases need to be protected because everyone has access to the internet in the present world. However, various controversies and barriers are still going on in need to protect Artificial Intelligence in the world of Intellectual Property Laws. The data that are protected by IP laws comprises quality data and these databases require high protection or else it can be further misused. The role of Intellectual Property Laws is to protect these databases that have been developed through the concept of Artificial Intelligence.

Artificial intelligence does not have any specific definition but this term can be explained as a part in the computer science. The term artificial intelligence aims at developing machines and it works with the tasks which requires human intelligence.² In the world of Intellectual Property Laws, there are various rules and regulations laid down to protect the patentability of artificial intelligence. The development of artificial intelligence and the protection of artificial intelligence will not only help in the technological development but it will also help in other developments such as economic developments, social developments, etc. it is the provisions and the rights which are provided in the Intellectual Property laws which motivates in developing new technologies.³

The development of Artificial Intelligence in the sector of Intellectual Property Laws comes with lots of difficulties and challenges as it is totally the protection of human intelligence through technology. The advancement of technology is making everything easier around us but at the same time it is being infringed and also the people developing these technologies

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² What is artificial intelligence?, https://www.wipo.int/about-ip/en/artificial_intelligence/

³ How AI can change the world of Intellectual Property, <https://www.analyticsinsight.net/artificial-intelligences-role-in-the-field-of-intellectual-property/>

are not getting enough provisions to protect their rights or to protect their inventions. Intellectual Property is all about protecting the rights of the people and giving an exclusive right to the inventions created by the human beings.

Under Artificial Intelligence, an inventor either creates a whole technology or forms parts of that technology. There is no major difference between the common development of technology and inventions through artificial intelligence. The only difference that is taken into consideration is that the inventors under artificial intelligence in Intellectual Property are given exclusive rights and are provided special provisions which helps them to protect their inventions.⁴

Although there are several provisions established to deal with the protection of the artificial intelligence in the world of Intellectual Property Laws, still this topic is the most debating topic and comes up with the most interesting questions than any other department under the Intellectual Property Laws. Every invention under the concept of artificial intelligence still has uncleared doubts and queries which requires new provisions or the modification in the existing provisions. As it is known that IP laws are those laws which has been established to protect the creativity of the owners. Hence, the patentability of the artificial intelligence is as important as other protection under the IP laws. Any invention under the provisions of Intellectual Property Laws is always a combination of invention. Under the concept of artificial intelligence, it can be any invention which includes algorithm, computational or mathematical method or it can be the combination of both as well. The main question which arises here is that patent deals with the protection of the inventions which helps in the welfare of the society, but in artificial intelligence, it mainly deals with the protection of the computer system development, so is it eligible for patent protection because somehow it reduces the scope of protection according to the provisions under the Intellectual Property Laws.⁵

There are no separate provisions established for the protection of artificial intelligence under Intellectual Property Laws, so whether any inventions under the concept of artificial intelligence can be protected or not. According to the provisions under the IP laws, not all the inventions which has been invented through artificial intelligence can be protected. However, certain inventions can be protected under the provisions as per the fulfillment of the laws related to artificial intelligence. The most debating question here arises that who can be held liable if there is an infringement of artificial intelligence because everything can be easily

⁴ Artificial intelligence and its challenges for intellectual property, Uthhoff, Gomez Vega and Uthhoff SC, <https://www.lexology.com/library/detail.aspx?g=7af89c76-4645-411f-991a-0b19ade0dd19>

⁵ India: Artificial Intelligence in The World Of IP, Lynn Lazaro, <https://www.mondaq.com/india/patent/892134/artificial-intelligence-in-the-world-of-ip>

accessible on the internet and there is no accurate owner of any invention which has been developed through computer programming systems.⁶

The part of Intellectual Property which are considered under the concept of artificial intelligence are patents, designs, literary and artistic works. Technologies in the world are developing from time to time and with the advancement of the technology, it is getting easier for every consumer to do complete their works in an easy manner. Artificial intelligence mainly focuses on reducing complications in the field of data collectivity because it mainly deals with the computer programming systems and now everything is going through technologies so it gets easier to work on the data collection field through the invention under the artificial intelligence. Thereafter, this becomes the main reason behind the organizations who are willing to solve everything through technologies. All the inventions around the world comes with various advantages and disadvantages and so is the concept of artificial intelligence. The main motive behind inventions under artificial intelligence is to reduce the risk and at the same time to improve the efficiency. The risky areas of the Intellectual Property Laws deal with the inventions through computer programs because in the present generation where there is advancement of technology everywhere, all the people in the world have an easy access to the internet sources and it gets difficult to protect the invention.⁷

Although there are various challenges which are faced by the inventors while inventing any programming under artificial intelligence but this concept is spreading across the globe as an emerging concept and is giving enough opportunities to everyone specially who are willing to develop something on the basis of data collection or on the basis of algorithm to make it easier for the organization as well as an individual to make their work and also in an organized manner. There are already existing provisions under WIPO which deals with the patentability of artificial intelligence under the Intellectual Property Laws but somehow there are certain queries which are still in question while developing the programs through artificial intelligence under the Intellectual Property Laws.⁸

⁶ Infringement of IP, How AI can Change the World of Intellectual Property, <https://www.analyticsinsight.net/artificial-intelligences-role-in-the-field-of-intellectual-property/>

⁷ Improving efficiency and reducing risk, the role of artificial intelligence in intellectual property, <https://www.ipwatchdog.com/2017/07/27/role-artificial-intelligence-intellectual-property/id=86085/>

⁸ Artificial intelligence and intellectual property law, Swapnil Tripathi and Chandni Ghatak, <https://core.ac.uk/download/pdf/236436865.pdf>