

IP & Beyond

ARTIFICIAL INTELLIGENCE AND
INTELLECTUAL PROPERTY RIGHTS



About:

THE DPIIT-IPR CHAIR

The Department for Promotion of Industry and Internal Trade (DPIIT) is a division under the Ministry of Commerce and Industry, Government of India. Formerly known as the Department of Industrial Policy & Promotion,



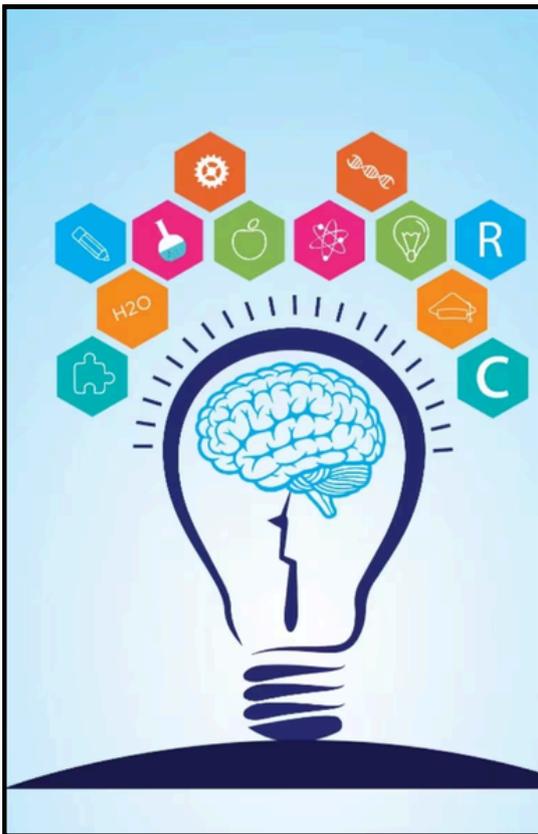
उद्योग संवर्धन और आंतरिक व्यापार विभाग
DEPARTMENT FOR
PROMOTION OF INDUSTRY AND
INTERNAL TRADE

it was renamed as DPIIT when internal trade was added to its mandate, officially commencing operations under its new name on January 27, 2019. DPIIT also oversees intellectual property rights (IPR), including patents, trademarks, copyrights, and geographical indications, ensuring strong legal protection for innovators and businesses, and significantly contributes to India's economic growth and global competitiveness. The DPIIT Chair is a research and policy advisory position established by the Department for Promotion of Industry and Internal Trade (DPIIT) in collaboration with leading academic institutions in India. The objective of the DPIIT Chair is to conduct research, provide policy recommendations, and support the government in areas related to industrial policy, intellectual property rights (IPR), trade, startups, and innovation. DPIIT, under the Ministry of Industry and Commerce, selected Maharashtra National Law University, Nagpur for the establishment of the DPIIT IPR Chair, reinforcing its role in advancing intellectual property research and policymaking.

THE CENTRE FOR INTELLECTUAL PROPERTY RIGHTS- MNLU, NAGPUR

The Centre for Intellectual Property Rights (CIPR) is one of the Advanced Legal Research Centres of Maharashtra National Law University, Nagpur, dedicated to promoting human, social, and commercial values through specialised socio-legal research in the field of Intellectual Property Rights (IPR). Established in 2017, the CIPR aims to enhance awareness of IPR, and support policymakers in their decision-making by conducting both empirical and non-empirical research. Since its inception, the CIPR has been actively engaged in IPR discourse at both national and international levels. It also hosts the DPIIT IPR Chair, a prestigious academic position supported by the Government of India, which conducts specialized research, advises policymakers, and advances legal education in intellectual property. Through its initiatives, CIPR plays a vital role in enhancing India's IPR landscape, promoting innovation, and supporting businesses in safeguarding their intellectual property.

SPRIHA: SCHEME FOR PEDAGOGY & RESEARCH IN IPRs FOR HOLISTIC EDUCATION & ACADEMIA



In May, 2016, the Department of Industrial Policy & Promotion (DIPP), now known as Department for Promotion of Industry and Internal Trade (DPIIT), of Ministry of Commerce and Industry had launched an all-encompassing vision document 'National IPR Policy'. The Policy had established an institutional framework to implement, monitor, and review laws governing IP rights under the Intellectual Rights Policy Management Framework (IPRPM).

India, where knowledge drives holistic development, recognises the need to raise awareness about IPRs as 'marketable financial assets' that boost entrepreneurship, and socio-economic & cultural progress. The Policy laid down seven objectives, namely,

- 1) IPR Awareness: Outreach and Promotion,
- 2) Generation of IPRs,
- 3) Legal and Legislative Framework,
- 4) Administration and Management,
- 5) Commercialization of IPR,
- 6) Enforcement and Adjudication, and
- 7) Human Capital Development.

Objective 7 of the Policy focuses on strengthening human resources and institutions for IPR teaching, training, and research. In today's dynamic IPR scenario, thought leadership and expertise in the IPR field are of paramount importance in generation of IP assets. To achieve this, the Policy has recognised "*continuous policy research*" with an interdisciplinary perspective, both nationally and internationally, as essential in developing human and institutional capacity across varied sectors such as academia, industry, and the judiciary. A key element of Objective 7.2 is to strengthen IP Chairs at educational institutions, ensuring quality IPR education and research. In this backdrop, the Ministry of Human Resource and Development (MHRD) had formulated a Central Scheme of Intellectual Property Education, Research and Public Outreach (IPERPO) which set up IPR Chairs in recognised educational institutions for the growth and development of IPR research and education. Subsequently, a review of the scheme revealed several issues to the Scheme. For instance, the Institutions were unable to find a qualified IPR Chairs, no qualifications for eligibility of IPR Chairs were provided, and activities of most IPR Chairs were limited to organising seminars/workshops or delivery of few lectures.

SPRIHA:

SCHEME FOR PEDAGOGY & RESEARCH IN IPRS FOR HOLISTIC EDUCATION & ACADEMIA

As a result, this Scheme was revised by the formulation of “SPRIHA” which stands for “*Scheme for Pedagogy & Research in IPRs for Holistic Education & Academia*”. In addition to developing credit and specialised courses/seminars/workshops on IPR, this Scheme provides for developing inputs, research on IPR matters, and recognition for IP in the students’ minds. Furthermore, this revision was conducted to eradicate the disparity between varied funding for different institutions and to bring uniformity on the part of the IPR Chairs.

SPRIHA aims to focus on developing global IPR knowledge database, facilitation domestic IPR filings, and providing recommendations for policy makers. Only Universities, Colleges and Institutions of higher learning that recognised by the Central and State Governments, including UGC and AICTE, are eligible to apply under the Scheme whereas individuals are not eligible to apply. Furthermore, unlike IPERPO, SPRIHA provides for qualification and other conditions for appointment of IPR Chair Professor in the Universities/Institutes.

SPRIHA ensures that IPR Chair appointments are made by a 3-member committee appointed by the Institution’s Vice-Chancellor.

The Scheme provides mandates inclusion of IPR courses at the undergraduate level, generating credits to be included in students’ overall assessment, and setting up of a repository for IPR related information and case studies. The outcome of the activities carried out by the DPIIT-IPR Chairs are monitored by the DPIIT on regular basis.

Since 2023, 20 new universities have been added, raising the total to 38, including esteemed institutions such as National Law Universities and Indian Institutes of Technology. This comprehensive approach enhances IP education and aligns academic outcomes with national IP policy objectives, contributing to India’s goal of becoming an innovation-driven economy.



Deep Dive:

NAVIGATING THE INTERSECTION OF AI AND INTELLECTUAL PROPERTY RIGHTS

AI and IPR

Artificial Intelligence (AI) has emerged as one of the most transformative technologies of our time, revolutionizing countless industries and creating new possibilities for innovation. However, as AI systems become increasingly sophisticated and capable of generating creative works, inventions, and designs with minimal human intervention, they have sparked complex legal and ethical questions within the intellectual property (IPR) framework. These frameworks, designed primarily with human creators in mind, now face unprecedented challenges as they attempt to adapt to machine-generated intellectual assets.

The fundamental question at the heart of this intersection is deceptively simple yet profoundly complex: Who owns the intellectual property rights to works created by AI? Traditional IPR regimes across the globe, including copyright, patent, trademark, and design protection systems, were conceived long before the advent of autonomous creative machines. These systems generally pre-suppose human authorship, inventorship, or design creation, making their application to AI-generated works problematic at best.

In India, for instance, the Copyright Act of 1957 defines an author as “a person who causes the work to be created” while patent laws require an “inventive step” that typically implies human cognitive processes. Similar challenges exist worldwide, with courts consistently grappling with the applicability of existing frameworks to this new technological frontier. The European Union, through cases like *Infopaq International A/S v. Danske Dagbaldes Forening*, has emphasized the importance of “author’s own intellectual creation” when determining copyright eligibility, while Australian courts have explicitly denied copyright protection to works without human involvement.

The Current Legal Landscape

The legal frameworks governing AI-generated intellectual property vary significantly across jurisdictions, reflecting different approaches to balancing innovation incentives with traditional IPR principles. In most countries, including India, there is a notable absence of specific legislation addressing AI-created works, leading to reliance on judicial interpretations of existing statutes. In landmark cases such as *Gaurav Bhatia v. Union of India*, courts have held that AI-generated inventions may qualify for patent protection if they meet the standard requirements of novelty, industrial applicability, and non-obviousness.

However, the question of inventorship remains contentious. In the UK case of *Thaler v. Comptroller-General of Patents, Designs and Trademarks*, the court ruled that an AI system (DABUS) could not be recognized as an inventor under current patent law, highlighting the persistent human-centric nature of IPR frameworks.

For copyright protection, courts have been even more reluctant to extend recognition to AI-generated content. In *South Asia FM Limited v. Union of India*, it was explicitly ruled that songs created using AI systems cannot receive copyright protection due to the absence of human creativity. Similarly, trademark registration for AI-generated content has been consistently denied, as evidenced in cases like *M/S Kibow Biotech v. M/S Registrar of Trade Marks*, where the court held that AI cannot qualify as a proprietor under existing trademark legislation.

Deep Dive:

NAVIGATING THE INTERSECTION OF AI AND INTELLECTUAL PROPERTY RIGHTS

Challenges & Ethical Considerations

The integration of AI into intellectual property creation introduces several critical challenges. First, the ownership dilemma remains unresolved—Should rights belong to the AI developer, the user who prompted the creation, the organization that owns the AI system, or Should AI-generated works enter the public domain? This question has significant economic implications, as proper attribution of ownership directly impacts investment incentives in AI technology.

Second, the risk of infringement has increased exponentially with AI systems' ability to analyze and synthesize vast amounts of existing copyrighted material. Many AI models are trained on datasets that include copyrighted works, raising questions about whether the outputs constitute derivative works and how concepts like fair use apply in this context.

Third, there are growing concerns about authenticity and originality. As AI can produce works virtually indistinguishable from human-created content, determining the genuine novelty or originality of intellectual property becomes increasingly challenging. This issue is compounded by the “black box” nature of many AI systems, where the exact process of creation remains opaque.

From an ethical standpoint, the proliferation of AI-generated content raises questions about the devaluation of human creativity and the potential economic impact on creative professionals. There's also the matter of accountability—if an AI system produces content that infringes on existing rights or creates harmful material, who bears legal responsibility?

Future Directions & Policy Recommendations

As we navigate through this complex intersection, several approaches have emerged that might guide future policy development. One approach involves creating a sui generis system specifically for AI-generated works, with distinct rules for ownership, duration of protection, and conditions for infringement. This would acknowledge the unique nature of machine creativity while providing clear guidelines for all stakeholders.

Another potential solution involves redefining authorship and inventorship to recognize the human-AI collaborative relationship. This could include legal recognition of the individuals who design, train, and direct AI systems as the rightful owners of the resulting intellectual property, similar to the way employers often own works created by employees.

Alternatively, some scholars propose treating AI-generated works as public domain assets that are freely available for public use. While this approach might sacrifice some incentives for AI development, it could maximize social benefit from these technologies while avoiding complex ownership disputes.

For policymakers and legal professionals, the path forward requires careful consideration of several key elements. First, there's a need for international harmonization of approaches to prevent fragmentation of the global IPR landscape. Second, transparency requirements for AI systems could help address issues of originality and infringement by making the creative process more traceable. Finally, ongoing dialogue between technologists, legal experts, and creative professionals is essential to develop solutions that balance innovation with rights protection.

Deep Dive:

NAVIGATING THE INTERSECTION OF AI AND INTELLECTUAL PROPERTY RIGHTS

Beyond the legal considerations, the economic dimensions of AI-generated intellectual property deserve careful attention. As businesses increasingly invest in AI development for creative and innovative purposes, the uncertain protection status of resulting works could significantly impact market dynamics. Industries ranging from pharmaceutical research to media production are witnessing AI integration that blurs traditional boundaries between human and machine contributions. The resolution of these ownership questions will ultimately determine who captures the economic value of AI innovations, potentially reshaping entire industries and influencing the direction of AI research itself.

Conclusion

As AI technology continues to evolve at a rapid pace, our intellectual property frameworks must evolve alongside. The challenge lies not just in adapting existing rules but in reimagining a system that can accommodate both human and artificial creativity—protecting the rights of inventors and creators while fostering the transformative potential of artificial intelligence. This balancing act will likely define the next chapter in the long history of intellectual property law, requiring thoughtful analysis, innovative thinking, and collaborative problem-solving across disciplines and borders.



IP News Round-up:

OPENAI FACES LANDMARK COPYRIGHT INFRINGEMENT CASE IN INDIA

Asian News International (ANI), India's top news agency, has filed a historic copyright infringement lawsuit against OpenAI, the company behind ChatGPT, in the Delhi High Court. Important concerns regarding the relationship between artificial intelligence and intellectual property rights in India are raised by ANI's claims that OpenAI used its copyrighted news information without permission to train its AI models. OpenAI argues that Indian courts have no jurisdiction over the issue because its activities are domiciled in the United States. The company has stopped using ANI's content after the lawsuit and insists that it uses publicly available data in accordance with fair use rules.

OpenAI contends, however, that erasing data that has already been stored might be in violation of its legal duties under US law. Experts in law stress the case's importance in establishing the parameters of fair use under India's 1957 Copyright Act, especially with regard to AI training procedures. The decision might establish a standard for how AI developers use copyrighted content, which could affect the necessity of licensing contracts and influence the direction of AI innovation in the nation going forward. Other media outlets have taken notice of the case, and prominent Bollywood music firms have stated their plans to join the lawsuit against OpenAI.

The argument over AI's effects on intellectual property rights has heated up as a result of these labels' claims that their sound recordings have been used without permission to train AI models. This case is set to become a landmark in Indian law as the Delhi High Court continues to consider jurisdictional issues and the applicability of fair use defences, possibly redefining the connection between copyright law and artificial intelligence

ANI

South Asia's Leading Multimedia News Agency

VS



OpenAI

IP News Round-up:

UK MUSICIANS RELEASE SILENT ALBUM TO PROTEST PROPOSED AI COPYRIGHT REFORMS

More than 1,000 musicians, including well-known performers Kate Bush, Damon Albarn, and Annie Lennox, have issued a silent album called *"Is This What We Want?"* in a novel form of protest against the UK government's proposed changes to copyright laws pertaining to artificial intelligence (AI). The Government's plan, which has caused serious worries in the creative sector, would permit AI businesses to utilize copyrighted content without first acquiring creators' consent.

Silent tracks recorded in dormant music venues make up the album, symbolising the potential for artists' voices to be silenced if their work is used without permission. *"The British Government must not legalize music theft to benefit AI companies,"* which sums up each track title, speaks directly to the musicians' main concerns. The project's organizer, Ed Newton-Rex, a composer with AI experience, contends that the suggested modifications would hurt musicians while offering little to no advantages to the AI sector. In light of technological improvements, he highlights the importance of defending artists' rights. Prominent cultural heavyweights like Paul McCartney and Elton John have backed the protest, stating that these developments could jeopardize artists' livelihoods by enabling digital companies to profit from creative works without paying artists fairly.

They stress how important it is to maintain a balance between protecting intellectual property rights and advancing technology. Help Musicians, a non-profit organisation that supports musicians, will receive the album's proceeds, demonstrating the community's unity and dedication to defending creative rights. In order to ensure that technical improvements do not come at the expense of creators' rights and livelihoods, this quiet protest highlights the larger discussion about how to modify copyright laws to the changing landscape of artificial intelligence. It urges policymakers to adopt a deliberate approach that values and safeguards artists' contributions in the digital era.



IP News Round-up:

USPTO UNVEILS COMPREHENSIVE STRATEGY TO INTEGRATE ARTIFICIAL INTELLIGENCE

In order to incorporate AI technology into its operations and the larger intellectual property (IP) ecosystem, the USPTO unveiled a complete Artificial Intelligence (AI) Strategy in January, 2025. The agency's dedication to utilizing AI's promise while tackling related issues is demonstrated by this program.

Five main focal areas form the framework of the strategy: Promoting responsible AI use, building AI expertise within the workforce, investing in AI infrastructure and product development, advancing IP policies for inclusive AI innovation, and working with national and international entities.

The USPTO's proactive approach to AI is highlighted by this strategy framework, which aims to protect ethical issues in technological adoption while improving the calibre and accessibility of IP services. The USPTO's long-term vision for innovation is one in which artificial intelligence (AI) is used as a catalyst to solve global problems, propel economic growth, and enhance people's lives while upholding the values of justice, equity, and responsibility.

The USPTO's current strategy plan is a starting point for its work, and it encourages its stakeholders to keep contributing ideas about how AI might be used to enhance lives, create opportunities, and expedite the resolution of global issues.



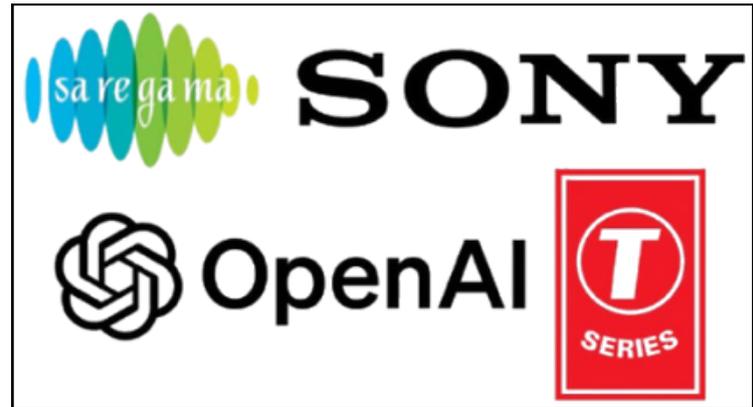
IP News Round-up:

BOLLYWOOD MUSIC LABELS TO CHALLENGE OPENAI IN INDIA OVER COPYRIGHT INFRINGEMENT

Leading Bollywood music labels, including T-Series, Sare Gama, and Sony, have announced plans to join a copyright case against OpenAI in New Delhi, marking a significant shift in India's entertainment and technology sectors. These labels, who are represented by the Indian Music Industry (IMI) association, claim that OpenAI has violated their intellectual property rights by using their copyrighted sound recordings to train its AI models without their consent. The Indian news organization ANI first brought the complaint, alleging that OpenAI's ChatGPT was utilizing its material without authorization.

Since then, this legal effort has accelerated, and big Bollywood music labels are among the media organizations attempting to join the case. Music labels are concerned that ChatGPT and other AI systems may be able to take sound recordings, lyrics, and musical compositions from the internet without the necessary licenses, which could have an effect on the industry's earnings and artists' rights. The Microsoft-backed U.S. startup OpenAI insists that it trains its AI models using openly accessible data in accordance with fair use guidelines.

Given that its computers and main commercial operations are situated outside of India, the corporation has also disputed the jurisdiction of Indian courts over its operations. This case is a part of a larger global trend in which media organizations and content providers are suing AI companies for using protected materials.



Notably, OpenAI has also been sued by Germany's GEMA, which represents publishers and songwriters, for allegedly using song lyrics that were not licensed for training AI models. The verdict in this Indian case may have a big impact on AI developers and the music industry, possibly establishing rules for how AI models might use protected material.

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IP News Round-up:

VATICAN CITY ISSUES COMPREHENSIVE GUIDELINES ON AI ETHICS AND INTELLECTUAL PROPERTY

The Vatican has published comprehensive rules that address the ethical development and application of artificial intelligence (AI) in the Vatican City State. These guidelines emphasize human-centric concepts and provide clarification on who is responsible for what information created by AI. The creation of the Governorate of the State of Vatican City as the only owner of the moral and financial rights to AI-generated outputs created inside its borders is a noteworthy feature of these guidelines. This method creates a legal framework in which the Vatican takes on the authorship of such works, giving it the authority to control and profit from them as it sees fit. Additionally, the standards require AI-generated content to be transparent and to be clearly labelled so that consumers can tell the difference between materials created by machines and those created by humans. Upholding moral principles and promoting confidence in AI applications are the goals of this measure. The Vatican's guidelines place a strong emphasis on ethics, stating that AI should benefit humanity without sacrificing human autonomy or dignity. The guidelines emphasize the possible threats to social cohesion and the significance of responsible AI development by warning against the exploitation of AI, especially in the creation of deepfakes or manipulated information.



The Vatican also emphasizes the importance of strong data security protocols, particularly when it comes to sensitive data like biometric information. The recommendations make sure that technical breakthroughs don't violate people's rights or privacy by promoting AI systems that are transparent, safe, and in line with ethical standards. In a nutshell the Vatican's rules offer a thorough framework for the moral application of AI, striking a balance between technological advancement and the defence of intellectual property and human rights inside its borders.



Case in Focus:

Thomson Reuters Enterprise Centre Gmbh v. Ross Intelligence Inc.

CITATION: CASE 1:20-CV-00613-UNA

Introduction

Thomson Reuters Enterprise owns Westlaw, a leading legal research solution. They decided to approach the Delaware District Court against ROSS Intelligence for copyright infringement alleging that Ross Intelligence is using Westlaw's editorial and headnote content for training its AI.

Issues

1. Did ROSS unlawfully copy Westlaw's copyrighted headnotes and editorial materials?
2. Were the Westlaw headnotes and Key Number System sufficiently "*original*" to receive copyright protection?
3. Did ROSS's use of Westlaw's materials qualify as "*fair use*" under the four-factor test?
4. Did ROSS have a viable defence under doctrines such as innocent infringement, copyright misuse, merger, or *scènes à faire*?

The Court's Stance

Out of 2,830 headnotes, the court observed that 2243 headnotes were identically copied by ROSS Intelligence, infringing the intellectual property rights of Thomson Reuters. While the court acknowledged that the headnotes involved limited creativity, and that Ross did not make them publicly available, it ultimately ruled in favour of Thomson Reuters on the most critical factors: Purpose and Market Impact.

Brief Analysis & Conclusion

The most significant inference that can be made is that merely converting copyrighted materials into numerical data for AI training does not automatically qualify as "*fair use*". Further, if AI companies use data to train their AI model which is further subjected to commercial use, it can invite potential copyright infringement infractions. Ultimately, the court found that Ross' actions directly threatened Westlaw's market and the derivative use of its legal data.

Case in Focus:

ANI v. OpenAI (2024) [Pending]

CITATION: CS(COMM) 1028/2024

Introduction

ANI is renowned news agency operating in India approached the Hon'ble Delhi High Court on November 19, 2024 against OpenAI and its founders, alleging copyright violation, misappropriation of its content, and false attribution.

Issues

1. Whether the storage of the Plaintiff's data by the Defendants (Such as news that is claimed to be protected under the Copyright Act, 1957) for training its software i.e., ChatGPT, amounts to infringement of the Plaintiff's copyright?
2. Whether the use of the Plaintiff's copyrighted data by the Defendants to generate responses for its users amounts to infringement of the Plaintiff's copyright?
3. Whether the Defendant's use of the Plaintiff's copyrighted data qualifies as '*fair use*' in terms of Section 52 of the Copyright Act, 1957?
4. Whether the Courts in India have jurisdiction to entertain the present lawsuit considering that the servers of the Defendants are located in the United States of America?

The Court's Stance

While the case is still ongoing, the court has not shied away from giving interim relief to ANI by issuing notice and summons to OpenAI, allowing the case to proceed for future hearings, implicitly affirming the High court's jurisdiction over this issue. Further, the court has appointed an amicus curie to gain further clarity on this matter for future hearings.

Brief Analysis & Conclusion

While this case is at a very nascent stage, the concerns raised by ANI appear genuine, addressing the shortcomings of generative AI, which can be easily observed in ChatGPT's User Interface. The blockage of ChatGPT bugs in ANI's repository further highlights the importance of copyrights and the holistic use of data. Ultimately, the court's firm stance on its jurisdiction proposes a promising future in international litigation at least when it impacts the everyday life of Indian citizens.

Case in Focus:

ANDERSEN et. Al. v. STABILITY AI LTD.

CITATION: NO. 3:23 -CV-00201 (N.D. CAL. AUG.12, 2024)

Introduction

The Plaintiff along with several visual artists including Sarah Andersen, Kelly Mckernan and Karla Ortiz filed a class action suit against several AI companies such as Stability AI, Mid Journey, and Devian Art. The Plaintiff alleges unauthorized use of their copyrighted works, which were scraped from the internet to train AI models such as Stable Diffusion, DreamStudio, and DreamUp. These works were included in datasets like LAION-5B and LAION-400M, and when prompted, the models generated replicas of the copyrighted content, which were then distributed to end users. After filing of the lawsuit on January 12, 2023, on October 30, 2023 several claims were dismissed by the court including claims such as DMCA violations and unjust enrichment. Despite that there was a major win for the Plaintiffs as the court allowed the direct copyright infringement claims by the Plaintiffs to proceed and directed leave to amend their complaint. On 12 August 2024, the court issued an order partially granting and dismissing in part the defendants' motion. The trial will begin on September 8, 2026.

Issues

Whether the use of copyrighted work to train AI models and created of artistic works by AI itself amounts to copyright infringement?

The Court's Stance

The court denied to dismiss the Defendants' motion to reject the direct and induced copyright infringement claims by the Plaintiffs. The court found that Plaintiffs were able to sufficiently alleged that their works were used in training AI models and that the models could reproduce protected elements of their works, even if stored as algorithmic representations. Moreover, the DMCA claims by the Plaintiffs were found to be prejudice and dismissed by the court, finding that the generic use of license by the Defendants doesn't constitute false CMI and additionally, Plaintiffs failed to provide of any identical output or intentional removal of CMI. The also stated that the distribution of AI models by the defendants facilitate infringement.

Brief Analysis & Conclusion

The case is a critical test of the much-debated legal fight between authors and artists who say they own the rights to their work and AI companies who are using their work to train generative A.I. models. It tackles the big questions of whether training an AI model constitutes copyright infringement and whether the model itself is an infringing work. The court's conclusion in allowing direct and induced infringement claims to go forward to a trial court suggests that courts may be leaning toward imposing a regulatory regime under which AI technologies that utilize copyrighted materials could face regulatory scrutiny.

Case in Focus:

GLOBAL HEALTH LIMITED & ANR. v. JOHN DOE & ORS.

CITATION: CS(COMM) 6/2025

Introduction

A commercial suit was filed by Global Health Ltd. (Plaintiff No.1), a public listed company recognized globally for its healthcare services, under the brand name / MEDANTA which is an intellectual property of plaintiff and by Dr. Naresh Trehan (Plaintiff No.2) Managing Director of Medanta, also a globally reputed Cardiothoracic Vascular Surgeon against several Defendants for the creation and circulation of deep fake fabricated videos on Facebook created using artificial intelligence, photo shopping and voice over techniques featuring Dr. Trehan providing medical advise and natural remedies on urological issues, which is outside its expertise, thereby misleading public, and posing threat to public health at large. The videos were posted on Facebook page “*Maria Ideas*”, based in Kyiv, Ukraine, having more than 2,000 followers and over 1.1 million views on the infringing content.

Issues

1. Whether there was trademark infringement under Sections 29 and 30 of the Trademarks Act, 1999, along with passing off and acts of unfair competition?
2. Whether there was misuse of Dr. Trehan’s personality rights?

The Court’s Stance

The court ordered an ex parte ad-interim injunction in favour of the Plaintiff. It directed Defendant no. 1 to take down the video if failed to do so Defendant Nos. 2 to 4 are required to delete the same within 36 hours. The Defendant nos. 2 to 4 (social media platforms) were directed to disclose the identity of the infringing party include IP address. The court held that the plaintiffs were able to establish a prime facie case against the Defendants, the balance of convenience was in its favor. Moreover, commercialization of Dr. Trehan rights violated his personality rights under Section 9 of the Trademarks Act. By passing this order the court took a stand on the fact that AI-generated content due to its realistic nature, and cross border access makes it extremely difficult to identify such infringers. The primary objective of the court was to safeguard the users from AI generated fabricated videos as well as fake healthcare endorsements while also making it a point to hold a host company accountable that promotes AI-generated misrepresentation.

Brief Analysis & Conclusion

The Delhi High Court order in *Global Health & Anr. v. John Doe* order has recognized some serious threats posed by the AI generated content in the evolving phase of Artificial Intelligence and social media use, particularly concerning IPR rights such as unauthorized use and commercialization of AI-generated content, trademark infringement, and personality rights.

Industry Focus:

AI AND INTELLECTUAL PROPERTY IN MEDIA & ENTERTAINMENT

Artificial Intelligence (AI) is no longer just an experimental tool in the media and entertainment (M&E) industry, it has become a disruptive force redefining digital business models, content ownership, and rights management. From AI-generated scripts, music, and deepfake technology to automated content moderation and hyper-personalized user experiences, AI's influence in Media and Entertainment is undeniable. However, this innovation brings significant challenges to the established Intellectual Property Rights (IPR) framework, requiring urgent legal and strategic responses from policymakers and professionals in the field.

The Current Legal Landscape

AI-generated content has become an integral part of digital media creation and distribution. Streaming giants like Netflix and Spotify use AI to curate content, while AI-driven tools assist in dubbing, video editing, and synthetic voice generation. Platforms such as Suno and OpenAI's Sora are pushing the boundaries of automated creative expression. However, the legal status of AI-generated works remains unclear.

In jurisdictions such as the U.S. and U.K., copyright law traditionally requires a human author, excluding AI-generated works from protection unless significant human intervention is involved. Meanwhile, China has taken steps to recognize AI-generated content under specific circumstances, indicating a possible shift in global legal interpretations.

Challenges in AI and IPR

Copyright and Ownership Dilemmas: The fundamental question remains- who owns AI-generated content? Should the rights belong to the programmer, the user deploying the AI, or the entity funding its development? Without clarity, licensing and monetization of AI-generated content remain contentious.

Deepfakes and Personality Rights Risks: The rise of AI-driven deepfake technology has led to unauthorized digital recreations of celebrities and public figures, posing a serious challenge to personality and publicity rights. Recent lawsuits, such as those filed by Bollywood and Hollywood actors against AI-generated likenesses, underscore the urgent need for legal intervention.

AI and Content Authenticity: With AI's ability to generate realistic but synthetic content, the industry faces growing concerns about misinformation, manipulated media, and the dilution of creative originality. The challenge is not just about ownership but also ensuring that audiences can distinguish between human-created and AI-generated works. Tools like watermarking and blockchain-based content authentication are being explored as possible solutions.

Industry Focus:

AI AND INTELLECTUAL PROPERTY IN MEDIA & ENTERTAINMENT

Strategic and Legal Considerations

To navigate these challenges, policymakers and industry professionals must proactively engage in shaping policy and adopting best practices:

Reforming Copyright Law: Advocating for amendments that recognize AI-assisted creativity while ensuring human oversight is a potential way forward.

Developing AI-Specific Licensing Models: Structured licensing agreements assigning rights to human stakeholders involved in AI development and deployment will help mitigate disputes.

Strengthening Digital Identity Protections: With the rise of deepfake litigation, companies should push for clearer regulations on personality rights and AI-generated impersonations.

Adopting Ethical AI Standards: Industry-wide AI ethics frameworks, like those proposed by WIPO, can guide responsible AI deployment without stifling innovation.

Conclusion

AI is reshaping the future of media and entertainment, but existing IPR frameworks are struggling to keep pace. Legal professionals, policymakers, and industry leaders must work together to develop adaptive frameworks that safeguard creators' rights while promoting and developing AI-driven innovation. As AI-generated content becomes mainstream, the industry must take proactive steps to ensure that intellectual property laws evolve in a way that balances innovation with legal and ethical considerations.



Ministry Initiatives:

CENTRE TO SPONSOR SELECTED STUDENTS FOR INTERNATIONAL IPR MOOT COURT



Mr. Piyush Goyal, Union Minister for Commerce and Industry, announced that the office of the Controller General of Patents, Designs, and Trademarks (CGPDTM) would sponsor the competing teams from India for the International Moot Court Competition on Intellectual Property Rights (IPR) at Vidhi Pragati: National IP Moot Court Competition 2025. During his address, Mr. Goyal emphasized the importance of an efficient governance system to ensure that artificial intelligence (AI) is integrated with ethical values and that intellectual property rights are robustly protected. Furthermore, he underscored the significance of moot court competitions in honing legal skills and cultivating the next generation of future thinkers, innovators, and leaders

COMMERCE MINISTER SETS AMBITIOUS TARGET OF 10,000 GI TAGS BY 2030

The Union Minister of Commerce & Industry, Mr. Piyush Goyal, has set a target of reaching 10,000 GI tags by the year 2030, emphasizing a whole-of-government approach. While speaking at the GI *Samagam* in New Delhi, organized by DPIIT and India Today Group, Mr. Goyal observed a significant rise over the past decade, with the number of GI users increasing from approximately 365 to 29,000 and the number of patents granted growing from 6,000 to nearly 100,000. It was announced that a committee will be set up by the government to carry out this initiative, with 605 GIs already granted to date. He highlighted the significance of Prime Minister's slogan "*Vikas bhi, Virasat bhi*" during his speech. He urged better branding and collaboration with agencies like FSSAI, BIS, ONDC, and e-commerce platforms to tame counterfeiting and enhance exports.

Ministry Initiatives:

INDIA'S IPR REGIME SUFFICIENT FOR AI-GENERATED WORKS

In a statement made before Parliament, Former Union Minister Som Parkash asserted that India has a robust framework of Intellectual Property Rights (IPR) to protect AI generated works, thereby eliminating the need to create a separate category of rights. The commercial use of copyrighted content for Generative AI has to be permitted by the owner unless it falls within the scope of fair dealing exceptions. The Government has no plans to introduce separate legislation for AI-generated content as there are adequate civil and criminal penalties for infringement of intellectual property rights under the Copyright Act.



CIPR Events:

VIRTUAL EXPERT LECTURE ON “INTELLECTUAL PROPERTY STRATEGIES FOR STARTUPS” ON DECEMBER 12, 2024

Mr. Subhash Bhutoria provided an in-depth discussion of the strategic management of intellectual property (IP) for startups. He emphasized the importance of early-stage IP protection, including patents, trademarks, copyrights, and trade secrets, in fostering innovation and securing competitive advantage. Additionally, the session addressed common IP pitfalls, licensing agreements, and global IP considerations for emerging businesses. Through real-world examples and case studies, attendees gained a practical understanding of how startups can leverage IP strategies to attract investment, enhance brand value, and mitigate legal risks in a competitive market.

CIPR Events:

VIRTUAL EXPERT LECTURE ON “TRADEMARK LAW” ON JANUARY 28, 2025

This lecture was delivered by Ms. Suhrita Majumdar who provided a comprehensive analysis of trademark law, covering fundamental principles, registration procedures, and recent judicial developments. The session delved into emerging trends in trademark protection, enforcement challenges, and the impact of globalization on trademark rights. Students gained valuable insights into the crucial role of trademarks in shaping commercial identity and fostering consumer trust.

TWO-DAY NATIONAL CONFERENCE ON “THE FUTURE OF IPR: TRENDS, CHALLENGES, AND OPPORTUNITIES” ON FEBRUARY 7 & 8, 2025



This national conference brought together eminent IP specialists such as Dr. G. R. Raghavender, Mr. Damodar Vaidya, Dr. Lisa P. Lukose, Dr. Dayanand Murthy C.P., and Dr. Payal Thaorey to discuss the future of intellectual property rights (IPR). Key themes included AI and IP law, copyright in the digital age, patent law advancements, and the role of IP in economic growth.

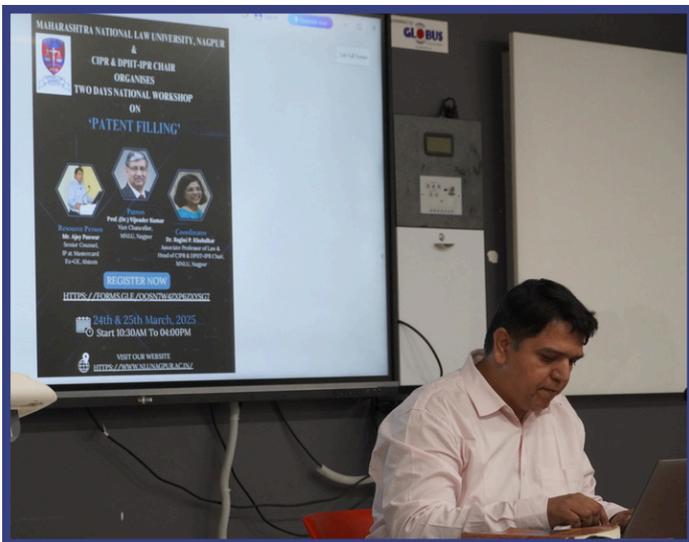
The conference featured panel discussions, research paper presentations, and interactive sessions, offering a platform for thought-provoking debates on emerging trends and legal challenges. This event proved to be an enriching experience for students, academicians, and industry professionals keen on shaping the future of IPR.

CIPR Events:

WORKSHOP ON “INTERMEDIARY LAWS, THEIR PROTECTION, AND LIABILITY IN SUITS FOR INFRINGEMENT” ON FEBRUARY 16, 2025

The workshop was led by Mr. Kuber Mahajan which explored the evolving role of intermediaries in the digital space and their legal responsibilities in cases of copyright and trademark infringement. Key topics included safe harbour provisions, liability concerns, and recent judicial interpretations. Through engaging discussions and case analyses, attendees gained a deep understanding of how intermediary laws shape content regulation, online platform governance, and intellectual property enforcement in India’s digital ecosystem.

TWO- DAYS NATIONAL WORKSHOP ON “PATENT FILING” ON MARCH 24 & 25, 2025



The Two-Day National Workshop on Patent Filing, organized by CIPR & DPIIT-IPR Chair at Maharashtra National Law University, Nagpur, on March 24-25, 2025, provided an insightful discussion on intellectual property and its growing global significance.

The sessions covered key aspects of patent law, including the Patent Act and its provisions, with a special focus on Section 3(d) and its impact on pharmaceutical patents and agricultural subsidies.

The discussion also explored statutory interpretation, WTO’s role in IP regulation, and the intersection of IP rights with competition law. A key takeaway was the principle that *“Winning is not everything; winning with principles is”*, emphasizing ethical IP protection. Through real-world examples, including the Coca-Cola trade secret strategy, participants gained practical insights into patent filing, pre-drafting considerations, and international patent practices. The workshop concluded with a comparative analysis of global patent filing procedures, equipping attendees with a comprehensive understanding of patent laws and best practices.

CIPR Events:

VIRTUAL EXPERT LECTURE ON “PATENTABILITY, RIGHTS AND INFRINGEMENT OF PATENTS” ON MARCH 27, 2025

The session began with an emphasis on the role of intellectual property in fostering innovation and protecting creators' rights. The speaker offered a practical overview of patent law, explaining different types of patents using real-life examples. Two sample patents were analyzed to clarify the concept of patentability.

Participants were also guided through pre-drafting preparations, including budgeting, defining scope, and conducting market analysis. A highlight was the example of Coca-Cola's formula, protected as a trade secret rather than a patent—known only to two individuals and shared as pre-mixed sachets with manufacturers.

The workshop concluded with a comparative look at patent infringement cases across jurisdictions, offering global insights into patent enforcement. Overall, it provided attendees with a comprehensive understanding of patent processes and best practices in IP protection.



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