

Safeguard the Co-Existence of Intellectual Property Rights and Artificial Intelligence

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Abstract :

Artificial intelligence's growing field of technology and the combination of machine learning with deep learning makes impossible things easy in the real world. It's the ability to think and learn from experience entered almost all sectors like E-commerce, education, navigation, robotics, Gaming, Agriculture, speech recognition, social media, data security, etc. To regulate IPR with AI, some issues of patent and copyright need to be established legal framework for protecting Artificial Intelligence systems or applications. This paper discusses Intellectual Property Rights to safeguard the invention. The laws for the identification of inventors are important for different AI applications. It also discusses AI issues and suggestions to improve administration in the field of IPR.

Keywords : Intellectual Property Laws, Artificial Intelligence, Rights, Machines.

INTRODUCTION :

Intellectual Property (IP) refers to the invention or creation of human intelligence such as artistic work, logo, graphics, literary, technical, business, or scientific creation. Artificial Intelligence is intelligence by machines, boundary is currently being extended aggressively by the human which acts autonomously. In the past few years, Artificial Intelligence (AI) has become a promising technology. In day-to-day scenarios, AI has the capacity to process large volumes of data, detect trends, and analyze the best solutions efficiently. For example, an intelligent Traffic management system based on AI in big cities like Delhi and Mumbai can be designed with a camera installed for real-time solutions based on historical trends of traffic flow during peak hours. AI is being used by utilities to control electricity usage and detect device failure. AI is being used by mobile operators to manage connectivity and increase customer experience[1].

Intellectual Property Rights (IPR) refer to the exclusive rights granted to the inventors or creator or founder of his property (patent, copyright, trademark) or design for a certain period. The World Intellectual Property Organization (WIPO) is the international forum for intellectual property (IP) policy, services, information, and cooperation to safeguard property. This allows people to profit from the property created by them, as well as safeguard the idea.

The laws for the identification of inventors are important for different AI applications. Existing Intellectual Property (IP) laws are not capable of addressing issues with respect to the identification of inventors and other violations when Artificial Intelligence (AI) is involved in work creation. With the growth of AI proper laws and policies need to be enforced.

LITERATURE REVIEW:

The work done by researchers regarding the issues and challenges is described in this section. This section describes various studies regarding artificial intelligence. When expanding the IPR concept with artificial intelligence comes with multiple challenges, addressing criminal liability is mandatory[2]. Artificial Intelligence can be used to provide advanced solutions to problems in various applications with Intellectual Property. One of the topics of discussion is one who will own the Intellectual Property rights in inventions made by machines. In the area of Artificial Intelligence Intellectual Property laws will work to protect Artificial Intelligence applications. We are aware that Artificial Intelligence is used to resolve complicated issues so here the decision of legal ownership becomes important. [3] When using IPR and Artificial Intelligence in the area of AI many inventions are done with AI machines, such questions come with IPR will be for the programmer or the organization which done inventions with the AI or AI. UK patent office states that AI cannot declare itself the creator of the invented applications. Each creator needs to clearly indicate that the is creator of the patented application. Some information is required like the creation name, name of the creator, address of the creator, etc. In the Indian Patent Act, the mathematical theorems, programming, and also are non-come under patentable identities. In case of technical issues resolve the creation, the invented codes come under patentable. When upgradation is done to the software at regular time intervals it is also patentable.

AI And Copyright:

Copyright mainly protects computer codes. Old laws made for Copyright are not able to recognize work generated by the AI. These laws only safeguard the invention done by the human being. According to the UK Copyright Act, if work is generated by the computer, in that case, the creator is taken to be the person who helps and, in that creation, or invention. According to, Section 2 (d) of the Indian Copyright Act, 1957, the "author" "in relation to any literary, dramatic, musical, or artistic creation by the machine or computer-generated, the human being who is the reason for the work to be created; The main issue arises and become complicated when AI used at the advance level and able to take stand-alone decisions. And it's difficult to identify who make the necessary arrangement for the created work. Currently, human beings can take benefit from copyright law for their creation. So, there should be copyright laws that computer programs or codes used in AI safeguarded by copyright.

AI And Patents: The patent is the right given for a creation like a new method of doing something or providing a newly invented technological solution to a problem. AI can work like a human being to make comparisons between data of patented applications. The invention made by AI must be protected under patent law. Here the question arises of who the creator of AI-based inventions should be. Whether AI-generated creation should be safeguarded under patent law, and if so, the decision should be made about who is considered the creator of such AI-related inventions. These fundamental questions should be addressed urgently.

In AI-related creations, the creator identification is difficult to whom ownership should be provided, "to the human being who created the creation or who owns the creation or who is the author for the algorithm.

INTELLECTUAL PROPERTY RIGHTS FOR ARTIFICIAL INTELLIGENCE : Artificial Intelligence has the capacity to create, file and safeguard Intellectual Property. Some studies about copyright law only safeguard intellectual creation by the human mind. Some organizations declare that they will not register the work made by computer or machine.

Here the question arises ownership should be given to the AI work created by the AI Robot. How to divide the ownership where multiple entities are involved in the creation. When plagiarism is detected on the AI-related work who will be responsible for that? These are the main questions that are associated with AI and IPR.

ARTIFICIAL INTELLIGENCE IN THE SECTOR OF INTELLECTUAL PROPERTY ISSUES

Artificial Intelligence is having lots of benefits in the field of technology and many improvements are also necessary in the field of Intellectual Property.

Ownership of Intellectual Property: Protection can be provided for the invention made by computers. AI can easily help in artistic work, literature work, graphics, or medicines. Under patent law 6 the new technology and medicines can be protected. But how ownership of work will be divided is the main issue. Who owns the property the person who created AI, the organization, or the person who created AI?

Violation of Intellectual Property : We have already discussed the different aspects of Artificial Intelligence's ownership of Intellectual property. What will happen if Artificial Intelligence violates the Intellectual Property law? If work is created by the computer or machines who will be responsible for the IPR violations? The main violation occurs when actual work is copied. While creating work with the computer machine has the access to internet so due to this high availability of information or data on the large network the violation chances are more So, here arises the requirement of the laws for the work created by Artificial intelligence. If this happens how to take action on AI machines in case of copyright violation? There is a need for laws to deal with such violations.

Artificial Intelligence and New Customer: Customers play an important role in Trademark Law. The main problem occurs when New Customers are not aware of the trademark. Trademark violation is the main problem in cyberspace for breaking the IPR. With the advancement of AI, it is possible that computers can do shopping or e-commerce-related work. Here AI machines can get confused between various things with the same trademark. So, there is a need for AI-skilled personnel for the usage of AI applications. There may be new laws introduced in the near future for AI-related inventions that patent the work created by AI machines.

Technological Variation and Market Competition: As technology changes with time, it's difficult for e-commerce companies to follow IP laws and take proper steps for protecting IP rights.

IPR For Limited Geographical Regions: Intellectual property laws made for specific countries are becoming a new challenge when AI is working with different country borders. Only a few countries have laws to protect ai created work, this makes it difficult for business at the international level beyond one country level because every country has different laws for AI-invented work.

IMPROVING THE ADMINISTRATION OF INTELLECTUAL PROPERTY:

Proper laws should be there for the Intellectual Property regime at the international level. This will help to reduce the cost of individual creation for patent and copyright work when integrating AI with IPR. Clear law and policy should be mentioned for ownership and division of AI-created work between the AI, organization, and individual. Proper rules and guidelines should be there for the assignment of invented work authority to humans and non-humans to promote AI-related work.

CONCLUSION:

IPR law will have a great impact on future inventions in AI-related work for business at the international level, so these laws should be maintained and followed properly. Specific laws for liability should be there in case of IPR violation. There is the requirement of the law of patent violation in case of the invention with AI machines. To promote technological growth in AI the assignment of authority to machines is important. It is important to find out the responsibility when the violation occurs. AI laws must be adaptable to the technological changes with AI. This allows the present IP to continue progress in the field of invention.

FUTURE RESEARCH:

In this paper, the Intellectual Property Rights for Artificial Intelligence with the challenges are discussed. In the future, our aim to extend this study and work on the challenges and giving better suggestions for the work created by the Robots and machines. We will also study the new challenges that come with technological advancement and recommend the solution for it.

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