



ANAND AND ANAND AT GPAI SIDE SESSION ON AI AND IP

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Anand and Anand was the knowledge partner of a GPAI side session on AI and IP.

Justice Pratibha Singh, in her keynote, focused on how AI can be an IP power, a tool for innovation and an IP assistant. Allaying fears about AI replacing humans, the sum of her speech was - Improvisation for dynamic legislation or dynamic injunctions being the need of the hour in a world where the law is changing almost daily.

Nick Bostrom, Professor of Applied Ethics, University of Oxford, in his virtual keynote shared how AI was extremely fast moving and will have a transformative impact in times to come.

Rahul Matthan in his capacity as the panel moderator, expressed concern about a future with humans as assistant to AI instead of the other way around. Ms Katya Laine, Innovation and Commercialization WG expert, emphasised on the criticality of balancing AI power with human autonomy. Mira Sundaran drew the attention on AI posing bigger threat to moral rights of artists.

Barry Scannel, a consultant specialising in AI and data protection, spoke thus, "Everybody in the world today, who is a coder - is using AI. So, while the final software may be protected, individual pieces of code are not protectable. Then, how do you protect your code? Because nothing generated by AI is copyrightable? Do we revert to trade-secrets?"

On whether it was difficult to distinguish AI output from the human element, Dr. Maja Bogataj Jancic, Founder & Head, IP Institute, said, "The pressing question is that the training data for the machines is copyrightable element? Is the act of training an AI more like reading? Is it really a violation of copyright?" Ms Nappinai N S, Advocate of the Supreme Court and Founder of Cyber Saathi covered the good and the bad of AI in creatives while citing films like Forrest Gump which recreated historical events around the protagonist and the contrast in Amitabh Bachchan and the Anil Kapoor cases where AI was used as a defamatory tool.

[Mr Pravin Anand](#) said filings for AI has increased rapidly. On The DABUS case and AI being considered the owner of creative work, Mr Anand said a court may interpret 'person' in a liberal way in times to come just like the Indian courts have granted legal personality to rivers, idols and wildlife in India. He also suggested looking at AI inventions from the lens of a MOSA (Machine of Ordinary Skill in the Art) much like POSA (Person of Ordinary Skill in Art) in case of humans.

Abhishek Malhotra, Managing Partner, TMT law, said, " In the context of AI, it is always a prompt that leads AI to create the output. In the context of natural person v. legal person, this question has



been settled in different contexts. There is a recognition for both under our laws. Therefore, we need not get a completely new law, but use the existing framework with necessary tweaks.”

The session provided a direction for sustainable innovation in this field.



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