

ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY LAWS IN INDIA

AUTHOR – MS. YASAVI MURUGAN, STUDENT AT GOVERNMENT LAW COLLEGE, CHENGALPATTU

BEST CITATION – MS. YASAVI MURUGAN, ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY LAWS IN INDIA, *ILE INTELLECTUAL PROPERTY AND CORPORATE LAW REVIEW*, 3 (1) OF 2024, PG. 50-59, APIS – 3920 – 0008 | ISSN – 2583–6153.

ABSTRACT

Intelligence and Intellectual Property Law in India". Is it time for a revival? Protection. In Artificial intelligence systems are widely accepted in today's technological world. With the integration of technology, it is only a matter of time before these machines start producing high-quality products without human intervention. This raises the issue of Intellectual Property Rights (IPR) because it not only affects traditional concepts such as patents and copyrights, but also gives rise to problems with the management of other structures. This article is designed to provide an understanding of the expansion of intelligence and intelligence law and the challenges that may arise from a world perspective. It also aims to provide advice on intellectual property rights and find solutions to copyright infringement for technology-generated content. The title of this article is "Artificial particular, the Copyright Act of 1957 and the Patent Act of 1970 and some provisions of these Acts that serve as protective measures for artificial intelligence systems are emphasized. In addition, it has been determined that these regulations need to be updated depending on new developments in the field of intellectual property. The article concludes by arguing that intellectual property law, like other laws, needs to be modified or adapted according to new trends of technological development.

Key Words: Artificial Intelligence, Intellectual Property Law, Patent Law, New Development of AI system

INTRODUCTION

Today, artificial intelligence (AI) technology is growing exponentially to include more complex forms of software.⁹⁸ AI-powered systems have expanded from simple mathematics to the creation of poetry, art, and other complex tasks. This situation raises the question of whether these works can receive special status as intellectual property rights (IP), although other works created by human resources are protected under intellectual property rights.⁹⁹ This question raises many other complex issues that the author aims to address in this article. The first part of this article explains the concept of intellectual property, followed by a discussion of intellectual property,

focusing mainly on law and intellectual property. The chapter then moves on to a more detailed consideration of the legal debate regarding AI solutions and shows the relevance of patent law to AI systems.¹⁰⁰

WHAT IS ARTIFICIAL INTELLIGENCE?

Computers have reached the point where they can make decisions on their own by combining with human intelligence. In layman's terms, the ability of a computer system to make decisions on its own is called artificial intelligence. The term "Artificial Intelligence" was coined by computer scientist John McCarthy at a conference in 1956.¹⁰¹ Will respond to similar ideas. Precisely thanks to the hope and curiosity of machines, smart projects are being developed that will allow tasks that require

⁹⁸ Srecko Joksimovic and others, 'Opportunities of Artificial Intelligence for Supporting Complex Problem-Solving: Findings from a Scoping Review' (2023) 4 Computers and Education: Artificial Intelligence 100138.

⁹⁹ Sayed Quadrat Hashimy and Emmanuel Elimhoo Kimey, 'Navigating the Complex Terrain of Passing off Under Indian Trademark Law', *Vaikunta Baliga College of Law*, vol 3 (Vaikunta Baliga College of Law 2023) <<http://eprints.uni-mysore.ac.in/17433/>> accessed 22 August 2024.

¹⁰⁰ Shlomit Yanisky-Ravid and Regina Jin, 'Summoning a New Artificial Intelligence Patent Model: In The Age Of Pandemic' [2020] Social Science Research Network 3619069.

¹⁰¹ Somesh Sharma, 'Benefits or Concerns of AI: A Multistakeholder Responsibility' (2024) 157 Futures 103328.

human creativity to be carried out. The World Intellectual Property Organization (WIPO) has recognized intellectual property and has prepared intellectual property in three categories viz experts, technical knowledge and eloquence.¹⁰²

CONCEPT OF ARTIFICIAL INTELLIGENCE

Artificial intelligence is not a new concept for those interested in artificial intelligence.¹⁰³ Today, artificial intelligence has become more science than fiction. In this era of rapid technological development, intelligence is not a new concept,¹⁰⁴ but after the integration of technology, it is best for this field to develop and should be well protected. Machines have the ability to track intelligent behavior. Artificial intelligence is a branch of computer science that aims to create "intelligent machines" Learning, thinking and understanding are considered the goals of intelligence.¹⁰⁵ John McCarthy, a large number of artificial intelligence,¹⁰⁶ believes that "artificial intelligence is the science and engineering of intelligent machines, especially intelligent computer programs have the eighth degree of mastery, and intellectual property unleashed by copyright and intellectual property fraud is everything." There is a lot of uncertainty in the minds of world Copyright holders concerned with the protection of intellectual property.¹⁰⁷

Therefore, we need to explore the various purposes of the law and patent law regarding

AI. -Examine legal standards for artificial intelligence around the world.¹⁰⁸

Recently, a San Francisco court ruled in *Naruto v Slater* that animals do not have the right to sue for torts under the Constitution because they are not humans. Board consisting of Circuit Court Judges Carlos T. Bea and N. Randy Smith and Eduardo C.¹⁰⁹ In deciding the question of whether monkeys could sue for damages and compensation for infringement of copyright law, District Judge Robreno specifically held that monkeys, along with all animals, are not human beings and therefore have no rights under the Copyright Act regardless of copyright law.¹¹⁰

Article III of the United States Constitution.¹¹¹ The court said "Naruto" and "Lava" could not face criminal charges because the Privacy Act does not allow criminal prosecution of animals. As animal rights are lost, a similar situation emerges for smart machines. Currently the operating system is not registered in many copyright offices around the world. Similar problems arise in patent law. If the machine completes new patent rights, the question of ownership of the invention will indeed arise.¹¹² Also, can ownership of future products be given to robots/machines? If intellectual property involves plagiarism in the creation or copying of a work,

HOW WILL INFRINGEMENT AND DAMAGES BE DETERMINED?

These are some of the controversial issues that arise in intellectual property and intellectual property rights. Copyright and Artificial Intelligence Copyright is an important part of intellectual property rights.¹¹³ This is the legal right granted to the creator of an original work,

¹⁰² Emmanuel Elimhoo Kimey Sayed Qudrat Hashimy, 'Protection of Digital Contents under Indian Copyright Law in the Light of International Conventions' (2022) 5 International Journal of Law Management and Humanities 1302.

¹⁰³ Sayed Qudrat Hashimy, 'The Convolution of Artificial Intelligence and Intellectual Property Rights' (2023) 6 International Journal of Law Management and Humanities 2891.

¹⁰⁴ FEB UGM, 'Technological Development in Digital Era' (FEB UGM, 17 May 2022) <<https://feb.ugm.ac.id/en/news/3615-technological-development-in-digital-era>> accessed 22 August 2024.

¹⁰⁵ 'The Role Of Technology In The Future And Its Impact On Society' <<https://timesofindia.indiatimes.com/readersblog/amitosh/the-role-of-technology-in-the-future-and-its-impact-on-society-52565/>> accessed 22 August 2024.

¹⁰⁶ V Rajaraman, 'JohnMcCarthy — Father of Artificial Intelligence' (2014) 19 Resonance 198.

¹⁰⁷ Sayed Qudrat Hashimy, 'Copyright or Copyleft: Copyright or Copywrong: What Is the Dichotomy?' (2023) 1 Intellectual Property and Corporate Law Review 1.

¹⁰⁸ 'Protection of Digital Contents under Indian Copyright Law in the Light of International Conventions' (*International Journal of Law Management & Humanities*) <<https://ijlmh.com/paper/protection-of-digital-contents-under-indian-copyright-law-in-the-light-of-international-conventions/>> accessed 22 August 2024.

¹⁰⁹ 'NARUTO v. Slater, 888 F.3d 418 | Casetext Search + Citor' <<https://casetext.com/case/naruto-v-slater-2>> accessed 22 August 2024.

¹¹⁰ Sayed Qudrat Hashimy (n 7).

¹¹¹ 'Article III | Browse | Constitution Annotated | Congress.Gov | Library of Congress' <<https://constitution.congress.gov/browse/article-3/>> accessed 22 August 2024.

¹¹² 'The Difference between Plagiarism and Intellectual Property' <<https://www.thuto.org/ubh/ub/bb-plag-copyright.htm>> accessed 22 August 2024.

¹¹³ Sayed Qudrat Hashimy (n 7).

giving him/her the right to use and distribute the original work.¹¹⁴ The reason and logic for this is the assumption that the author is the creator, together with Locke's theory of the economy of the creative self. Firstly, the work must be original, and secondly, it must be original. Copyright is often used against writing and art. Since one of the daily work on the use of intellectual property is the creation of writings, examining the law in the light of intellectual property will be relevant. For the purpose of this article, this can be understood by analyzing three cases:

- 1) Burrow Gilles Lithographing Co. v. Sarony¹¹⁵
- 2) Bleistein v. Donaldson Lithography¹¹⁶
- 3) Alfred Bell & Co. v. Fine Arts in the Fork¹¹⁷
- 4) Burrow Gilles Lithography Company v. Sarony's case turns on whether the images should be granted copyright protection. The court discussed the possibility of providing copyright protection for mechanical products. The court said that the use of technology in itself is not creative, thus reducing the protection of technology.

Bleistein v. Donaldson Lithography Company

This case is a continuation of the legal issues decided in the previous case.¹¹⁸ The Court clearly distinguishes between human labor and artificial labor here. Writing for the majority, Justice Holmes identified the uniqueness of individuality and established it as a prerequisite for constitutional rights. There is literally no room for anything that is not the product of human creativity.

¹¹⁴ Sayed Qudrat Hashimy, 'The Doctrine of Copyright Exhaustion in Software Under Indian Copyright Act: A cursory Glance' (2022) 4 Indian Journal of Law and Legal Research 1.

¹¹⁵ 'Burrow-Giles Lithographic Company v. Sarony :: 111 U.S. 53 (1884) :: Justia US Supreme Court Center' <<https://supreme.justia.com/cases/federal/us/111/53/>> accessed 22 August 2024.

¹¹⁶ 'Bleistein v. Donaldson Lithographing Co., 188 U.S. 239 (1903)' (*Justia Law*) 188 <<https://supreme.justia.com/cases/federal/us/188/239/>> accessed 22 August 2024.

¹¹⁷ 'Alfred Bell & Co. v. Catalda Fine Arts, 86 F. Supp. 399 (S.D.N.Y. 1949)' (*Justia Law*, 22 August 2024) <<https://law.justia.com/cases/federal/district-courts/FSupp/86/399/2354397/>> accessed 22 August 2024.

¹¹⁸ 'Bleistein v. Donaldson Lithographing Co., 188 U.S. 239 (1903)' (n 20).

Alfred Bell & Co. v. Catalda Fine Arts, Inc.¹¹⁹

This decision saw the courts take a more lenient approach to the law. The court lowered the originality standard, saying that the work must be original and not copied from other similar works. Therefore, the decision is a respite for those who say that the work produced by artificial intelligence is subject to copyright, because even if it was created by some programming and algorithms, it was not published.¹²⁰ These three decisions go some way towards clarifying the confusion surrounding potential protections for AI. However, the lack of a clear business still poses an obstacle to potential beneficiaries.¹²¹

ARTIFICIAL INTELLIGENCE AND COPYRIGHT PROTECTION

Uncertainty about the work of artificial intelligence is new and dates back to 1974, when the National Commission on the Use of New Technologies in Copyrighted Works (CONTU) noted in one of its reports on intellectual development. Intelligence with the following sources: 20 The Office of Technology Research (OTA) revisited this issue in 1986 when it assessed the impact of the rapid development of the interactive collection of intellectual property.¹²² OTA disagrees with CONTU and agrees that AI is considered the legal author of the legal work. Creativity, the other side believes that computers are not as creative as humans. If the current situation arises, it will be creative even if the employee does not have such behavior and actions. For this reason, there are some uncertainties in the current status of intellectual property rights in intellectual property law.¹²³ The authors mention

¹¹⁹ 'ALFRED BELL CO. v. CATALDA FINE ARTS, 191 F.2d 99 | 2d Cir., Judgment, Law, Casemine.Com' (<https://www.casemine.com>) <<https://www.casemine.com/judgement/us/5914caafadd7b049347fc879>> accessed 22 August 2024.

¹²⁰ Sayed Qudrat Hashimy, 'Protection of Video Games under Indian and the United States of America Copyright Law' (2022) 4 Indian Journal of Law and Legal Research 1.

¹²¹ 'Alfred Bell & Co., Ltd. v. Catalda Fine Arts, Inc. Case Brief Summary | Law Case Explained - YouTube' <<https://www.youtube.com/watch?v=0y7h9dFnVzo>> accessed 22 August 2024.

¹²² Sayed Qudrat Hashimy (n 7).

¹²³ Adrian Ely, Patrick Van Zwanenberg and Andrew Stirling, 'Broadening out and Opening up Technology Assessment: Approaches to Enhance International Development, Co-Ordination and Democratisation' (2014) 43 Research Policy 505.

possible measures to correct these disadvantages later in the article.

PATENT LAW AND ARTIFICIAL INTELLIGENCE

In today's technological world, there is an increasing connection between patent law and artificial intelligence. As mentioned in the previous section of this article, artificial intelligence is widely used to make simple tasks easier to complete and often reduce human effort.¹²⁴ At first glance, artificial intelligence systems work like simple calculators and similar devices. However, the way it works is more complex.¹²⁵ Today, the intellectual process can be based on core learning that creates the ability to create things. Although this is a great advance from a technical perspective, it creates new and difficult problems from a legal perspective (e.g. patent law). In one part of this article, the concept of patent will first be examined, then its interaction with intellectual property will be discussed, and finally the problem caused by the intervention will be explained. Patents and Existing Rights A patent can be understood as an exclusive right to an invention.¹²⁶

The term "invention" is understood to cover a product or process that provides a new way of working, as well as a new solution to an existing problem. Make, sell and even use the patented invention in due time. Therefore, it can be said that the rights granted in this case legitimize the monopoly of interest of the inventor. The result of the use of technical skills. In fact, these machines produced results that can be described as inventions subject to the patent table.

CAN ARTIFICIAL INTELLIGENCE COMMIT A CRIME?

Summary of Discussion Question ? Can using copyrighted materials to improve skills be considered fair/commercial use? It was kindly

submitted to the Hon'ble Varun Supreme Court that the use of evidence for AI training can be considered as fair/commercial use, the possibility of Accountability will enable new AI focused developers to compete with competing and competitive tech giants. . They interfere with research to do their job. The fair use doctrine allows courts to occasionally waive copyright statutes' restrictions on use, which undermines the creativity the statute is designed to expedite (Stewart vs. Evening).

Issue raised ?

1. WHETHER USING COPYTIGHTED MATERIAL TO TRAIN AI CAN BE TREATED AS FAIR USE DEALING?
2. WHETHER AN AI IS CAPABLE OF COMMITTING A CRIMINAL OFFENCE?

Delhi High Court's fair use doctrine in Indian Television Independent News Service Pvt Ltd case. Ltd. and Ors. etc. Yashraj Films Pvt., FAO (OS) 583/2011 Dt.21 - 08 - 2012, after referring to the principles laid down in the US laws and the Indian system, was observed to determine whether four films fall within the ambit of fair use.

These are:-

- (i) The nature and purpose of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
- (ii) The nature of the work is right.
- (iii) The cost and quantity of material relative to the copyrighted work as a whole.
- (iv) The consequences of exploiting the business potential or the value of the rights. The court also cited the Gujarat High Court's decision in Devendrakumar Ramachandra Dwivedi v. The Gujarat and others (2009) court, while interpreting the fair use rights under the Act, held that liability under the Act is also waived when used for non-commercial purposes. Campbell v. According to Auff-Ross Music, the Supreme Court emphasized the importance of the first factor by asking whether the use of the legal work was "variable." The court ruled: Although this amendment is not

¹²⁴ Garikai Chimuka, 'Impact of Artificial Intelligence on Patent Law. Towards a New Analytical Framework – [the Multi-Level Modell]' (2019) 59 World Patent Information 101926.

¹²⁵ Sayed Qudrat Hashimy and L Kavitha, 'Claims of Disclaimer in The Dirty Picture, Biopic on Silk or Dancing Star: Dancing to the Beat of Controversy and Indian Copyright Enigmas' (2023) 12 Mukht Shabd Journal 484.

¹²⁶ Chimuka (n 28).

necessary for a determination of fair use, the creation of the amendment often serves the statute's purpose of promoting science and art. Such work is essential to the legal breathing room guaranteed by the fair use doctrine, and the development of the new work is more important than anything (such as work) that might affect the pursuit of legal rights. Fair use. The AI system was trained to score particularly high on the first and fourth factors, which are the most important of the four.

Issue 1

Factors supporting fair use

1. "Purpose and behavior of use, There is no benefit to this use whether it is for commercial or educational purposes.

This key asks "whether the new work is simply 'replacing parts of the old' or adding something new with an additional purpose or a different attitude, replacing the original work with new instructions, meaning or language; it asks if and where." " New works are "changes." In other words, the "original" is the author's direct message. The purpose of this process is to create the value attribute of intelligence – distinct from the primary purpose of human consumption. The situation is also different: No one wants to read the 20 special websites on the body used to train the AI system, which can be done by learning the AI system or its output. Therefore, the new goals and guidelines are quite flexible.

2. "Illegal employment situation." The latter is unclear and is sometimes thought to refer to whether the documented work is original or not. But this factor "rarely plays a significant role in determining illegal use." Therefore, the application of this pin will vary depending on the situation. But as in other cases, it should not play a "substantial role" in determining fair use, especially given the strength of fair use in the first and fourth places. "attitude" applies to all legalized works." This case asks "whether the 'amount and value of the data used' are

necessary for the purpose for which they were created.

3." All models run the content. The problem here is that it is not the '**quantity and significance of the material**' in the copying, but instead the public amount and importance of what is presented. Therefore, this factor supports the determination of fair use as long as the text is not presented to the reader. Such models are suitable and appropriate for the large-scale targets it uses, where learning from large amounts of data in the system can increase the accuracy of the output 32 and therefore its results. It shows good performance and is designed for the purpose of not using all the work during training and developing skills.

4. "Effect of work capacity utilization or legal cost of work."

The training of AI processes should not harm the marketability or value of the certificates in the training corpus. Because these corpora are used by machines rather than humans, authors should not lose their audience by using their work in the corpus. 36 Decisions Support Fair Use Decisions We believe that AI training is a fair use under current law.

This section also explains why policy considerations support this decision. Made in India is one of the first 'Voice for Local' initiatives to showcase India's manufacturing to the world. Business not only has the ability to take the growth of the economy to a higher level, but also provides employment opportunities to young people.

New Infrastructure: The government plans to build business corridors and smart cities, create a global infrastructure with high-tech technologies and high-speed communications. Innovation and research activities are supported by rapid registration and improved registration of heritage. The needs of the business will be determined and the staff will be developed accordingly.

Innovation, Innovation and R&D: India is the world's third largest technology-focused startup ecosystem with over 79,100 startups.

The Startup India initiative was created to promote entrepreneurship and foster innovation by creating an ecosystem conducive to the growth of new ventures. The above principles are often referred to as "fair or equitable use" when a commercial purpose is involved and no entry fees and/or revenue are used solely for educational, religious, or charitable purposes and not for personal gain.

The most important limitations of the exclusive rights held by the copyright owner. It is important to understand the intellectual property rights created by Indiga. The Indian Commission has recognized the economic impact of AI technology and has sought to direct its policies towards improving Europe's competitiveness in the global AI market by providing support and more funding for research and development, as India has no legal framework to regulate intellectual property laws. and follow the rapidly advancing wisdom of industrialization. NITI Aayog has taken some initiatives by publishing a policy document called '**National Artificial Intelligence Strategy**', which covers five key areas of AI applications such as education, healthcare, smart city and infrastructure, agriculture and kangaroo robotics. A committee was also constituted under the chairmanship of V. Kamkoti to promote research and development in the field of artificial intelligence and to establish a National Mission on Artificial Intelligence.

Collaboration and accountability of business members is required. However, the legality of TDM and the use of data to inform AI remains unclear under current laws. Section 52 of the Privacy Act provides a list of activities that are fair and do not constitute criminal offences. There is nothing specific about TDM activities or AI training. However, section 52(1)(a)55 can be used to protect TDM activities as it allows recorded information to be used for personal or

private purposes, including investigative research, criticism or comment, or media coverage. This applies to the publication of current economic and political issues or the storage of electronic links, unless the owner prohibits this. The non-violent AI training process of AI systems is "training" programs to create writing, visualizations, and other arts by exposing them to big data that may include text, images, and other works downloaded from the internet. . This training process involves making copies of existing projects.

As the **U.S. Patent and Trademark** Office defines it, the process "involves almost by definition the reproduction of all or a substantial portion of the work." OpenAI, for example, confirmed that its services are trained on "**big public data containing evidence**" and the process "which primarily involves copying data for analysis." The exclusive right to create his works. (Scholarly Research Services - Guide to Legal Debates Since 1914 Modified Use of Intellectual Property Finally, as noted above, since the purpose of the law is to stimulate new studies, promote education, and benefit the public interest, fair use must be allowed in the law, S table Sharing knowledge for generative AI models such as Diffusion and Midjourney The law should support and encourage the development of new technologies that benefit the public, fair use can be protected Preventing the use of current manuscripts, Mark Lemley and Bryan Casey argue that such use should constitute fair use: ML [machine learning] The issue is the costs and benefits of machine learning in Universal City Studios v Sony in 2021 and more recently Google v Sony in 2021 . oracle In the Sony case, the court ruled that the Betamax video cassette recorder should not be prosecuted even if it helped people break the law.

Instead, the court said that because it has "broad, unrestricted use," the law should not be used to prevent it. Later, in the Google case, the court said that Google's use of 11,500 lines of Google Java code was fair use and stated that courts should consider fair use in the context of

construction technology. Draw the map. To do this, they use a web browser that collects images by visiting various websites and turns them into thumbnails. This image appears in Arriba search. The court heard the Supreme Court's landmark decision *Baker v. Cartoon LP v. CSC Holdings*. A Chinese court has said there is a difference between voluntarily copying commands and giving them to a computer that executes them. The questionable use of illegal labor is "intermediate use". Such a computer cannot be used for non-creative and non-criminal activities. **Sega v. Accolade** is the first case to recognize unfair use. In this case, Accolade, a video game developer, purchased some games without Sega's permission to copy the codes and then returned the games to receive acceptance code numbers. The court ruled that the medium of reproduction of the work would be protected by the fair use doctrine because it was a primary function and did not give rise to copyright protection. *Writers Union v. Google* examined millions of books, including illegal works. Google trains intelligence by providing data on data, making it machine readable, and making search terms easier for users.¹²⁷

The Second Circuit held that scanning the book altered fair use because its purpose was different from the original purpose. *Google Books provides information about the book, but not an overview of the book. Therefore, this is not a violation of the law.* 37 *Maya Mags., Inc.,* 688 F.3d 1164, 1170 – 71 (9th Cir. 2012)). Since testimonial-related training materials do not violate copyright law, the fair use doctrine provides an excuse for judicious use of many of the testimonials during training sessions. The legal purpose of the law is to promote science and art. (<https://ogc.harvard.edu/pages/copyright> - and - Fair use

Issue 2

CAN ARTIFICIAL INTELLIGENCE COMMIT CRIMES?

It is humbly submitted to the Hon'ble Varun High Court that intelligence is not conducive to crime and that accountability in general is required. Only human behavior can be the basis for punishment. People have reason and freedom to fulfill their rights and responsibilities. This kind of consciousness is a wonderful consciousness that intelligence does not have.

(a) Here the AI application/device is considered a pure agent, a device that merely follows the commands given to it by its human owner. The administrator, whether a programmer or an end user, will be a qualified employee who will take responsibility as if he or she had committed a crime.

(b) The Criminal Code imposes strict liability for crimes other than manslaughter. Here AI can be held accountable without violating the law of legality. However, the essence of liability is the voluntary act of the defendant. If the intelligence no longer has the will and ability to make decisions.

(c) Vicarious Liability Vicarious liability or implied liability is indirect liability for other things for which the manager or owner should be responsible. Therefore, the AI has no ability to commit a crime. The manager or owner will be responsible for the violation. 2.2 Mens rea The most important term is "guilt", which means "responsibility for bad behavior". Therefore, in a crime, the court can see not only the "intention" but also the "**mens rea**", that is, the evil spirit. According to Section 82 of the Indian Penal Code, 1860, anything done by a child under the age of seven is not a crime because he does not understand the consequences and does not have criminal intent or is unlawful and therefore cannot be held responsible.

Attorney General v. Coomas, the court said: Criminal conduct - making a large number of sales at the same time (including access to drugs and weapons) - is the behavior of a

¹²⁷ Hashimy, 'Protection of Video Games under Indian and the United States of America Copyright Law' (n 24).

normal person, law-determined with purpose and strategy, suitable to achieve its own results.

Artificial intelligence does not have bad intentions such as thinking, knowing or acting maliciously.

Therefore, criminalizing artificial intelligence violates the male reality principle of criminal law, which is a prerequisite for any crime. This is against the law. If there is no criminal intent, AI cannot be a crime. AI is no longer a crime, intelligence itself cannot be a crime because the law of crimes related to human behavior, intelligence, cannot be violated. There is currently no specific law on intellectual property liability. Therefore, it would be difficult to attribute criminal liability directly to intellectual property. *R v. Instead*, the court said that AI does not have the capacity to commit a crime. The original owner of a work is criminally liable and *Lawyer v. The Patterson* court ruled that if intellectual property is infringed, the owner or creator of the intellectual property will be liable. Provides guidance on which model to use and when. When the AI is used merely as an innocent agent or tool and the real culprit is the developer, user or owner, the agent is deemed incapable of sin and therefore the agent is deemed innocent and the Worker is also absolved of blame. The agency will be responsible.

1) **Legal issues:** AI crimes are attributed to the perpetrators but the police cannot identify the person. For example, the creator of a computer virus can maintain his anonymity.

2) **Impracticality:** It is unrealistic for legal organizations to try to reduce negative behavior regarding intellectual property because there are so many people involved and it is difficult to control given how they contribute to or contribute to the creation of wisdom. wisdom in distant places or long ago. Criminal investigations cannot be postponed indefinitely for various legal reasons.

3) **Illegal laws;** Even if the law could reduce the AI crime to a criminal offense, doing so would

be bad criminal law. For example, unreasonable risk may not be sufficient to make a decision. Maybe many people work in trivial ways on a regular basis, but their collective actions make AI dangerous. In this case, the law will consider that the AI's actions do not mitigate the violation of the law. *Brown v The Queen*.Footnote²⁰ In this case a forensic psychiatrist concluded that there was a causal link between the offender's bad behavior and the crime of arson he had committed.

The law applies only where the law says so. If intelligence is merely a machine, then key elements of criminal law such as crime – “deliberate mental” conduct resulting from failure to enjoy the benefits protected by rule 17 – will surely be misunderstood and used. . Current law says this is not the case. Robots are not recognized as legal entities and therefore cannot be held responsible for any abuse or damage caused by them. Artificial intelligence is generally limited and almost non-existent in law.

MAIN LIABILITY MODELS FOR INTELLECTUAL PROPERTY

RIGHTS SMART:

Other intellectual property crimes ii. Responsibility for Natural Possible Consequences of Artificial Intelligence iii. The direct liability of the AI perpetrator by others is that if a mentally disabled person, a minor or an animal commits a crime, then the perpetrator is an innocent bystander, as the truth says. They cannot be expected to apply equally to violent crimes. In other words, according to this model, while the artificial intelligence system or program is seen as an innocent person, the user or developer can be defined as guilty by others. Natural – Possible .

CONCLUSION

The conclusion is that the model that was part of the artificial intelligence program with good intentions is wrong, it is directly responsible for the crime, it is the model that committed the crime and men turned to wisdom. It is easy for an AI system to devolve into criminal behavior. If

any action taken by an AI system results in a violation by chance or fails to do so when it should, then a fencing violation has occurred. It is very difficult to attribute mens rea, so the three levels of mens rea become very important here. Direct liability of intelligence is not possible because it cannot be punished. It is problematic to end AI as an AI law, the recognition of AI-generated work is a step towards the future, but its use is a real problem.

The authors offer the following suggestions to help improve this problem.

(1) Analysis of integration of skills. Although AI is a universal reality, it is only recognized in a few countries such as the United States, the 50 countries of the United Kingdom, and New Zealand. Start understanding this, for example, in the revised TRIPS document.

(2) In accordance with the Intellectual Property Data Protection Law. Today, artificial intelligence works like humans in many areas. It wouldn't be funny if tomorrow they could work better than humans and make decisions on their own. In order to monitor this situation, an artificial intelligence law, namely the Artificial Intelligence Data Protection Law, should be developed. The bill could also create a regulatory framework to regulate and identify AI applications and investigate AI violations, if any.

(3) List the differences in accountability of accredited schools for their actions. Today, the actions of intellectual intelligence are protected by the rights of their creators. Likewise, if there is a responsibility, the same blame will be placed on the creator who is not aware of the zakat. This shortcoming needs to be addressed so that certain restrictions can be placed on AI, possibly leading to the destruction of AI or limiting the use of the technology after its creation. Because they cannot control the behavior of intelligence. The author suggests. 18 In comparison, the average copying of tasks used to teach AI systems is "less": the copies help computers learn patterns in human output. The goal of this process - to create a positive

intelligence - is different from the main goal of human consumption.

REFERENCE

1. 'Alfred Bell & Co., Ltd. v. Catalda Fine Arts, Inc. Case Brief Summary | Law Case Explained - YouTube'
<<https://www.youtube.com/watch?v=0y7h9dFnVzo>> accessed 22 August 2024
2. 'Alfred Bell & Co. v. Catalda Fine Arts, 86 F. Supp. 399 (S.D.N.Y. 1949)' (*Justia Law*, 22 August 2024)
<<https://law.justia.com/cases/federal/district-courts/FSupp/86/399/2354397/>> accessed 22 August 2024
3. 'ALFRED BELL CO. v. CATALDA FINE ARTS, 191 F.2d 99 | 2d Cir., Judgment, Law, Casemine.Com' (<https://www.casemine.com>)
<<https://www.casemine.com/judgement/us/5914caafadd7b049347fc879>> accessed 22 August 2024
4. 'Article III | Browse | Constitution Annotated | Congress.Gov | Library of Congress'
<<https://constitution.congress.gov/browse/article-3/>> accessed 22 August 2024
5. 'Bleistein v. Donaldson Lithographing Co., 188 U.S. 239 (1903)' (*Justia Law*)
<<https://supreme.justia.com/cases/federal/us/188/239/>> accessed 22 August 2024
6. 'Burrow-Giles Lithographic Company v. Sarony :: 111 U.S. 53 (1884) :: Justia US Supreme Court Center'
<<https://supreme.justia.com/cases/federal/us/111/53/>> accessed 22 August 2024
7. Chimuka G, 'Impact of Artificial Intelligence on Patent Law. Towards a New Analytical Framework - [the Multi-Level Model]' (2019) 59 World Patent Information 101926
8. Ely A, Van Zwanenberg P and Stirling A, 'Broadening out and Opening up Technology Assessment: Approaches to Enhance International Development, Co-Ordination and Democratisation' (2014) 43 Research Policy 505

9. Hashimy SQ, 'The Doctrine of Copyright Exhaustion in Software Under Indian Copyright Act: A Cursory Glance' (2022) 4 Indian Journal of Law and Legal Research 1
10. —, 'Protection of Video Games under Indian and the United States of America Copyright Law' (2022) 4 Indian Journal of Law and Legal Research 1
11. —, 'Copyright or Copyleft: Copyright or Copywrong: What Is the Dichotomy?' (2023) 1 Intellectual Property and Corporate Law Review 1
12. Hashimy SQ and Kavitha L, 'Claims of Disclaimer in The Dirty Picture, Biopic on Silk or Dancing Star: Dancing to the Beat of Controversy and Indian Copyright Enigmas' (2023) 12 Mukta Shabd Journal 484
13. Hashimy SQ and Kimey EE, 'Navigating the Complex Terrain of Passing off Under Indian Trademark Law', *Vaikunta Baliga College of Law*, vol 3 (Vaikunta Baliga College of Law 2023) <<http://eprints.uni-mysore.ac.in/17433/>> accessed 22 August 2024
14. Joksimovic S and others, 'Opportunities of Artificial Intelligence for Supporting Complex Problem-Solving: Findings from a Scoping Review' (2023) 4 Computers and Education: Artificial Intelligence 100138
15. 'NARUTO v. Slater, 888 F.3d 418 | Casetext Search + Citor' <<https://casetext.com/case/naruto-v-slater-2>> accessed 22 August 2024
16. 'Protection of Digital Contents under Indian Copyright Law in the Light of International Conventions' (*International Journal of Law Management & Humanities*) <<https://ijlmh.com/paper/protection-of-digital-contents-under-indian-copyright-law-in-the-light-of-international-conventions/>> accessed 22 August 2024
17. Rajaraman V, 'JohnMcCarthy – Father of Artificial Intelligence' (2014) 19 Resonance 198
18. Sayed Qudrat Hashimy, 'The Convolution of Artificial Intelligence and Intellectual Property Rights' (2023) 6 International Journal of Law Management and Humanities 2891
19. Sayed Qudrat Hashimy EEK, 'Protection of Digital Contents under Indian Copyright Law in the Light of International Conventions' (2022) 5 International Journal of Law Management and Humanities 1302
20. Sharma S, 'Benefits or Concerns of AI: A Multistakeholder Responsibility' (2024) 157 Futures 103328
21. 'The Difference between Plagiarism and Intellectual Property' <<https://www.thuto.org/ubh/ub/bb-plag-copyright.htm>> accessed 22 August 2024
22. 'The Role Of Technology In The Future And Its Impact On Society' <<https://timesofindia.indiatimes.com/readersblog/amitosh/the-role-of-technology-in-the-future-and-its-impact-on-society-52565/>> accessed 22 August 2024
23. UGM F, 'Technological Development in Digital Era' (*FEB UGM*, 17 May 2022) <<https://feb.ugm.ac.id/en/news/3615-technological-development-in-digital-era>> accessed 22 August 2024
24. Yanisky-Ravid S and Jin R, 'Summoning a New Artificial Intelligence Patent Model: In The Age Of Pandemic' [2020] Social Science Research Network 3619069