

Role Of Intellectual Property Theories in Addressing Anomalies Created By The Intersection of Artificial Intelligence and Intellectual Property Rights: An Analysis

Prof. (Dr.) Reena Jaiswal^{1*}, Ms. Anu Singh², Ms. Saloni Rathore³, Ms. Alpika Verma⁴, Mr. Prakhar Saxena⁵, Mrs. Megha Mishra⁶, Mr. Moiz⁷

^{1*}Dean, Department of Law, Invertis University, Bareilly (U.P.) Email ID- dean.law@invertis.org

² Assistant Professor, Department of Law, Invertis University, Bareilly (U.P.). E-mail: anusinghmam@gmail.com

³Assistant Professor, Department of Law, Invertis University, Bareilly (U.P.) E-mail: 14saloni1991@gmail.com

⁴Assistant Professor, Department of Law, Invertis University, Bareilly (U.P.). E-mail: alpikaverma261196@gmail.com

⁵Assistant Professor, Department of Law, Invertis University, Bareilly (U.P.). E-mail: Saxena.prakhar13@gmail.com

⁶Assistant Professor, Department of Law, Invertis University, Bareilly (U.P.). E-mail: 10mishra1megha@gmail.com

⁷Assistant Professor, Shri Ram Murti Smarak, College of Law, Bareilly (U.P.) E-mail: 16.moiz@gmail.com

***Corresponding Author:** Prof. (Dr.) Reena Jaiswal

^{1*}Dean, Department of Law, Invertis University, Bareilly (U.P.) E-mail: dean.law@invertis.org

Abstract: Globally, the use of artificial intelligence (AI) is expanding exponentially. The issue of managing intellectual property in AI is raised by this surge. Discussions and moderating have taken place, but no resolution has been reached. The issue of whether the work created by an AI should get a special status still exists. When it comes to the control of IPR in artificial intelligence, there are a few oddities. The ownership of patents and copyrights is in doubt, and there are serious worries about the consequences of violation. With the development of technology, there is no certainty on the law, despite existing international accords and conventions. In the absence of artificial intelligence (AI), intellectual property (IP) rules have, up to this point, treated IP as a product of human cognition. The current boom in AI, which has seen the development of IP from the "intelligence" of software, has upended this base. But the non availability of law on works created by artificial intelligence the law is left far behind to deal with the anomalies created by the intersection of "Artificial intelligence and intellectual property rights". This research paper examines the role of intellectual property theories in addressing AI anomalies, focusing on copyright, patent, and trademark laws. It analyzes utilitarianism, labour theory and personality theory, examining authorship and ownership in AI-generated works and potential conflicts between human creators and machine-generated content. In this research paper researcher(s) will- Analyse various theories of Intellectual properties to tackle the anomalies created by the intersection of IPR and AI. Criticize and suggest changes in the theories to make them helpful for emerging frameworks on AI and IPR.

Keywords- Artificial Intelligence, Intellectual property rights, Labor Theory, Personality Theory.

Introduction

Intellectual property rights have become critical to the expansion and development of both private and public entities. Many businesses are focusing on the creation, maintenance, and enforcement of intellectual property rights. Multinational corporations such as Samsung, Pfizer, IBM, Apple Nike, and many more have increasingly concentrated on expanding their intellectual property portfolios as a means of survival in the current competitive market.

Universities, as well as individual artists and innovators, have made IPR a priority. Ivy League universities like Oxford, Harvard, Massachusetts Institute of Technology, Princeton, and other prestigious Western institutions have concentrated on IPR production and have collected billions of dollars in royalties. Corporations, institutions, artists, musicians, and other creative persons have fought against all difficulties and obstacles to defend and justify their right to develop and safeguard intellectual property.

This research paper will concentrate on the theories used to support intellectual property rights. It will provide an answer to the question of why intangible things should be safeguarded. This chapter will also quintessence on five theories: Utilitarian theory by J.S. Mill, Labour theory by John Locke, Personality theory by George Wilhelm Friedrich Hegel, Social Planning Theory and the Feminist theory. It will go through the essence of these ideas and how they are related to IPR and will also evaluate and criticize them.

It is important to note right away that the proponents of these five theories did not create them particularly to defend IPR. Somewhat, academics adopted these notions much later to defend IPR. It is also worth noting that there are other theories for the justification of IPR. Marxian theory, game theory, and other methodologies have also been used to defend IPR at times.

When IP was first becoming recognised, there was little and regionalized regulation. Recognizing this necessity, nations banded together to form the World Intellectual Property Organization and the Trade-Related Aspects of Intellectual Property Rights accord, which set forth a basic level of IP protection. The goal of intellectual property (IP) legislation is to reward inventors by giving them ownership rights, financial benefits, and a window of time during which they may enjoy a monopoly over their "property."

AI is now capable of self-learning and producing original works of art, tales, code, royalty-free music, etc. By analysing data provided to it on collagen and Shakespeare's poetry, ChatGPT, an OpenAI tool, can quickly create a poem about collagen in Shakespearean style. When questioned about plagiarism, ChatGPT affirms the poem's uniqueness and clarifies that while it could have certain features in common with other works, its substance is entirely original and tailored to each user's particular request.

The main problem here is the lack of acknowledgment of intellectual property (IP) in AI works like ChatGPT's poetry because it was not created by a real human. AI is not recognised by IP rules as having the ability to create original works.

In addition to upsetting IP standards, the absence of protection for AI inventions is likely to result in abuse and ethical problems if people or businesses mistakenly protect and profit from AI creations as their intellectual property. Clear solutions to obvious issues concerning the development, ownership, and protection of AI creations are currently lacking. Legislators are working to build provisions for AI, and at the same time, adjudicating authorities are expected to deal with cutting-edge problems related to AI developments.

As a result, jurisprudence is evolving incongruously. India, the EU, Canada, Japan, and Canada have all recognised the necessity for IP and AI framework. There are usually many unsolved questions in an uncontrolled environment. Who should be the owner of AI creations—the person who developed the AI tool, the person whose commands cause the AI tool to produce creations, or the AI tool itself? Ownership of AI inventions would be in direct conflict with IP regulations, wouldn't it? Is it moral for humans to possess or benefit from AI inventions, even if they have little to no creative input? Who is the owner of AI inventions produced without human intervention? Do AI tools need to be owners if they aren't even able to exercise their IP rights? Similar to when IP required regulation, we are in this scenario again. Unless nations unite once more and create a worldwide framework to control AI developments, jurisprudence will continue to grow inconsistently if left ignored. However, the theories of intellectual properties can be helpful for Judiciary and Legislature in this scenario to tackle the issues relating to AI and IP rights by providing a strong foundation of fundamental principles followed in law.

Justification of theories of intellectual properties

Intellectual property is putting one's imaginative work born from the human intellect into a product whether it is in literary form, musical form or the form of an invention. The requirement to protect intellectual property arose to encourage and reward the creativity and innovation of the person. It is also protected for the promotion of the progress of arts, science, technology and other creative works. Countries codify the economic rights of artists in their inventions, as well as the public's rights to access such creations. The theories of intellectual properties justify why protection should be given to the author, inventor, musician or any other creator. The justification of IPR through these theories is also relevant in the contemporary world, as artificial intelligence is slowly taking over the IPR, especially copyrights, and in the absence of any law in particular these theories can help in protecting the rights of the author or inventor.¹

Theory of Utilitarianism

IPR is frequently justified using utilitarian reasoning. Jeremy Bentham established a utility theory inspired by Hobbes and Hume, that allows actions if they provide the most enjoyment among the overwhelming majority of the people and assure the absence of misery. He famously held that humans were ruled by two sovereign masters — pleasure and pain. We seek pleasure and the avoidance of pain, they "...govern us in all we do, in all we say, in all we think...". If the sum of enjoyment is less than the sum of all suffering caused by an act, it should not be undertaken.

John Stuart Mill was a Bentham disciple, who, for most of his life, respected Bentham's work even if he differed with certain of Bentham's conclusions, notably about the meaning of 'happiness.' Remember that Bentham believed that there were only quantitative variations between pleasures, not qualitative ones. This exposed him to a slew of criticisms. For starters, Bentham's Hedonism was far too equal. Simple pleasures, sensuous pleasures, were just as pleasurable as more sophisticated and complicated pleasures, at least inherently. The

¹ Axelrod, Robert, 1981, *The Emergence of Cooperation Among Egoists*, *American Political Science Review* 75 (1981): 306–18, 1984, *The Evolution of Cooperation*, New York, Basic Books.

joy you feel having popcorn in front of the television does not compare to the pleasure of completing a difficult math or physics equation, reading poetry or prose, or listening to good music.² Second, Bentham's belief that no qualitative distinctions existed in pleasures further exposed him to the charge that, in his opinion, human pleasures were no more valuable than animal pleasures, and, third, condemned him to the implication that the moral standing of animals, as determined by their sentience, was the same as that of humans.

Thus, Mill's utilitarianism is seen as maximising the welfare or well-being of all individuals. As a result, an act is desirable or acceptable if it strives to maximise everyone's well-being while minimizing pain.

IPR is based primarily on the premise that granting protection to the invention or any new production will encourage individuals to publicly reveal their innovation without fear of others appropriating their creativity.³

According to utilitarian philosophy, granting property rights to creators and inventors of creative work is only a means to end the stigma and hesitation associated with intellectual property.

Eventually, society gains when innovations or creations are more readily acknowledged. In comparison to former traditions of incentives or privileges awarded by the king and the government⁴, Mill felt that patent monopolies are reasonable. He contended that providing government prizes or privileges required discretion on the side of the authorities, which may or may not recognize particular discoveries. A patent system that granted the inventor monopolies in return for exposure to the innovation was deemed to be a desirable arrangement. It struck a delicate balance between safeguarding the inventor's interests and sharing or spreading new technology knowledge. Imagine a circumstance in which a person discovers an Ayurvedic remedy that aids in the treatment of a fatal ailment. The first issue was that it was too expensive, benefiting primarily the wealthy elements of society. The bottom strata remain deplorable. The recipe was then copied, following the individual to discover the recipe using unlawful methods, this can stifle innovation.

The presence of current trademark law is also justified by utilitarian philosophy. Marks on items function as source identifiers. It informs the buyer about the origin of the items and, to a lesser extent, the quality of the goods. If marks are not protected, anybody can use them to pass off his wares as those of another. This would injure companies and mislead consumers who link the mark with a certain quality and its origin from a specific firm. If marks are not protected, customers' search costs would rise since they will have to spend more time identifying things they previously purchased. Thus, a utilitarian will indeed contend that safeguarding trademarks reduces search costs, avoids confusion, and ensures quality by removing fake items from the market. This enhances the well-being of all members of society while minimizing harm.

Because it protects the works of authors, composers, sculptors, painters, and photographers, the utilitarian justification works well to justify the existence of the copyright regime. The absence of protection would not provide adequate motivation for authors to participate in innovative works. Copyright law offers sufficient incentives to the creator since it allows him to spread his work without fear of someone stealing it. It also allows the author to make money from his creative efforts. A utilitarian might argue that a brief monopoly would encourage more individuals to publish their work, allowing the public to read, enjoy, and appreciate creative creations. Not only stories but works that are representations of thought processes that society may greatly benefit from.

Criticism of Utilitarian Theory

The utilitarian rationale of IPR has been criticized for failing to create a balance between private and public welfare. The usage of ideas is restricted by private intellectual property. The incentive-based patent regime prevents anybody other than the first person to register an invention from freely exploiting that concept. Giving intangible ideas intellectual rights impedes the flow of knowledge and also inhibits or delays downstream innovation. Despite the fact that the patent system includes a disclosure system, the person who owns the patent retains exclusive ownership. Today, the inventor can prevent others from freely using his or her invention for a set period of time which is twenty years in the Indian patent regime. Without such benefits, the free flow of thoughts is a utopian dream. Everyone is just concerned with themselves. It is not feasible to assume that these inventors would be selfless and will have no difficulty allowing others to profit from their expertise.

If the patent system had existed at the time the wheel was conceived, it would have prevented others from freely adopting the innovation, severely limiting mankind's advancement as many essential, whether minor or large, advances occurred quickly following the discovery of the wheel.

As a result, intellectual property rights (IPR) do not exactly allow for the free flow of ideas, and the restrictions on technological diffusion limit advancements based on original patents. It is necessary to evaluate the negative impact on the market. By giving twenty-year patent protection, it usually removes rivals in the market and establishes a monopolistic scenario that precludes others from entering the field. This, in turn, leads to patent holders controlling the market price of the product, and society may not profit from such inventions.

² Himma, Ken, 2013, "The Legitimacy of Protecting Intellectual Property Rights: The Irrelevance of Two Conceptions of an Information Commons," *Journal of Information, Communication and Ethics in Society*, 11: 210–232.

³ Edwin C Hettinger, 'Justifying Intellectual property' (1989), 18 *Philosophy and Public Affairs* 31.

⁴ John Stuart Mill, *Principles of Political Economy* (Stephen Nathanson ed, Hackett Publishing 2004)

Labour Theory

One of the most significant justifications for IPR is the concept that "a person rightfully deserves the results of his labour."⁵ This means that an intellectual property right belongs to the person who produced it since it includes his labour, and any profits gained from it are the results of his labour.

In his *Second Treatise of Government*, John Locke says that God provides everything that is in nature and that it is available to all men since it is held in common for the benefit of all. As a result, no person may have the first claim to chemicals found in nature because they are intended for the enjoyment of all people. According to Locke, when a person applies his labour over resources, he may claim ownership since he has contributed value via his labour.

Locke's version of this labour justification assumes that each individual has previous property rights in a person's body. According to Locke, an individual's labour is his property since he owns his body. As a result, it is impossible to distinguish labour from its output. As a prerequisite for property acquisition, only the individual's work is significant, no less to others.

Locke would gladly give patent rights if an individual worked hard to create a useful and inventive product or equipment. James Watt, for example, utilized his labour to build and enhance steam engines which could be employed in trains. Thomas Edison would not have filed for a patent on his light bulb, which has contributed significantly to the growth of global economies. Watt's innovation generated value and accelerated economic progress. Because Watt combined his labor to develop a new technology, Locke's labor theory can be used to justify patent protection for his steam engine.

According to Locke, an artist whether he is a musician, painter, author, or choreographer who has worked hard to communicate his unique views in the form of a book, painting, photograph, or music record should be allowed copyright. This would assure information distribution while also preventing the creative limb from being disabled.

Criticism of Locke's Labour Theory

Certain limitations and criticisms apply to Locke's theory. According to Robert Nozick, labour's fruits are generally valuable, and property rights allow the labourer to take this value.⁶ According to Nozick, Locke authorised private property rights only provided there is enough left over from the common pool of resources for others. He argued that Locke only permitted private property rights if it did not hurt others and left enough for others. For example, if natural resources are rare and too many people rely on their availability, a person who has mingled his labour cannot claim property rights in it since it would deprive others of it. Thus, granting a patent to a person or entity that restricts access to others would undoubtedly concern Locke. Patents on carcinogenic genes such as BRCA1 and BRCA2 would prevent others from utilising the genes to produce a diagnostic kit. Locke would undoubtedly object to such patents if there isn't enough left over for others. According to him, it is only luxuries which should be patentable.

Natural resources, according to Locke, have no value until an individual works on them. According to Locke, ninety-nine per cent of the value is generated when labour is combined with a naturally occurring component to make an object. However, this is not plausible when labour is combined with a naturally occurring substance that does not result in the substance being transformed.

W.R. Grace, for example, claimed that he has invented a Neem extract. Grace did little more than establish which chemical component of the Neem plant had pesticide qualities (azadirachtin), isolate that component, and claim a patent on it. Though Grace expended effort in determining which chemical component had insecticide properties, it can be said that it already existed in nature and its properties would have remained the same regardless of whether he identified them. Here, labour is combined with what was already present in nature.

Is it fair to suggest that Grace should have acquired complete rights to the patent after learning about the advantages of the Neem tree from the Indian agricultural community? As a result, it is incorrect to claim that solely Grace's study has brought ninety per cent of the value to the Neem patent, and hence patent rights over it are not warranted. (In this case, practicality is also taken into account.)

Furthermore, Hettinger criticises labour theory for failing to account for the value added to a product by contributions made by others in its evolution. For example, even if numerous persons contributed to the growth of technology, labour theory may only account for the value supplied by the most recent contributor. For example, while James Watt did not create the steam engine, he was certainly engaged in its advancement. (However, this will paralyse the creative soul.)

Regrettably, even before Watt's invention, many others contributed to the emergence of the steam engine, but only Watt was able to acquire the full market price for improvements to the steam engine. Similarly, a patent holder who depends on community knowledge does not deserve to receive full value for the end product. As a result, the subject of holding intellectual property rights to the exclusion of others and the right to obtain royalties and fees based on property rights is not a natural right because this right may be assigned to the society that

⁵ Jeane C Fromer, 'Expressive Incentive in Intellectual Property Rights' (2012) 98 *Virginia Law Review* 1745.

⁶ Jeremy Waldron, 'Nozick and Locke: Filling the Space of Rights' (2005) 22 *Social Philosophy and Policy* 81.

is constructing the system of safeguarding labour (product invented). As a result, IPRs are in some ways contingent on the greater interest.

Personality Theory

IPR has been justified using personality theory. This notion holds that each work or innovation belongs to its author or inventor since it is a representation of the creator's or inventor's personality. In his work, 'Elements of Philosophy of Rights,' Hegel asserts that the person's will should be given greater weight than other elements that comprise an individual. He sees the personality as the will's striving to manifest itself. Personality, according to Hegel, is a mirror of an individual's will.⁷

Hegel prioritises the will over exterior property, which is an expression of the will. Property (the realisation of one's will) becomes an expression of one's will. According to Hegel, society recognises an individual's exterior expression of personality as property. Thus, when a person expresses himself through his work, it is nothing more than an outward manifestation of his personality.

Property rights are granted to the external item only because it is the product of the individual's will. The object is occupied by the will via labour. Hegel maintains that because this outward expression is a mirror of the self, it cannot be detached at any moment in time.

Criticism of Personality Theory

Hegel's personality theory may be utilised to validate claims made in the work of authors, singers, painters, sculptors, photographers, and others. The work of an author reflects his or her personality. Authors' books are exterior manifestations of their inner selves (i.e. their sentiments, emotions, experiences, and ideas). The Harry Potter series, for example, is an exterior representation of J.K. Rowling's personality. The book itself is an expression of will and a part of the personality, and so validates the claim to the property. Similarly, a creative invention is a representation of the inventor's intent and, as such, is protected by intellectual property law. The difficulty in applying personality justification to intellectual property is determining whether there is a personality stake in the specific thing that is the external embodiment of the intent. Furthermore, Hegel's proposition that works is the external manifestation of a personality presents a problem in the context of IPR. A person who writes (either handwritten or typed) a book by copiously duplicating the works of others, or a painter who imitates the work of another painting, has done so by clearly expressing his individuality, regardless of the fact that he is borrowing from someone else. In copying or mimicking, the writer or painter has used his or her talents and abilities and expressed his or her will, and as such would have a property interest in it. This would be detrimental to an IPR system since it would not recognise the imitator as a property right holder.

Social Planning Theory

The social planning theory is based on the idea that property rights in general, and intellectual property rights in particular, may and should be moulded in order to aid in the creation of a just and appealing society. This idea has a more tenuous foundation. It varies from utilitarian theory in that it tries to expand on the concept of social welfare to encompass a far larger picture of society served by intellectual property.

The reflection of this theory can be found in the doctrine of fair use in copyright law. The fair dealing doctrine is an essential component of copyright law. It allows for the usage of copyrighted works without fear of violation. The "Fair Dealing" defence arose and evolved as a Doctrine of Equity that enables the use of such copyrightable works that would otherwise have been forbidden and would have constituted copyright infringement. The primary goal of this concept is to prevent the stagnation of growth and creativity, for which the law was created. This Doctrine is among the most significant components of Copyright law because it distinguishes between valid, authentic fair uses of a work and obvious copying of the work.

Criticism of Social Planning Theory

This theory is criticized because it cannot reach a consensus on the aims that such social planning tries to attain, and was very similar to the theory of utilitarianism. Although its application can still be seen in the copyright and patent law.

Feminist Theory

Intellectual property law is gender inclusive but the reality is far different from this. Women in various intellectual property areas like copyright and patent are often underrepresented. The main reason behind this is that the intellectual properties are controlled by men. This has several negative effects on women, who command a small percentage of the wealth in the world. Women have limited access to important discoveries or works of writing, which promote the start-up or expansion of firms, increased job prospects, and wealth accumulation in general. Women not only face difficulties in raising funds for their research work Women frequently struggle to raise funds to patent and sell their discoveries. Women are frequently imperceptible in research since their names appear only diminutively as a first author of a final article, despite considerable contributions to the

⁷ Jeanne L. Schroeder, 'Unnatural Rights: Hegel and Intellectual Property' (2006) 60 University of Miami Law Review 453. 2564

study endeavour. These are only two instances of the barriers that women encounter in participating fully in creative endeavours.

Another useful justification for feminist theory is to seek out gendered preconceptions and examine how they relate to law, rules and policies. This necessitates investigating the roles that women play in a specific setting, as well as how procedures and outcomes influence them. The male gaze is a term tossed by Laura Mulvey, who is a feminist cinema theorist. She is popular for her book 'Visual Pleasure and Narrative Cinema'. Mulvey states that "the gender power asymmetry is a controlling force in cinema and constructed for the pleasure of the male viewer, which is deeply rooted in patriarchal ideologies and discourses." In the movies, the credit for the success of the movie always goes to the male actor. Females in the movies are cast to support their male counterparts, she is the main lead in very few movies. Even when the credit rolls down in a movie, it is a male actor whose name comes first, not a female.

This discrimination overall affects the economic rights of women in the intellectual property industry. The gender pay gap is also present in the IP industry as well, due to the stigma in society that women cannot work as much as of a man due to their physiological structure.

Although there is no discrimination in the IPR laws, the main problem lies with the intermediaries, like producers, and publishers, who underestimate women's intelligence and ultimately deny the fundamental right of equality to women.

Marxist theory

The Marxist theory is a social and economic theory that divides society into classes based on their connection to the means of production. The ruling class (bourgeoisie), according to this idea, exploits the working class (proletariat) by taking surplus value from their labour. Intellectual property rights (IPRs) are a legal framework that allows producers and inventors exclusive rights over their products or innovations for a limited time.⁸

According to Marxian theory, intellectual property rights (IPRs) are a weapon employed by the ruling class to preserve their power over the working class. This is because IPRs allow intellectual property owners to charge rent to those who want to utilise it, limiting access to knowledge and innovation. As a result, creativity is stifled.

Game theory

A mathematical framework used to evaluate strategic interactions between individuals or organisations is known as game theory. When it comes to intellectual property rights, game theory may be used to investigate the behaviour of various market participants such as producers, users, and rivals.⁹

The prisoner's dilemma, which represents a situation in which two people must choose between collaborating and defecting, is an important topic in game theory. In the context of intellectual property rights, this might refer to a situation in which two inventors must decide whether to share their knowledge or keep it to themselves. Both artists profit when they collaborate and share their knowledge. If one creator deviates and keeps their expertise hidden while the other collaborates, the defector has a competitive advantage.

The tragedy of the commons is another notion in game theory that depicts a situation in which several individuals have access to a common resource and can abuse it for their profit. In the context of intellectual property rights, this might refer to a situation in which several users have access to the same piece of intellectual property and can use it without paying for it. If all users act in their self-interest and utilise the item without paying, the property's owner may be unable to profit from it and may cease production entirely.

Overall, game theory may give insight into how different market participants may behave in terms of intellectual property rights. It can help us understand how cooperation and competition affect innovation and creativity, as well as how different regulations might influence market participants' behaviour.

Artificial intelligence and theories of IPR

Concerns have also been made concerning intellectual property rights (IPR) and how they are influenced by the usage of AI. One example is the use of AI in the creation of original creations, such as music or painting. The question is whether the AI system that generated these works or the person who designed the AI system owns the copyright to them.

Another issue to be concerned about is the use of AI in patent searches and infringement assessments. AI may be used to evaluate enormous volumes of data and discover potential patent infringements, but it is critical to verify that its usage does not violate patent holders' rights.

There are also worries concerning the use of AI in trademark infringement analysis. AI may be used to detect possible trademark infringements, but it is critical to guarantee that the usage of AI does not produce false positives or infringe on trademark owners' rights.

Finally, the use of AI in IPR raises important questions about intellectual property ownership, infringement, and protection. When using AI in IPR, it is critical to consider ethical and legal principles in order to protect the rights of all parties involved.

⁸ P.N.Fedoseyev Scientific Communism Progress Publisher Moscow ed1983p9

⁹Adam Moore, *Intellectual Property and the Prisoner's Dilemma: A Game Theory Justification of Copyrights, Patents, and Trade Secrets*, 28 FORDHAM INTELLECTUAL PROPERTY, MEDIA AND ENTERTAINMENT LAW JOURNAL 831 (2018), <https://ir.lawnet.fordham.edu/iplj/vol28/iss4/3>.

Utilitarianism is a legal philosophy that focuses on enhancing society's total happiness or pleasure. When it comes to AI and IPR, utilitarianism may be utilised by weighing the advantages and disadvantages of utilising AI in IPR. For example, the application of AI in patent searches and infringement analysis might result in more efficient and accurate identification of possible infringements, eventually benefiting society by stimulating innovation and preserving patent holders' rights. However, if the use of AI produces false positives or violates the rights of patent or trademark holders, this could have a negative impact on society as a whole. As a result, a utilitarian approach to AI and IPR would entail considering the possible advantages and disadvantages of employing AI.

Artificial intelligence is the future of technological advancements and has started to affect the intellectual property industry. Intellectual property theories have always helped lawmakers and the judiciary in ascertainment and implementation of the law, whether it is related to the rise of computers, the internet or digitalization and it will also be helpful with the revolt created by artificial intelligence.

Conclusion

It is an entrenched fact that rights associated with intellectual properties have been quite useful and successful in safeguarding unique creations that have aided in the upliftment and progress of any nation. They have given society a boost and urged it to generate more intellectual property. It is certain that in this age of technological advancement and more artistic production, competitiveness has found its way. As a result, people may engage in unfair activities to modify or replicate other people's inventions, or they may utilise them illegally to build something new. Intellectual property rights, such as patents, trademarks, copyrights, and trade secrets, have found a permanent home in order to reduce such incidents. It assures that there is no unfavourable competition or unfair behaviour in the field of IPR. Intellectual property rights provide incentives to those engaged in study and experimentation. Such words of encouragement offer individuals a sense of accomplishment. These rights not only grant people ownership but also acknowledges and honour them for their efforts and labour. It also safeguards the economic interests of artists.

The utilitarian theory defends IPR by claiming that it increases societal benefit. Patent and copyright protection are considered incentives that encourage inventors, writers, and artists to disclose their inventions. Without such safeguards, inventors and artists would always be concerned that others in society will participate in the unlawful copying of their work. Locke's labour theory is an extension of the natural rights theory that may be used to defend property rights in intangible items on the basis that a person worked to create that intangible object. According to Hegel's personality theory, intangible ideas and expressions need property protection since they are an extension of the creator's or innovator's personality. As previously stated, these theories are not perfect and have some intrinsic dimness.

These theories focus on the actions of the creator of an intangible item, its potential user, and the society in which the creator performs. It demonstrates that none of these explanations provides a unified philosophy of intellectual property law. However, these justifications would encompass the theoretical basis on which intellectual property rights are acknowledged, and understanding their relative strengths is critical to the law's continued development in a coherent and principled manner.

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