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## THE ROLE OF AI IN THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN INDIA

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### ABSTRACT

In various Hollywood movies, such as Star Wars, Avengers, Matrix, Blade Runner, and The Transformers, we see the extreme use of AI techniques in fiction.

The Hindi Film Industry, which is famously known as Bollywood, started following the same trend in movies like Robot and Robot 2. O and Ra-One, etc.

All the movies mentioned above have the use of AI by the characters in the film, or sometimes even the character itself has been created by using AI.

This fictional adventure is rapidly turning into reality nowadays. Gradually, AI is securing a place in our day-to-day life, like the characters of the above-mentioned films, more or less we use AI in the form of some device like Alexa or applications like Chat-GPT, GAMA, Grok AI, Deepseek, Google Lens and many more.

The truth is that AI has a strong presence in almost every sphere of life, whether it is scientific inventions, Business, Education, Entertainment, or any other field; AI exists everywhere. The impact of AI is so high that even the legal field is not untouched. The legal system of almost all developed and developing countries is using AI in resolving its complex legal matters, which not only reduces the time but also saves costs.

This paper is about analyzing the role of AI in one of the most rapidly growing fields of law in India, that is Intellectual Property Rights, which protects the human creation if it is scientific, literary or any other kind of creation provided by law of the time being in India to commercialise it and benefit its creator economically and give him recognition.

But the problem is that, like any other field of law, the intellectual property law is also not perfect. It also has flaws like time consumption, unaware stakeholders in the legal system who are not familiar with the IP Ecosystem, technical difficulties and expense, etc, for instance, our judges or lawyers are not experts in every creative or innovative field, and it's not their fault, though, as one cannot be a master of all.

So, they cannot understand the technicalities of particular issues related to IPR.

In the case of machine designing, a legal expert cannot find the similarities micro-level chip; like this, the momentum, energy supply, sound frequency, Tunes, Notes, and such other patterns can easily be traced by the AI.

So, the AI can fulfil the sufficient gap in the judicial remedial system.

AI-generated reports can help our legal fraternity to provide fair and reasonable justice on time.

## **Introduction**

In the abstract, we presented to the reader that AI is now becoming a necessary part of our lives and changed the view of human beings to use the technology.

Human beings are psychologically attracted to the magical work ability and prudence of AI, and feel comfortable with it in its daily use in the performance of their various tasks to day tasks.

But some scientific intellectuals have shown concerns towards its blind use, as it can dilute the natural work ability of human beings and affect their consciousness. Extreme dependence on AI can be a threat to human existence, yet it cannot be said that AI should be banned; rather use of AI with precautions and an awakened mindset can actually be a boon for society.

Our research paper has three basic dimensions, namely AI, that Artificial Intelligence, IPR, which is Intellectual Property Rights, and protection of IP rights using AI.

These keywords are in sequence with each other and present a clear picture to the readers.

Now we are going to introduce these three dimensions to the readers in brief.

## **Artificial Intelligence (AI)**

Artificial Intelligence (AI) is a transformative field of technology that focuses on developing systems capable of performing functions traditionally associated with human intelligence. It enables machines to think, reason, learn from experience, and make informed decisions without continuous human intervention. In essence, AI empowers computers to interpret data, recognize patterns, and respond to complex situations intelligently and adaptively.

Unlike conventional computer programs that operate strictly on predefined commands, AI systems evolve through experience by utilizing techniques such as machine learning and deep learning. These approaches allow machines to improve their performance over time, becoming more accurate and efficient with each interaction or data input. Through this ability to learn and adapt, AI bridges the gap between human cognition and computational logic.

In the contemporary world, AI is deeply embedded across various domains, from healthcare, education, and communication to law, industry, and governance. It assists in automating routine tasks, enhancing decision-making, and uncovering insights that were previously beyond human capability. The objective of AI is not merely to replicate human thought but to extend human potential by creating intelligent systems that complement and refine human efforts.

### **Intellectual Property Rights (IPR)**

Intellectual Property Rights (IPR) are legal protections given to creators and innovators for their original works, ideas, and inventions. These rights safeguard intangible creations such as books, music, artistic works, inventions, brand names, symbols, and designs. The main purpose of IPR is to encourage creativity and innovation by allowing creators to control the use of their work and receive recognition or economic benefit from it.

IPR is generally divided into different forms, including copyrights, patents, trademarks, geographical indications, industrial designs, and trade secrets. Each type serves a specific function, for example, patents protect inventions, copyrights cover artistic and literary works, and trademarks secure brand identity.

In the modern digital era, the importance of IPR has grown significantly, especially with the rise of technology, artificial intelligence, and online content creation. It not only ensures fair use and ownership of creative efforts but also promotes innovation and supports economic development. In essence, Intellectual Property Rights act as a bridge between creativity and commerce, ensuring that innovation continues to thrive responsibly.

### **Comprehensive Overview of Intellectual Property Rights (IPR) Violations in India**

Intellectual Property Rights (IPR) in India encompass a broad spectrum of protections, including patents, trademarks, copyrights, industrial designs, geographical indications (GIs),

plant varieties, semiconductor integrated circuits, trade secrets, traditional knowledge, and cultural expressions. Each of these categories faces distinct challenges and violations, often facilitated by technological advancements, globalization, and enforcement gaps.

**Patent Infringement:** Patent violations in India typically involve unauthorized manufacturing, use, or sale of patented inventions. A notable case is *FMC Corporation v. Natco Pharma Limited*<sup>1</sup>, where FMC alleged that Natco's process for producing an insecticide infringed its patent. The court applied the Doctrine of Equivalents to assess the similarities between the two processes, ultimately ruling in favour of Natco due to significant differences in the reagents and reaction sequences used

**Trademark Infringement:** Trademark violations include counterfeiting, passing off, and cybersquatting. In the *Yahoo Inc. v. Sanja Patel* case<sup>2</sup>, The Delhi High Court recognized Yahoo's trademark and granted a permanent injunction against the defendant, along with damages of Rs. 3.2 million, for infringing upon Yahoo's well-known mark. Additionally, the Delhi High Court ordered Amazon to pay \$39 million in damages for infringing the "Beverly Hills Polo Club" trademark, highlighting the serious implications of online trademark violations

**Copyright Infringement:** Copyright violations often involve unauthorized reproduction or distribution of creative works. The *R.G. Anand v. Delux Films*<sup>3</sup> case is a landmark judgment where the Supreme Court held that the unauthorized adaptation of a play into a film constituted copyright infringement. More recently, issues have arisen concerning the use of copyrighted material in training artificial intelligence models, raising complex legal questions about the balance between innovation and copyright protection

**Industrial Design Infringement:** Infringement occurs when the unique visual design of a product is copied. For instance, the case of *Whatman International Ltd. v. Somnath Saha*<sup>4</sup> involved the defendant selling filter papers identical to Whatman's patented design, leading to a significant compensation award for the plaintiff

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<sup>1</sup> <https://depenning.com/blog/patent-infringement-in-india-recent-case-studies-and-legal-updates/>

<sup>2</sup> <https://www.reuters.com/business/retail-consumer/india-court-orders-amazon-pay-39-million-damages-beverly-hills-polo-club-case-2025-02-26/>

<sup>3</sup> <https://www.lexology.com/library/detail.aspx?g=4a003a46-819f-45cc-a65d-6719559c0194&>

<sup>4</sup> <https://blog.ipleaders.in/10-landmark-cases-trademark-infringement/>

**Geographical Indications (GIs):** GIs are often misused through unauthorized production or sale of products bearing GI tags. The *Basmati Rice* case<sup>5</sup> saw the U.S. Patent and Trademark Office granting a trademark for "Basmati" to a U.S. company, despite the term being a GI for rice grown in specific regions of India and Pakistan. This led to legal disputes over the protection of GIs

**Plant Variety Violations:** Unauthorized propagation or sale of protected plant varieties undermines breeders' rights. The *Monsanto Technology LLC v. Nuziveedu Seeds Ltd.* case<sup>6</sup> involved allegations of patent infringement related to genetically modified cotton seeds, highlighting the complexities in protecting plant varieties in India.

**Semiconductor Integrated Circuits:** Infringements in this domain involve unauthorized copying of chip layouts. While specific cases are less publicized, the protection of semiconductor designs is governed by the Semiconductor Integrated Circuits Layout-Design Act, 2000, which aims to prevent such violations<sup>7</sup>

**Trade Secret Misappropriation:** Trade secrets are often stolen through espionage or unauthorized disclosure. The *Infosys Technologies Ltd. v. Sujatha* case<sup>8</sup> dealt with the misappropriation of trade secrets by a former employee, leading to legal action under the Indian Contract Act and the Information Technology Act

**Traditional Knowledge and Cultural Expressions:** These are frequently exploited without authorization. The *Neem Tree Biopiracy* case<sup>9</sup> involved the patenting of neem-based products by foreign entities, despite the traditional use of neem in India for centuries, leading to challenges under biopiracy laws

**Enforcement Challenges:** Despite legal frameworks, enforcement remains a significant challenge due to factors such as inadequate infrastructure, lengthy judicial processes, and limited public awareness. The Indian government's efforts to strengthen IPR enforcement include initiatives like the National IPR Policy and the establishment of specialized IP courts,

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<sup>5</sup> <https://www.trade.gov/country-commercial-guides/india-protecting-intellectual-property?>

<sup>6</sup> <https://depenning.com/blog/patent-infringement-in-india-recent-case-studies-and-legal-updates/?>

<sup>7</sup> <https://www.trade.gov/country-commercial-guides/india-protecting-intellectual-property?>

<sup>8</sup> <https://www.altacit.com/resources/ip-management/criminal-implications-of-intellectual-property-infringement-under-indian-legislations/?>

<sup>9</sup> <https://en.wikipedia.org/wiki/Biopiracy?>

but challenges persist.

In conclusion, IPR violations in India span a wide range of activities and sectors, each presenting unique challenges. Addressing these issues requires a multifaceted approach, including robust legal frameworks, efficient enforcement mechanisms, and heightened public awareness to protect the intellectual property of creators and innovators.

### **How can the use of AI be a tool in protecting IPR from the above-discussed violations?**

Currently, IPRs are being protected in India by some specific legislations, such as the Patents Act 1970 (for innovations), the Trade Marks Act 1999 (for brand, name and logos etc.), the Copyright Act 1970 (for literary and artistic works), the Designs Act 2000 (for shape and appearance of goods), the Geographical Indications of Goods (Registration and Protection) Act 1999 (community rights of goods production), the Protection of Plant Varieties and Farmers' Rights Act, 2001 (for cross breeding or innovative plant), The Semiconductor Integrated Circuit Layout Design Act, 2000 (for microchips) and The Biological Diversity Act, 2002 (for biological variants).

Apart from the legislation and their subject matters discussed above, which are a kind of intangible properties known as intellectual properties, as all are considered human creations, there are some more intellectual properties which are seldom discussed in India and do not have any sui-generis legislation for their protection, like Trade Secret, Traditional Knowledge and Cultural Expression, they are mostly governed by judicial pronouncements.

The whole system of IP law is still in its evolving era, a lot of discussion and reforms are yet to be made so that the IP of India can be protected in a stronger sense legally, but in this paper, our focus is not on its legal aspects, but on the idea of how, along with all these legislations and judicial pronouncements the AI can help combat with issues occurring in protecting the IP rights in India so saving time and cost and being more accurate, so let us stick to our topic and discuss further.

Artificial Intelligence (AI) has emerged as a transformative force in the protection, management, and enforcement of Intellectual Property Rights (IPR) in India. In an era defined by rapid digitization and innovation, traditional mechanisms of IPR administration are often overwhelmed by the growing complexity, diversity, and sheer volume of intellectual creations.

AI technologies have the potential to bridge this gap by enhancing the efficiency, precision, and transparency of the entire IPR ecosystem—from registration and examination to enforcement and adjudication. With India's IPR framework governed by multiple legislations such as the **Patents Act, 1970**, **Trade Marks Act, 1999**, **Copyright Act, 1957**, **Designs Act, 2000**, **Geographical Indications of Goods (Registration and Protection) Act, 1999**, **Protection of Plant Varieties and Farmers' Rights Act, 2001**, **Semiconductor Integrated Circuits Layout-Design Act, 2000**, and **Biological Diversity Act, 2002**, the role of AI becomes crucial in complementing these laws with advanced technological support.

In the field of **patents**, AI has already begun transforming how innovation is assessed and protected. Patent examiners traditionally relied on manual searches to identify prior art—a time-consuming process prone to oversight. AI-powered search engines and Natural Language Processing (NLP) models now allow for **automated prior art searches** across global patent databases, research journals, and technical disclosures, enabling near-instant detection of existing inventions similar to new applications. The **Indian Patent Office (IPO)** has begun exploring such AI tools to improve patent examination and classification efficiency. Moreover, AI can predict the likelihood of patent approval based on historical data, helping inventors refine applications before filing. For example, **WIPO's "IP Portal AI Tools"** and **IBM Watson for IP Law** offer predictive analytics that could be adapted in India to streamline patent workflows and improve decision accuracy.

In the sphere of **trademarks**, AI-driven image recognition and pattern matching can revolutionize brand protection. The **Trade Marks Act, 1999**, seeks to prevent deceptive similarities between marks, but human examiners can find it challenging to compare thousands of existing trademarks manually. AI tools can analyze text, logos, and designs simultaneously to identify potential conflicts. For instance, **Google's Vision API** and **Clarifai** use deep learning to recognize complex visual similarities—a capability that can be integrated into India's trademark system. Furthermore, AI can continuously monitor e-commerce sites and social media platforms to detect **counterfeit products or unauthorized brand usage**, alerting rights holders in real time. Global examples such as **Amazon's Project Zero** and **Alibaba's Big Data Brand Protection Platform** illustrate how AI can automatically remove infringing listings, a model India could adopt through collaborations with domestic online marketplaces.

Under the **Copyright Act, 1957**, AI plays a pivotal role in detecting and managing digital

infringement. The exponential growth of online content has made manual monitoring impractical. AI-based systems like **YouTube's Content ID**, **Meta's Rights Manager**, and **Shazam** for music use advanced algorithms to identify copyrighted material, even when slightly altered. These tools can be replicated in India to protect songs, films, and literary works from piracy. AI can also be integrated into digital libraries and OTT platforms to track content ownership, ensuring that royalties and credits are automatically attributed to the rightful creators. This has immense potential in India's booming entertainment sector, where copyright violations are common.

In the domain of **industrial designs**, protected under the **Designs Act 2000**, AI's visual comparison tools can examine product models and identify copied designs with high accuracy. For instance, AI software such as **AutoCAD's design recognition module** or **Siemens' image-based design search** can be employed to identify infringements by comparing 3D shapes, patterns, and surface features. This is particularly valuable in industries such as fashion, automotive, and consumer goods, where imitation is rampant.

AI also plays a transformative role in safeguarding **Geographical Indications (GIs)** under the **Geographical Indications of Goods (Registration and Protection) Act, 1999**. India's heritage-rich products, like *Darjeeling Tea*, *Banarasi Saree*, *Kashmiri Pashmina*, and *Madhubani Paintings*, are often exploited through false labelling and unauthorized exports. AI-based image recognition and blockchain integration can ensure the authenticity and traceability of such goods. By creating digital "fingerprints" for GI-tagged products, AI can monitor online sales and supply chains to detect misrepresentation and protect local artisans and producers.

Similarly, under the **Protection of Plant Varieties and Farmers' Rights Act, 2001**, AI can support genetic pattern analysis and crop data management to identify unique plant varieties. Machine learning models can help differentiate between naturally occurring and genetically modified crops, preventing biopiracy and unauthorized commercialization. Start-ups in agricultural biotechnology are already experimenting with AI-driven genomic mapping, which could assist the **Protection of Plant Varieties and Farmers' Rights Authority (PPV&FRA)** in evaluating and safeguarding breeder innovations.

In relation to the **Semiconductor Integrated Circuits Layout-Design Act, 2000**, AI can assist in detecting unauthorized copying or replication of circuit layouts. With the Indian government promoting semiconductor manufacturing under the **Digital India Semiconductor Mission**,



AI-driven design validation tools can analyze chip architectures to ensure originality and compliance. Similarly, in the context of the **Biological Diversity Act, 2002**, AI can track genetic resources, monitor bioprospecting activities, and prevent unauthorized use of biological materials. AI-assisted bioinformatics platforms can map biodiversity data and ensure benefit-sharing with indigenous communities.

Beyond statutory rights, AI also has vast potential in protecting **Trade Secrets**, **Traditional Knowledge (TK)**, and **Cultural Expressions**, which currently lack sui generis legislation in India. AI-enabled cybersecurity systems can detect and prevent data breaches or insider threats that may expose trade secrets. For **Traditional Knowledge**, AI can help digitize and classify vast indigenous databases like the **Traditional Knowledge Digital Library (TKDL)**, protecting India's ancient medicinal formulations, such as those found in Ayurveda or Siddha, from international patent exploitation. AI-based translation tools can further preserve oral traditions and folk art forms by converting them into structured digital archives, ensuring long-term protection and accessibility.

AI's influence also extends to **IP enforcement and adjudication**. Predictive analytics tools can assist courts in identifying relevant precedents, assessing infringement probabilities, and forecasting case outcomes. AI can analyze large volumes of case law to suggest optimal legal arguments and even detect inconsistencies in judicial reasoning. The integration of AI in the Indian judiciary, as seen in projects like **SUPACE (Supreme Court Portal for Assistance in Courts Efficiency)**, offers a glimpse of how AI can enhance efficiency in IPR litigation and decision-making.

As India progresses through initiatives such as **Digital India**, **Startup India**, and **Make in India**, the integration of AI into IPR protection mechanisms is becoming essential. From automated IP audits and portfolio management to predictive risk analysis and digital enforcement, AI stands to make India's IPR regime more robust, transparent, and innovation-driven. While ethical concerns surrounding bias, data privacy, and accountability persist, the responsible and transparent deployment of AI can help India evolve from reactive IP protection to a proactive, technology-enabled system. In essence, AI represents not just a technological advancement but a strategic ally in ensuring that India's intellectual wealth—whether scientific, creative, or cultural- is protected, respected, and utilized to its fullest potential.

## **Merits and Demerits of Using Artificial Intelligence in the Protection of Intellectual Property Rights in India**

### **Merits**

The integration of Artificial Intelligence (AI) into the protection and management of Intellectual Property Rights (IPR) in India offers a wide array of advantages that significantly enhance the effectiveness, transparency, and accessibility of the IPR ecosystem.

#### **1. Enhanced Efficiency and Accuracy:**

AI-driven systems are capable of analyzing vast amounts of data in a fraction of the time that traditional manual methods require. In patent examination, for instance, AI can swiftly search global databases for prior art, identify technical similarities, and predict the novelty of inventions with exceptional precision. This minimizes human errors and accelerates the grant process, contributing to timely justice and innovation growth.

#### **2. Cost and Time Reduction:**

The conventional IPR protection process often involves lengthy litigation and administrative delays. AI applications, through automation of document review, infringement detection, and classification tasks, drastically reduce operational time and costs. This becomes particularly beneficial for small and medium enterprises (SMEs) and start-ups, which usually face financial limitations in pursuing IP protection.

#### **3. Strengthening Enforcement and Monitoring:**

AI-based tools enable continuous surveillance of digital platforms, e-commerce sites, and social media channels to identify counterfeit goods, trademark violations, and copyright infringements in real time. By integrating machine learning algorithms and image recognition technologies, AI can assist authorities in proactively removing infringing content and safeguarding the rights of legitimate owners.

#### **4. Objective and Data-Driven Decision-Making:**

AI systems function on logical algorithms and data analytics, reducing the likelihood of bias or inconsistency in IP evaluation and dispute resolution. Predictive models can assist judges

and legal practitioners in identifying patterns and precedents, supporting objective decision-making in complex IPR cases.

### **5. Support for Innovation and Accessibility:**

AI democratizes access to IP protection by simplifying procedures through digital interfaces, chatbots, and automated filing systems. It supports inventors, artists, and entrepreneurs from remote areas by offering user-friendly tools to register, manage, and track their IP assets without requiring advanced technical expertise. Moreover, the combination of AI with blockchain and digital fingerprinting enhances transparency and authenticity across the entire IP lifecycle.

### **6. Preservation of Traditional Knowledge and Cultural Heritage:**

AI has immense potential in digitizing, categorizing, and safeguarding India's rich Traditional Knowledge (TK) and Cultural Expressions. Through Natural Language Processing (NLP) and data archiving technologies, indigenous art, folklore, and medicinal knowledge can be preserved in digital form, preventing misappropriation or biopiracy by foreign entities.

### **Demerits**

While AI offers transformative advantages, its integration into the IPR regime also presents several challenges that must be addressed through careful regulation, ethical governance, and technological oversight.

#### **1. Absence of a Clear Legal Framework:**

One of the major demerits is the absence of explicit legislative provisions in Indian IPR laws governing AI's role. Current statutes do not adequately define AI's legal status—whether as a tool, creator, or right-holder, which leads to ambiguity in assigning ownership and accountability in cases involving AI-generated works or inventions.

#### **2. Risk of Algorithmic Bias and Inaccuracy:**

AI models rely heavily on the quality and diversity of training data. Biased or incomplete datasets can result in discriminatory or inconsistent outcomes, particularly in the examination of patents and trademarks. Such biases may inadvertently favour certain industries, regions, or

linguistic groups, leading to unjust conclusions or wrongful rejections.

### **3. Data Privacy and Security Concerns:**

The use of AI in IP protection necessitates the processing of sensitive and confidential data. Without stringent data protection measures, there is a potential risk of data breaches, unauthorized access, and misuse of proprietary information. This issue becomes more complex within India's evolving digital landscape, where the Digital Personal Data Protection Act, 2023, is still being fully implemented in practice.

### **4. Ethical and Accountability Dilemmas:**

Determining liability for errors made by AI systems, such as wrongful patent grants or false infringement detection, poses significant ethical challenges. Questions arise regarding whether the responsibility lies with the AI developer, the user, or the institution deploying the technology. The absence of accountability frameworks may erode public trust in AI-assisted decision-making.

### **5. Economic and Technological Dependency:**

Over-reliance on AI technologies, particularly those developed by foreign corporations, can create dependency risks and undermine technological sovereignty. India's reliance on imported AI infrastructure and proprietary algorithms may expose its IP ecosystem to external influence and compromise the confidentiality of domestic innovations.

### **6. Threat to Human Expertise and Employment:**

Automation of legal and administrative processes through AI could gradually diminish the value of human expertise in IP law, examination, and enforcement. Lawyers, examiners, and clerical staff may face reduced engagement or job displacement, raising ethical questions about the balance between technological efficiency and human employment.

## **Conclusion**

Artificial Intelligence is no longer a speculative trope of popular cinema but an operational tool that can materially strengthen India's intellectual property regime. When responsibly integrated into examination, registration, monitoring, and enforcement workflows, AI can

reduce search and adjudication delays, improve the detection of near-identical or disguised infringements, and extend the protective reach to marginalised creators, especially in sectors such as patents, trademarks, copyrights, geographical indications, and traditional knowledge. At the same time, AI's promise is inseparable from regulatory, ethical, and technical constraints: questions of authorship and inventorship for AI-generated works, algorithmic bias, data privacy, and accountability remain unresolved in India's legal landscape (and require alignment with emerging frameworks such as the DPDP Act and national IP policy). A pragmatic path forward recognises that AI should augment, not replace, human legal judgment: the most defensible model combines algorithmic speed and pattern recognition with human contextual review, transparent audit trails, and clear lines of legal responsibility. To realise this balance, India must invest in explainable AI tools for IP offices and courts, tighten data-governance safeguards, foster public-private collaborations (including technology transfers to reduce external dependency), and update statutory and procedural rules to address AI-specific ownership and evidence questions. Doing so will allow India to harness AI's efficiency gains while preserving fairness, creativity, and democratic accountability, ensuring that technological progress translates into real, inclusive protection for the country's intellectual wealth.

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