DESIGN WITHOUT DESIGNERS? THE IP BATTLE OVER AI-GENERATED WORKS

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ABSTRACT

Artificial Intelligence (AI) has evolved from a computational tool to a player involved in the creative process in industries like fashion, automotive, architecture, film, and digital art. With the capacity to generate original designs independently using algorithms, machine learning, and generative neural networks, AI upends conventional notions of creativity, authorship, and intellectual property. This chapter discusses the growing phenomenon of AI-generated designs and critically examines the adequacy of existing intellectual property legislation, in particular under the Indian Designs Act, in protecting such works.

It provokes fundamental questions: Can a designer be legally recognized who is AI? To whom do the rights of a design belong that was created independently by a machine? Is not such work protected due to the absence of human authorship, or should legal principles be reformulated in order to accommodate non-human creativity?

The chapter addresses these questions using an inter-disciplinary approach, blending legal theory, technical critique, and empirical case studies in fashion design, industrial product development, spacecraft, and digital media. It also compares Indian legal provisions with foreign systems, e.g., the U.S., EU, and U.K., where discussions on AI inventorship and design protection are heating up.

Finally, the chapter has an argument that current intellectual property structures are not adequate to deal with the unique problems arising from AI-generated works. Lack of a clear legal stance would make creators, innovators, and industries continue to be uncertain about ownership, infringement, and enforcement. The chapter concludes with proposed policy changes and accommodative readings of the law that value the dynamic nature of creativity in the era of artificial intelligence.

I. INTRODUCTION

AI has turned a whole new chapter for the industrial and creative design industry. In the best of cases, systems will no longer serve the purposes of independent creation, designing fashion lines and designing cars, but creating computer art and architectural designs. Much these designs of AI muddle the boundary between human imagination and machine calculation, demanding a fundamental rethinking of traditional legal principles that oversee intellectual property rights (IPR).

Examples of historical intellectual property regimes intended to protect rights of human creators include the Indian Designs Act, 2000, with words like "author," "inventor," "designer" suggesting an element of agency by the human being. But as AI continues to take up such tasks that require originality, aesthetics, and innovation, fundamental questions arise: Is a machine a legal designer? If not, who has rights over designs produced without immediate human intervention? Do such works qualify for protection under the prevailing IP legislation or reside in a void of regulation?

This chapter deals with these changing challenges by demonstrating the usages of AI within functional and creative design frameworks. It examines how generative AI, neural networks, and machine learning are being adopted within sectors including fashion, industrial design, film production, motor vehicle manufacture, and aircraft manufacture. Then it proceeds to analyze whether there is any provision for legal protection and recognition of such works of AI by modern intellectual property regimes with specific focus on the Designs Act of India in comparative view with international regimes.

The discussion is rooted in practical case studies and legal studies so as to allow a critical assessment of existing laws and the need for reform. As it probes into the complex nexus created by AI innovation and legal liability, this chapter intends to contribute to the global discourse on the best imagination of intellectual property in a machine creativity context.

As AI technologies mature, they start cranking out original works. Core questions then appear for anyone attempting to take seriously the role of AI in design: can AI really be described as a "designer"? Classic definitions define design as nothing other than human expression, intention, and creativity. Artificial intelligence creates advanced visual material; studies design trends that then makes aesthetic choices independently from its database.

Although such systems are based on patterns discovered in large databases, the generated works tend to have novelty, coherence, and style. It also makes ambiguous the distinction between tool and maker, forcing scholars, artists, and legal scholars to rethink the meaning of design in the age of intelligent machines. Is the AI just running code, or is it practicing some computational creativity?

The legal environment for AI-generated designs is underscored by uncertainty and debate. In different jurisdictions, IP offices and courts have rejected most submissions regarding the applicant status or rights of an AI author be it in the individual's name or of the one programming the machine.

II. How AI Creates Designs: Algorithms, Neural Networks, and Generative AI

Artificial intelligence actually changes the way design works-smart algorithms and neural networks combine with generative tools to create innovative, appealing, and practical designs in many industries. Everything, of course, begins with algorithms aiding AI in grasping patterns and further improving the structure and aesthetics of designs. Some follow fixed rules to create determined layouts for websites and graphics, while others learn and improve with designs over time, especially in the realms of architecture and product development. Deep learning through neural networks is the other way AI processes information and images. Tools like DALL•E and Mid journey tend to convert text into pictures, while others recognize features present in images and apply styles. GANs and VAEs represent Generative AIs that extensively use inference to create a design from scratch. Such tools find applications in fashion, furniture, architecture, etc. At present, Adobe Sensei, Canva AI, Figma AI, and Autodesk Dreamcatcher are a few AI tools designers already use to perform tasks like layout planning, color matching, and structure optimization faster. Setting the trend and instilling novel ideas in fashion and interior design, AI helps in the UX design process to better the building of user-friendly interfaces. In other words, instead of replacing designers, AI is acting as a creative partner-saving them from repetitive tasks, increasing productivity, and bringing in new creative avenues for generating design in the future.

III. The Designs Act, 2000 – Can AI-Generated Designs Be Registered?

The industrial design protection in India is controlled by the Designs Act, 2000, which gives the author of any new or original design applied to an article by any process of industry

exclusive rights over the design. Under the Act, a "design" is the features of shape, configuration, pattern, ornament, or composition of lines or colors applied to an article solely as judged by the eye. The said definition has resulted in one major legal concern these days: Whether or not the design created via the AI system may be registered pursuant to this head statute?

As of now, Indian law does not consider AI to be a legal person, and hence under the Act, it cannot be considered as the "author" or "proprietor" of a design. A human applicant or a legal person like a corporation must apply for protection under the Designs Act. The very core of authorship includes human intentionality, human creativity, and originality, aspects that have rarely been ascribed to others like AI under the law. And this is where the crisis sets in if the creation of designs is created independently of human input and interaction.

In such cases, the question is: Who, if anyone, should be considered to own the rights to the design? Do the rights belong to the developer of the AI system, the individual inputting the prompts or parameters, or the owner of the AI system? At present, the legal practice appears to favor the human or entity initiating or overseeing the AI's output to be considered the owner. This position, though, is not definitively codified in law or precedent, leaving room for ambiguity and potential dispute. Likewise, most AI systems are constructed and developed based on huge data sets, a significant portion of which have already existing copyrighted or registered designs. This raises questions regarding originality and potential infringement, as designs created by AIs may unknowingly inherit characteristics from previous works. In these cases, the design per se could be rejected for registration even where there is a human applicant for registration due to insufficient novelty or originality under Section 4 of the above-named Act.

In summary, the ban on the registration of designs with assistance from AI has not been explicitly written down, but the designs generated entirely by AI are in a state of legal vacuum.

The registration of such works will continue to propagate authorship, ownership, and originality related questions unless the Indian legislators clearly define a paradigm for AI in intellectual property rights, particularly in relation to the Designs Act. The necessity for legislative control or judicial interpretation is increasing to settle questions regarding the registration and protection of industrial designs generated by AI.

IV. Patent Law (Patents Act, 1970) – Can AI Be an Inventor?

Indian patents stay regulated as per the Patents Act 1970, which treats as patentable industrial inventions new inventions with inventive steps. According to the law, the patent application mentions the inventor name that is the person who had conceived the invention. The usual implication of this person is a natural person: a human being. But this period saw a legal question arise with AI in mind: Can AI be treated as an inventor? If an AI machine independently arrives at a novel drug formula, optimizes a machine part, or designs an algorithm for a solution, can we consider it the "inventor"? Under the present framing of the Patents Act, the answer should be in the negative. There is no law granting AI legal personality, so AI cannot be an applicant or an inventor of a patent. The applicant must be a natural person or any legally recognized entity like a company. The rights to the invention are attributed to the human that directed, wrote the code for, or instructed the AI system to generate the idea, whether or not the person operated the AI minimally. Such a position aligns with the policies of other countries. The same illustrates the DABUS case, in which applications naming AI solely as the inventor were rejected by the US, UK, and EU patent offices on the grounds that laws permitting such an inventor could only concern humans. The Indian law, therefore, mirrors this and basically says that intellectual property rights at this point in time are directly related to human thought and legal responsibilities.

Yet, AI is now an important associate resource in pharmaceuticals, automotive design, electronics, and materials science for the purpose of pattern recognition, solution creation, and performance optimization. These are indeed important activities, but the jurisdiction assigns the invention and ownership to the person or entity controlling the AI and not to the AI itself.

PATENT ELIGIBILITY AND AI ALGORITHMS

In examining patent law's intersection with artificial intelligence (AI), a critical aspect is the eligibility of AI algorithms for patent protection. AI algorithms, being products of computational processes, pose distinctive challenges to traditional patent eligibility criteria[1]. The key inquiry centers on whether these algorithms meet the statutory requirements for patent protection. The patent eligibility of AI algorithms is contingent on satisfying the criteria

[1] *Lakshya Joon & Nandika Joon, COPYRIGHT AND PATENT ISSUES RELATED TO AI GENERATED CONTENT, Indian J& L, Volume V Issue V | ISSN: 2582-8878*

established in patent law, notably the requirement that inventions must be novel, non-obvious, and have a practical application. AI algorithms, often characterized by their complex and iterative nature, must demonstrate a novel approach or a substantial improvement over existing methods to warrant patent eligibility. The non-obviousness requirement necessitates that the algorithm's inventive step is not merely an obvious extension of prior art. The evolving landscape of AI algorithms introduces complexities in determining their patentability, particularly concerning the dynamic nature of machine learning models and their capacity for continuous self-improvement. Courts and patent offices are challenged to interpret traditional patent standards in light of these advancements, striking a balance between incentivizing innovation and preventing the patenting of basic or abstract ideas.

In conclusion, while AI can assist or even appear to independently "invent" something, **the Indian Patents Act, 1970 does not allow AI to be legally recognized as an inventor**. There is a growing call for reforms and international discussions about whether IP law should evolve to accommodate non-human inventors, but for now, **AI-generated inventions can only be patented through human or corporate applicants**.

V. COPYRIGHT LAW (COPYRIGHT ACT, 1957) – AI IN ARTISTIC AND LITERARY CREATIONS

The Copyright Act, 1957 provides protection for original works of authorship, including those works be literary, artistic, musical, or dramatic. The very philosophy goes to incentive the creativity and originality entitling the authors with exclusive rights over their works. But these days, with the rise in capability of AI tools like ChatGPT, Midjourney, DALL E, which are all producing poetry, paintings, musical pieces, and even books, a legal question arises: Can copyright be granted to materials produced using such AI techniques? If so, to who does copyright belongs?

Within Indian copyright law, the term 'author' plays an important role. Traditionally, it attaches itself to a human creator but the Act does offer certain flexibilities. Section 2(d) defines that 'author' of a work, which, under computer-generated works, extends "the person who causes this work to be created." This indicates that human presence remains a must- although the creative act itself might wholly or partly be done by an AI system.

So, if a painting, music track, or story is generated by an AI tool upon prompting, the

law may very well treat the person who operates the AI or offers the creative input as the "author." For example, an author who uses an AI like Midjourney to develop visual art as a designer can claim ownership because they initiated and guided the process.

That is when the AI generates some work independently without any human involvement at all. There, the law of Indian copyright does not give any clarity. Since the law does not recognize AI to be a legal person, due to this AI will also not have any copyright, and the work may be outside protection altogether if no human can be identified as the creator.

Furthermore, AI models are trained on huge datasets, often with lots of copyrighted material. This poses a question regarding infringement and originality, typically regarding how much the AI-created content is similar to that of pre-existing works. Authorship, originality, and ownership are discussed about several provisions and definitions of the Indian Copyright Act of 1957. Important clauses addressing these issues are listed below[2]:

Author:

• Section 2(d)(vi): The individual who generates the work is referred to as the "author". - Any creative work produced by an individual using a computer, whether musical, theatrical, literary, or artistic; the creator is known as the author.

- The statute makes no mention of the term "AI";

- No mention is made of any works produced using AI

• Section 13(1)(a): - Describes the originality necessary for copyright protection, asserting that original works of literature, theatre, music, and art are protected by copyright.

- The existence of copyright in AI-generated works is not explicitly mentioned.

- emphasizes that original works reduced to a material form are entitled to copyright protection, meeting the fixation condition.

[2] *Harsha M & Dr Avishek Chakraborty, AI-GENERATED WORK'S PROTECTION UNDER THE COPYRIGHT ACT, 1957, 5 INDIAN J.L. & LEGAL RSCH. Volume VI Issue I | ISSN: 2582-8878 4 (2025).*

AUTHORSHIP ISSUES:

Recognizing authorship of AI-generated works in the copyright regime is being discussed in India with vigor. Still, the law needs to be better equipped to handle the unique challenges AI generated art poses.[3] Within the context of the Indian Copyright Act of 1957, the idea of authorship about works created by artificial intelligence presents particular difficulties and problems. Examining how conventional ideas of authorship fit with AI's algorithmic and autonomous nature is a necessary step in understanding this concept. Conventional ideas of authorship: A human-centric conception of creation and authorship is the basis of the Copyright Act of 1957. Conventional authorship suggests a work was created by a human creator who used intellectual ingenuity. The Act highlights that composition requires human ability, work, and judgment. Human participation in the creative process is essential to demonstrating authorship. Difficulties with AI-generated authorship: Since AI functions independently, there are concerns over the lack of a conventional human inventor. By creating material based on data and patterns, algorithms challenge the traditional idea of human-centric authorship. AI systems are capable of creativity when they produce original and creative stuff. Whether this algorithmic inventiveness counts as authorship under the Act is the question that has to be answered. Identifying the "author" of an AI-generated piece becomes challenging, mainly when there has been no direct human involvement or input. Conventional notions of individual authorship could not coincide with legal ownership. Legal Framework: A person who develops the work is referred to as the "author" under Section 2(d)(i). The application of this term is challenged by the absence of humans in AI systems. The question of authorship in works produced while employed or under commission is covered in Section 17. It might not, however, adequately address the autonomous quality of AI-generated works. Rethinking legal definitions to include non-human entities as possible writers should be considered. Legal changes may be necessary to acknowledge AI systems' role in the creative process. It becomes imperative to address moral rights and attribution. A sophisticated approach could be required to balance AI systems' and human creators' rights. Draws attention to the necessity of closely examining the idea of authorship about works created by AI within the framework of Indian law. The difficulty of balancing the reality of AI creation and the old copyright law principles calls for careful legal analysis and perhaps legislative changes.

[3] Aditi Thapliyal & Sparsh Gupta, The Lacuna between AI-Generated Art and Regulating Laws, 5 INDIAN J.L. & LEGAL RSCH. 4 (2025).

THE RISE OF AI IN COPYRIGHT LAW

Copyright law protects the artists or the authors of their original work to use and distribute. This does not work well with AI-generated content and traditional copyright law due to the complexities that arise on who owns rights to the content created by machines.[4] Most jurisdictions do not accept AI-generated content by machines as authors, and the debate is still in an uproar[5]. One significant way to determine the faults in AI-generated content is Novelty. In the case of Gaurav Bhatia v Union of India, the Delhi high court held that AI-generated inventions could only be patented if they met the novelty category. Unlike machines, the human brain has room for immense variants of creativity through novel ideas using innovative ways that require skill in art. However, machines, on the other hand, can process massive amounts of data. They can even generate solutions that may be new, but determining whether AI is purely novel is a hard task as it uses transit solutions from the previous data and does not use novelty. Thus, the question of AI is more complex as AI creates content designed to make judgments based on patterns lacking creative touch. Beyond the role of non-obviousness and novelty, there lies the active involvement of human input in the content-creating process[6] i,e. the AI systems can generate the outputs, the option of whether they must be considered as the sole investors in the project is a question that takes an example where:- if a human provides assistance or guidance or any form of supervision to the machine algorithm during the content creation process then they may be considered as co investors or co-authors to work. This has been a recurring debate along the lines of patent offices and courts grappling with the same regarding inventor ship by AI and its significance. This issue has not been on standby, and a few countries have gotten leads on addressing it. For instance, the European Union's copyright Directive includes provisions that clarify the legal status of AI-generated content and ensure they are adequately compensated.

VI. TRADEMARK LAW – AI-GENERATED LOGOS AND BRANDING CHALLENGES

Different types of indicators identify the source of products and their service providers, such as signs, symbols, logos, words, or combinations thereof. Trademarks in India come under the

[4] *Debdip Jodha & Pritha Bera, Copyright Issues in the Era of AI: A Critical Analysis, 13 Res Militaris 1737 (2023)*
[5] Marcin Miernicki & Iva Ng, Artificial Intelligence and Moral Rights, 36 AI & Society 319 (2021).
[6] *Nadiah Selvadurai & Rūta Matulionytė, Reconsidering Creativity: Copyright Protection for Works Generated Using Artificial Intelligence, 15 Journal of Intellectual Property Law & Practice 536 (2020).*

Trade Marks Act, 1999, which entitles both natural and legal persons to register marks which are distinctive and capable of differentiating goods from other goods. These days, companies can create logos, taglines, and even complete identities within minutes using AI-based designing tools like Look, Tailor Brands, and Canvas AI. Such algorithms, neural networks, and generative AI are widely put to use to create custom logos on preferences stated by the user. However, this boon creates a different set of legal and practical hurdles.

Key Issues with AI-Generated Logos under Trademark Law:

Author and Owner:

- We do ask whether the logos made with the AI prompt software are products of copyright.
- Most of the AI platforms allocate commercial rights to the user instead of to the AI.
- But if the logo is created wholly through AI without substantial human intervention, it is likely that this mark will be challenged as to originality in trademark registration.

Originality and Distinctiveness:

- A distinctive mark must exist in order for a logo to obtain trademark protection, which means it cannot resemble any other protected logos and marks.
- AI tools might sometimes generate designs resembling existing logos, to some degree, given the common training data.
- Such incidents create issues for Trademark Registry acceptance or risk an impending infringement lawsuit.

No Human Creativity:

- Trademark law does not, however, in contradistinction to copyright law, expressly state that there must be the assignment of authorship to human authors.
- Yet when a trademark is designated for an AI-generated logo, the less clear the degree of human involvement becomes; was there an intent linked with such human input to

commercialize that logo?

- Enforcement could become harder, given that the absence of a clear human author may be a bone of contention during disputes.

Use in Commerce Requirement:

- A trademark has to be used or intended to be used in commerce.
- In so far as an instance arises where multiple variations are generated automatically by the AI tool, and the user chooses one, then that user will be deemed to have exercised creative control and would be entitled to protection.

International Implications:

- Different countries have different positions. The US and UK, among other nations, have rejected trademark (and copyright) applications where the work was wholly created by AI.
- India, too, has not recognized AI to have legal personality, meaning trademark applications must be presented by human beings or companies.

Trademark Law – AI-Generated Logos and Branding Challenges

Trademarks protect distinctive signs or symbols or logos or words or combinations of those that help identify the source of goods or services. Trademarks in India are governed by the Trade Marks Act, 1999, which permits individuals or legal entities to register marks that are unique and capable of distinguishing their brand from another through registration.

AI has introduced various design tools that enable businesses such as **Look**, Tailor Brands, and **Canvas** AI to create logos, taglines, and entire branding in less than minutes. These tools, often powered by algorithms, neural networks, and generative AI, produce custom logos from user preference. However, this is an established set of legal and practical problems.

VII. INTERNATIONAL IP PERSPECTIVES – THE US, UK, EU, AND WIPO ON AIGENERATED WORKS

As artificial intelligence (AI) begins to produce creative works—art, music, inventions, literature—countries around the world are facing a fundamental legal question: **Can AI generated works be protected by intellectual property (IP) laws?** Different jurisdictions have taken varying approaches to this issue, especially in terms of **copyright, patent, and design rights**. Here's a breakdown of how **the US, UK, EU, and WIPO** are approaching this evolving topic.

United States (US)

- The office of copyright in the U.S government has made its stand crystal clear which says that copyright protection applies as applicable only to human-created works.

- The office has denied all copyright applications filed in 2022-2023, listing AI as the author, including art that has been generated using the AI tool Mid journey.

- In 2023 Thaler v. Perlmuter, the court declared that currently in US law, AI cannot be construed as an author for a copyrighted work.

- Again, the Patent Office has also pronounced that an inventor must be a natural person and has rejected applications that refer to an AI (such as DABUS) as the inventor.

International IP Perspectives of The US Trade policy[7] - Intellectual property rights (IPR) protection and enforcement are key components of U.S. trade policy, and the United States plays a leading role in global IPR trade (Figure 1). Congress has a constitutional responsibility to legislate and oversee IPR matters in U.S. trade policy. Since 1988, Congress has included IPR protection as a principal objective in trade promotion authority (TPA) for U.S. free trade agreement (FTA) negotiations (P.L. 100-418). Debates over how to protect IPR while incentivizing innovation and advancing other policy aims, such as ensuring access to medicines and technologies based on IPR, have grown with the incorporation of IPR in U.S. trade policy. Several issues have complicated these debates, including the growing role of China and other

[7] *Akhtar, Shayerah I.; Wong, Liana, Congressional Research Service S. 5329; P.L.100-418; P.L.114-26; P.L.117336 (01/17/2025).*

emerging markets in the global economy, the proliferation of new technologies and digital trade, and impacts of pandemics, like COVID-19, on global medical supply chains.

IP and Economic Impact[8]- The U.S. government and some domestic companies generally assess IP to be important for advancing U.S. innovation and economic growth, while protecting U.S. comparative advantage internationally. Limitations to IPR are also applied (e.g., "fair use" copyright exceptions for media, research, and teaching) to support innovation and add value. Per a U.S. Patent and Trademark Office report, industries assessed to rely most heavily on IP comprised an estimated 41% of U.S. gross domestic product (GDP) and 44% of U.S. jobs (directly and via supply chains) in 2019 (latest data available). IP licensing and use fees comprised 13% of U.S. services exports and 6% of

U.S. services imports in 2023, based on U.S. Bureau of Economic Analysis data

United Kingdom (UK)

1. The UK Copyright, Designs and Patents Act, 1988 is one of very few laws that speak to computer-generated works.

2. For this purpose, Section 9(3) states that the author of the work is the person who makes necessary arrangements for the creation of that work.

3. Herein lies limited protection for AI-assisted works in favor of the human overseeing them.

4. Similar to the US position, a human inventor is required from the standpoint of UK law, and UKIPO refused patents where AI was named as the sole inventor (notably in the DABUS case).

European Union (EU)

- The EU has not formally updated its copyright or patent directives to address

[8] *Akhtar, Shayerah I.; Wong, Liana, Congressional Research Service S. 5329; P.L.100-418; P.L.114-26; P.L.117336 (01/17/2025).*

AIgenerated works.

- The European Patent Office (EPO) also **rejected the DABUS AI applications**, stating that **inventors must be human**.
- The **EU AI Act**, passed in 2024, aims to regulate high-risk AI but **does not yet provide a framework for IP ownership** by AI.
- Copyright in the EU still requires a **personal intellectual creation**, which implies human authorship. Fully autonomous AI works remain unprotected.

World Intellectual Property Organization (WIPO)

- WIPO is leading global discussions on AI and IP through its "WIPO Conversation on Intellectual Property and Artificial Intelligence."
- It has not yet issued binding rules but has acknowledged the **growing challenge** of regulating AI-generated content.
- WIPO is studying whether AI should be:
- Treated as a **mere tool** (with a human author),
- Or recognized as a **creative entity** (which would require new legal definitions).
- So far, the global consensus leans toward **maintaining human authorship**, with AI playing a secondary, assistive role.

WIPO on AI-Generated Works

With the fast-paced advancements in artificial intelligence (AI) technologies worldwide, much talk has arisen around the changes made on intellectual property rights, especially regarding the ownership and protection of AI-generated works; it is interesting how WIPO has stepped in to address this issue of international discourse on this matter, recognizing the fact that what generates from AI competes against many traditional impulses of authorship, creativity, and inventorship that anchor existing IP frameworks.

WIPO's engagement with AI and IP began formally with the institution's WIPO Conversation on Intellectual Property and Artificial Intelligence that initiated in 2019. The ongoing initiative gathers input from member states, academics, legal experts, and industry stakeholders to explore the intersection of AI and IP policy. The main areas of inquiry include patents, copyright, trademarks, and data-related rights.

Copyright and Authorship Challenges

One of the hottest issues on which debate is raging relates to whether such works, which are created purely autonomously without any human authorship, can actually be included in the copyright ambit of coverage. The traditional copyright law rests on a foundation of human creativity and originality. Under most national laws, for instance those in the U.S., authorship must be accredited to a natural person. The present U.S. Copyright Office guidelines deny application based on a lack of human authorship for work created by AI, as again referred to in the much-publicized case of Zarya of the Dawn (2023), where copyright was granted only to the text contributed by the human and not to the images created by the AI.

WIPO still carries on deliberations with consultation papers and public consultations without a proposed binding international standard in this area. The Member States are still divided on- some favor limited or sui generis kind of protection to works produced through AI, while others insist that protection for any creation must be based on human activity and not by an additional layer devaluing the foundation purpose of copyright.

Patents and AI as an Inventor

Similar challenges arise in the field of patents. The question of whether an AI system can be recognized as an inventor has been tested globally through the **DABUS (Device for the Autonomous Bootstrapping of Unified Sentience)** patent applications. Filed in multiple jurisdictions—including the U.S., UK, EU, and Australia—these applications named an AI system as the inventor. Most patent offices, including the **USPTO**, have rejected the applications, citing the legal requirement that an inventor must be a natural person.

WIPO has acknowledged this issue as central to the future of innovation law and is monitoring national developments closely. While no international consensus exists, WIPO

facilitates comparative analysis and dialogue aimed at identifying whether new legal categories or interpretations are necessary to accommodate AI-driven invention.

Data, Algorithms, and Trade Secrets

Another major focus for WIPO is the protection of data and algorithms used in training AI systems. Since many AI models rely on vast datasets, the question of who owns or controls this input data, and whether it is subject to copyright, licensing, or trade secret protection, is increasingly important.

WIPO supports discussions on:

- Data ownership and access rights
- Protection of training datasets
- The use of trade secrets to protect AI algorithms
- The role of open-source licenses in AI development

These issues are particularly relevant for cross-border regulation, as the global nature of AI development often involves the use of data collected and processed across jurisdictions.

Ethical and Policy Considerations

WIPO has emphasized that the debate on IP and AI should also consider ethical implications, including:

- Bias in algorithmic decision-making
- Transparency and explainability of AI models
- The balance between encouraging innovation and ensuring fair competition

In its **WIPO Technology Trends 2019 – Artificial Intelligence** report, WIPO highlighted the surge in AI-related patent filings and underscored the need for harmonized legal responses to maintain a fair and effective global IP system.

VIII. CONCLUSION

AI and design have changed the foundations of creativity, innovation, and legal protection. While AI is producing designs that are highly complex, visually appealing, and commercially viable, the traditional framework of intellectual property law is beginning to get strained, especially the Designs Act in India. It has always inclined toward the human assumption that the originality and intent are required for authorship, which are available only with human creators. This assumption is challenged by autonomous and semi-autonomous AI technologies more often.

This chapter takes a long walk through the various facets of how AI now finds itself in designing-from fashion and films to the automotive, aerospace, and even digital art industries. In addition, it would draw attention to all the legal gray areas that arise when AI starts to act less as a medium and more as a self-sufficient creator. Existing legal systems do not pertain to the recognition or attribution of authorship of non-human entities, so ownership-enforcement commercialization uncertainties arise in AI-generated works.

Despite the developing case laws and jurisprudential trends around the world, it should be noted that progress is being made on this front, but most jurisdictions, including India, are yet to evolve sufficient legislative and judicial mechanisms for addressing the status of AI-generated creations. Thus, there exists a compelling need to adopt a well-balanced forward-looking approach-a progressive one that protects innovation without undermining the fundamental tenets of intellectual property law.

Design will, therefore, not be replaced but redefined in the realm of artificial intelligence in the near future. The intellectual property law should be revamped to recognize both human ingenuity and creativity produced through machines, whether through amendments in law, policy guidelines, or judicial interpretation.