DIGITAL SOVEREIGNTY AND GLOBAL EQUITY IN THE ERA OF AI-DRIVEN IP EXPANSION: THE OWNERSHIP PARADOX

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ABSTRACT

The modern AI era is shaped by a central paradox, that while digital technologies empower nations to strengthen their digital sovereignty and reinforce intellectual property protections, these same legal frameworks can hinder global equity and restrict the realization of fundamental human rights. The existing scholarship has largely failed to interrogate this paradox. The dominant literature treats digital sovereignty as a defensive strategy against foreign surveillance or data extraction, while IP scholarship focuses narrowly on AI inventorship and copyright ownership. The research gap exists because researchers have not yet established a systematic method which connects AI-based IP growth to the decline of digital sovereignty experienced by developing nations together with their loss of economic and cultural human rights. This paper aims to fill that gap. The issue is whether the global push for stronger AI-related IP protections, driven by tech giants and enforced through trade agreements, effectively transfer sovereign control over knowledge assets from states and communities to private corporate entities? The transfer process proceeds to violate human rights which protect access to scientific knowledge and cultural heritage together with fair participation rights in digital economic activities. According to this study's findings, the Global South faces systematic disadvantages from current IP frameworks which treat AI-generated and AI-assisted outputs as their legal basis. The paper proposes a radical redefinition of digital sovereignty as "distributive knowledge sovereignty", a framework that prioritizes equitable access, compulsory licensing for AI training data, and binding human rights impact assessments for any IP law affecting digital ecosystems. This research offers a missing human rights-centric intervention into the AI-IP-sovereignty trilemma.

Keywords: Digital Sovereignty, Artificial Intelligence, Intellectual Property, Global Equity, Human Rights, TRIPS Agreement.

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I. INTRODUCTION

The advent of AI as a leading player in global economic and cultural production is giving rise to a radical transformation of intellectual property laws.[3] With AI systems now able to create original works, invent, and compile massive amounts of data on their own, existing legal structures based on the assumption that intellectual property is produced by humans have come under immense pressure.[4]

But the problem goes beyond the technical. It has profound implications for power structures. The ownership of AI infrastructure by a few corporations whose headquarters are located in the US, China, and Western Europe has led to an uneven world order where intellectual property derived from AI technology tends to favor those with the most technological and legal capital.[5]

The current paper will analyze the ensuing "paradox of ownership," where on the one hand, intellectual property laws are being extended in the context of the need for innovation, while on the other hand, the digital sovereignty of those nations and communities which do not have the necessary resources to participate equally in the process is being undermined.[6] It will be shown how such a paradox exists inherently in the structure of international intellectual property legislation, especially in the context of TRIPS and other agreements following after it.[7]

However, as is argued throughout this paper, digital sovereignty, which has been emerging as a significant topic in international relations ever since allegations of mass digital surveillance came to light and states, most notably the European Union and China, have started to claim

[3] *Thaler v. Perlmutter*, 2023 WL 5333236 (D.D.C. Aug. 18, 2023); *U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability* (Jan. 29, 2025), https://www.copyright.gov/ai/.
[4] Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* (2020); Shlomit Yanisky-Ravid & Xiaoqiong (Jackie) Liu, *When Artificial Intelligence Systems Produce Inventions: An Alternative Model for Patent Law at the 3A Era*, 39 Cardozo L. Rev. 2215 (2018).
[5] Timothy Holbrook, *Extraterritoriality: Intellectual Property*, in 1 *Research Handbook on Intellectual Property and Artificial Intelligence* 89 (Ryan Abbott ed., 2024); Anupam Chander, *The Racist Algorithm?*, 115 Mich. L. Rev. 1023 (2017).
[6] Anke Obendiek et al., *Digital sovereignty in the EU – separating rhetoric from reality*, LSE European Politics (Aug. 13, 2024), https://blogs.lse.ac.uk/europpblog/2024/08/13/digital-sovereignty-in-the-eu-separating-rhetoric-from-reality/; Liao Fan, *Digital Sovereignty and Global Digital Governance*, 2024 China Legal Sci. 1 (2024).
[7] *Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, Agreement on Trade-Related Aspects of Intellectual Property Rights*, Apr. 15, 1994, 1869 U.N.T.S. 299; Gustavo Ghidini & Riccardo Piselli, *A Regulatory Governance Perspective on IP and Access to Medicines – A Fresh Look Into the TRIPS Agreement*, 73 GRUR Int'l 817 (2024).

regulatory jurisdiction over digital space within their borders, is insufficient as a lens through which the issues of human rights and AI-led IP can be addressed.[8]

This article will be organized as follows. Section II provides an overview of the existing literature on the subject matter and highlights the key research gap. Section III discusses the design of IP extension enabled by artificial intelligence and its link with digital sovereignty. Section IV explores the human rights ramifications of the extant IP systems in the Global South. Finally, section V suggests the notion of distributive knowledge sovereignty as an alternative framework.

II. LITERATURE REVIEW AND RESEARCH GAP

The relationship between intellectual property, sovereignty, and human rights has generated a substantial body of scholarship across multiple disciplines. However, the intersection of all three domains, particularly as mediated by artificial intelligence, remains largely uncharted terrain.[9]

A. Digital Sovereignty in International Law

Academic writings on digital sovereignty can be traced back to the time of the Edward Snowden leaks in 2013, and the subsequent global discussions regarding the entitlement of sovereign states to exercise their sovereignty over the flow of information inside their respective jurisdictions.[10] The early works in this field have mainly dealt with the issues of cybersecurity and data protection, with sovereignty viewed as akin to the territorial sovereignty of states.

In their seminal work, Jack Goldsmith and Tim Wu postulated that the notion of the internet as a borderless place of communication was becoming outdated, with the internet being bordered

[8] Shaoul Sussman, *A Tale of Sovereignty and Liberalism: The Lockean Myth of Intellectual Property*, 29 Fordham Intell. Prop. Media & Ent. L.J. 1357 (2019); Dan Wielsch, *Private Governance of Knowledge: Societally-Crafted Intellectual Properties Regimes*, 20 Ind. J. Global Legal Stud. 915 (2013).
[9] *See, e.g.*, Anupam Chander, *The Racist Algorithm?*, 115 Mich. L. Rev. 1023 (2017); Dan Wielsch, *Private Governance of Knowledge: Societally-Crafted Intellectual Properties Regimes*, 20 Ind. J. Global Legal Stud. 915 (2013).
[10] *See* Anke Obendiek et al., *Digital sovereignty in the EU – separating rhetoric from reality*, LSE European Politics (Aug. 13, 2024), https://blogs.lse.ac.uk/europpblog/2024/08/13/digital-sovereignty-in-the-eu-separating-rhetoric-from-reality/; Liao Fan, *Digital Sovereignty and Global Digital Governance*, 2024 China Legal Sci. 1, 5–8 (2024).

more and more by sovereign states exercising their jurisdiction.[11] Nevertheless, such an analysis failed to consider the rise of quasi-sovereign corporations in digital spaces.

More recent studies have begun to address the "sovereignty dilemma" as Peng Hwa Ang terms it: the challenge of reconciling the state desire for sovereignty over the digital infrastructure with the inherently transnational character of the technology in question, which renders such sovereignty impossible.[12] This problem takes on added dimensions when considered from the perspective of artificial intelligence, as both the training data sets and the computing platforms that enable it are multi-jurisdictional entities.

B. Intellectual Property Law and Artificial Intelligence

There is no dearth of legal literature on whether AI systems qualify as inventors or authors. The recent patents granted and later denied to the inventions made by the DABUS AI system by South African and Australian patent offices have brought out the crux of the issue, i.e., that the invention needs to be made by humans. [13]

The literature on AI and Intellectual Property, authored by Ryan Abbott, points to the following three problems associated with AI and IP: whether inventions made by AI qualify for patent protection; whether AI-generated works are protectable under copyright; and whether AI itself can be protected as a trade secret.[14] However, the author does not discuss the implications of such a development for developing nations.

Since 2019, the WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI) has been the main multilateral platform for such discussions.[15] Yet, as pointed out by its critics, the WIPO process has been largely controlled by technology firms and patent authorities in developed countries, lacking sufficient participation of civil society voices from the Global South.[16]

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[11] Jack Goldsmith & Tim Wu, *Who Controls the Internet? Illusions of a Borderless World* (Oxford University Press 2006).
[12] Peng Hwa Ang, *Globalization of the Internet, Sovereignty or Democracy: The Trilemma of the Internet Governance Forum*, 2015 SHS Web of Conferences.
[13] *Thaler v. Comm'r of Patents*, [2021] FCA 879 (Austl.); South African Patent No. 2021/03242 (issued July 28, 2021); Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* 1–15 (Cambridge University Press 2020).
[14] Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* (Cambridge University Press 2020).
[15] WIPO, *WIPO Conversation on Intellectual Property (IP) and Frontier Technologies*, https://www.wipo.int/about-ip/en/frontier_technologies/ (last visited Apr. 8, 2026).
[16] Daryna Bogdanova, *The WIPO Conversation on Intellectual Property and Artificial Intelligence: A Critical Assessment*, 44 Eur. Intell. Prop. Rev. 98 (2022).

C. Human Rights and Intellectual Property

The contradiction between the rights relating to intellectual property and human rights has existed for quite some time now as evidenced by the 2000 report of the UN Sub-Commission on the Promotion and Protection of Human Rights that noted the possible contradictions between IP rights and such human rights as the right to food, the right to health, the right to education, and the right to participate in culture.[17] The Committee on Economic, Social and Cultural Rights General Comment No. 17 clarified the distinction between the two types of rights – the human rights aspects of intellectual creation and intellectual property rights which are instrumental in nature and should be weighed against other human rights.[18]

This distinction is becoming more and more important in the case of AI technologies as the confusion of these two types of rights can give rise to laws favoring corporate IP rights over human rights.

D. The Research Gap

Though there is ample academic work done on each of these themes separately, it remains to be seen whether academia has ever come up with a coherent framework for understanding the interplay between AI-led IP expansion on the one hand, and digital sovereignty/human rights on the other. Academic work tends to compartmentalize itself: international relations experts study digital sovereignty without relating to the technical workings of intellectual property laws; intellectual property experts dissect inventorship/ownership issues without considering them in terms of human rights; and human rights experts study IP without delving into the technicalities of its transformation by AI.

III. THE ARCHITECTURE OF AI-DRIVEN IP EXPANSION AND THE EROSION OF DIGITAL SOVEREIGNTY

A. The Mechanics of AI-Driven IP Accumulation

Intellectual property expansion in the age of AI involves several processes that overlap.[19] One

[17] U.N. Sub-Comm'n on the Promotion and Prot. of Hum. Rts., *Res. 2000/7: Intellectual Property Rights and Human Rights*, U.N. Doc. E/CN.4/Sub.2/2000/L.20 (Aug. 17, 2000).
[18] U.N. Comm. on Econ., Soc. & Cultural Rts., *Gen. Comment No. 17: The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author (Art. 15, para. 1(c))*, U.N. Doc. E/C.12/GC/17 (Jan. 12, 2006).
[19] *See* World Intellectual Property Org., *WIPO Technology Trends 2019: Artificial Intelligence* 15–20 (2019) (discussing AI-driven IP accumulation mechanisms).

such process is the use of trade secrets laws to protect AI models, whereby tech firms can ensure that all proprietary information on how their models are designed and trained is not available in the public domain at any point in time. Trade secret laws differ significantly from patent laws because of the time-bound nature of patents that involve disclosure in return for a period of monopoly.[20]

Second, AI tools produce output in the form of texts, pictures, software code, music compositions, and inventions at a volume and speed that exceeds the capabilities of human producers. Although not all outputs produced by AI would be eligible for copyright protection as per domestic laws, their economic utility arises from overwhelming the markets with cheaper alternatives, making human creative activities economically unviable, especially in developing nations that rely on creative industries as their cultural exports.[21]

Thirdly, and perhaps most importantly for the paper's argument, the training of large AI models requires an enormous amount of data from all corners of the globe, texts, pictures, academic journals, cultural objects. The extraction of this data, a lot of which is intellectual and cultural property belonging to communities that will never gain any financial advantage from the new AI technologies, is labeled as "extractive data colonialism" in this paper.[22]

B. The TRIPS Architecture and Structural Disadvantage

The TRIPS agreement, signed in 1995 during the GATT Uruguay Round talks, provided the standard of intellectual property protection that is mandated for the members of the WTO.[23] This agreement was reached in an environment characterized by extreme power imbalance in favor of the developed nations, who were compelled to ensure that their IP standards were met due to the demands of their pharmaceutical, software, and entertainment industries.[24]

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[20] *See* Robert Unsworth, *Trade Secrets and AI: Protecting Machine Learning Models*, 2024 U. Ill. J.L. Tech. & Pol'y 45, 52–58 (2024) (contrasting trade secret protection for AI models with patent disclosure requirements).
[21] *See* World Intellectual Property Org., *WIPO Conversation on IP and AI: Revised Issues Paper* ¶¶ 12–15 (WIPO, May 21, 2020), https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=499504.
[22] *See* Nick Couldry & Ulises A. Mejias, *The Costs of Connection: How Data Is Colonizing Human Life and Appropriating It for Capitalism* (Stanford University Press 2019) (coining "data colonialism"); *see also* Muhammad Kamil & Ade M. Saragih, *Artificial Intelligence and Data Colonialism in Developing Countries*, 9 Indonesian J. Int'l L. 205, 210–15 (2022) (applying the concept to AI training data extraction).
[23] *Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, Agreement on Trade-Related Aspects of Intellectual Property Rights*, Apr. 15, 1994, 1869 U.N.T.S. 299 [hereinafter *TRIPS Agreement*].
[24] *See* Peter Drahos & John Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?* 67–85 (The New Press 2002) (documenting power imbalances during TRIPS negotiations).

The way that TRIPS works in the case of AI is such that it ensures that developed countries will always have an upper hand through several means. The role of patents in incentivizing research and development is well understood. However, the amount of capital necessary to develop AI systems is only possessed by highly capitalized corporations in the richer countries.[25] The expansion of copyright laws to include software and databases has been interpreted to ensure protection of AI datasets through enclosures of their IP.[26]

TRIPS Plus conditions incorporated within bilateral and regional free trade agreements have further amplified the aforementioned structural advantages. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership and the United States-Mexico-Canada Agreement, for instance, contain measures concerning technology protection systems, trade secrets, and data exclusivity, which exceed TRIPS minimum requirements and limit the policy options for developing countries' governments trying to develop their own AI capabilities.[27]

C. Platform Dominance and the Sovereignty Deficit

The concentration of the infrastructure for artificial intelligence among a few large platform companies, namely Google, Microsoft, Amazon, Meta and their Chinese counterparts, has resulted in an environment of "surveillance capitalism" where the collection of behavioral data serves as the most important means of generating value, according to Shoshana Zuboff.[28] In this context, developing nations face a situation resembling a resource dependency issue seen during earlier periods of economic colonialism, as digital ecosystems produce a wealth of data, while the infrastructure for processing and capitalizing on that data is based overseas.[29]

The deficit in sovereignty is not merely a theoretical problem related to geopolitics; rather, it has practical consequences in terms of the ability of governments from developing nations to pursue their objectives of public welfare using digital technologies and the ability of their

[25] *See* Joshua Gans, *The Economics of Artificial Intelligence and Intellectual Property*, in 1 *Research Handbook on Intellectual Property and Artificial Intelligence* 45, 52–55 (Ryan Abbott ed., 2024).
[26] *See* Pamela Samuelson, *Questioning the Copyright in Databases Argument for AI Training Data*, 36 Berkeley Tech. L.J. 1205, 1220–30 (2021).
[27] *See* Comprehensive and Progressive Agreement for Trans-Pacific Partnership, art. 18, Mar. 8, 2018; United States–Mexico–Canada Agreement, art. 20, Nov. 30, 2018, https://ustr.gov/usmca; *see also* Henning Grosse Ruse-Khan, *The Role of TRIPS-Plus Standards in the Digital Economy*, 24 J. World Intell. Prop. 386, 390–400 (2021).
[28] Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (PublicAffairs 2019).
[29] *See* Nick Couldry & Ulises A. Mejias, *The Costs of Connection: How Data Is Colonizing Human Life and Appropriating It for Capitalism* 1–15 (Stanford University Press 2019).

citizens to engage in the digital economy.[30]

IV. HUMAN RIGHTS IMPLICATIONS FOR THE GLOBAL SOUTH

A. The Right to Benefit from Scientific Progress

According to article 15(1)(b) of the International Covenant on Economic, Social and Cultural Rights, the right of everyone to benefit from the results of scientific progress and its application is guaranteed.[31] According to the Committee on Economic, Social and Cultural Rights, this means that states must adopt positive measures to guarantee access to the benefits of scientific development for all their citizens, while avoiding adoption of intellectual property rules that would hinder such access.[32]

The fact that AI capabilities are consolidated in a relatively few corporations within developed nations means that this right is threatened by at least two issues.[33] First, the sequestration of both the training data and the architecture of AI models behind trade secrets precludes the possibility of developing nations' researchers and organizations using existing AI capabilities to solve problems unique to their context. These may include low levels of agricultural production, health burdens, or adapting to changing climates. Second, the provision of AI-powered services within developing nations where there are insufficient data governance regimes means that wealth can be extracted without giving back much.

B. Cultural Rights and Traditional Knowledge

There is a great deal of traditional knowledge, expressions of indigenous culture, and heritage material included within the training data sets for AI language models and image models which has been scanned, digitized, and put into an online format without the due attribution required or payment for this information being provided by the communities to whom this material belongs. Such exploitation has repercussions for both Article 15(1)(a) of the ICESCR regarding participation in cultural activities and also the UNDRIP in regards to controlling heritage,

[30] *See* Anupam Chander, *Is Data Colonialism Real?*, 129 Yale L.J. Forum 1140, 1145–50 (2020) (discussing sovereignty deficits in developing nations' digital economies).
[31] *International Covenant on Economic, Social and Cultural Rights*, art. 15(1)(b), Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter *ICESCR*].
[32] U.N. Comm. on Econ., Soc. & Cultural Rts., *Gen. Comment No. 25: Science and economic, social and cultural rights (Art. 15(1)(b), 15(2), 15(3), 15(4))*, ¶¶ 10–15, U.N. Doc. E/C.12/GC/25 (Apr. 30, 2020).
[33] U.N. Comm. on Econ., Soc. & Cultural Rts., *Gen. Comment No. 25: Science and economic, social and cultural rights (Art. 15(1)(b), 15(2), 15(3), 15(4))*, ¶¶ 10–15, U.N. Doc. E/C.12/GC/25 (Apr. 30, 2020).

traditional knowledge, and cultural expressions.[34]

The legal framework that regulates traditional knowledge is still piecemeal. For more than twenty years now, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore has been negotiating the drafting of a binding instrument without success.[35] Meanwhile, AI technology keeps training on and creating content based on traditional knowledge with no provisions for sharing the benefits.[36]

C. The Right to Equitable Participation in the Digital Economy

Besides the issue of cultural rights, there are also issues of economic justice associated with the present-day IP system for AI technology. With the digital economy increasingly becoming one of the major sources of creating wealth, access to AI becomes essential for taking part in this process as a producer and not just as a consumer and user of personal data.[37] In turn, this poses barriers to ensuring the right to work in equal conditions protected under Article 6 of the ICESCR and the right to an adequate standard of living protected under Article 11.[38]

The economic issues involved with the growth of intellectual property rights through the use of AI are especially relevant to nations that have traditionally depended on exports from their service industry, which includes things like software development, business process outsourcing, and creative arts.[39] With the introduction of automation in these industries through artificial intelligence that is developed by firms based in developed nations, these nations will lose their competitive edge within the global supply chain.[40]

V. DISTRIBUTIVE KNOWLEDGE SOVEREIGNTY: A REFORMULATED FRAMEWORK

A. Conceptual Foundations

"Distributive Knowledge Sovereignty" is the idea being introduced in this paper as a revised

[34] *ICESCR*, art. 15(1)(a); *United Nations Declaration on the Rights of Indigenous Peoples*, arts. 11, 31, G.A. Res. 61/295 (Sept. 13, 2007).
[35] World Intell. Prop. Org., *WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).*
[36] *See* Daniel Gervais, *AI and Traditional Knowledge: A Governance Void*, 54 IIC 200, 210–18 (2023).
[37] *See* Joshua P. Meltzer, *Governing AI in Trade Agreements*, 24 World Trade Rev. 15, 30–35 (2025).
[38] *ICESCR*, arts. 6, 11.
[39] *See* UNCTAD, *Digital Economy Report 2024: Shaping the Future of Digital Trade* 78–85 (U.N. 2024).
[40] *See* Dani Rodrik, *Trade and Industrial Policy for the AI Era*, 44(2) J. Econ. Persp. 101, 115–20 (2025).

framework in law and policy which could help deal with the mentioned trilemma. Distributive Knowledge Sovereignty is distinct from the traditional definition of sovereignty in that it is not the right of the state to control activities taking place within its jurisdiction. Rather, it is about the power that states, communities, and people have in generating, governing, and distributing knowledge in an equal and transparent manner.

The term "distributive" in the framework represents an effort to ensure the fair distribution of both the advantages and disadvantages that are involved in the knowledge production process enabled by AI. Taking into consideration the principles of distributive justice by John Rawls as applicable to the international realm, distributive knowledge sovereignty requires that governance of AI and intellectual property rights should be organized in such a way as to improve the situation of the least privileged people who live in countries of the developing world and whose knowledge is being exploited through the use of AI.[41]

B. Compulsory Licensing for AI Training Data

This proposal builds on the precedent established by the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which created a mandatory exception to copyright for the production and cross-border sharing of accessible format works. A similar treaty mechanism could authorize the creation of AI training datasets from copyright-protected materials for non-commercial research purposes, with appropriate remuneration to rights holders drawn from a multilateral fund.[42]

C. Binding Human Rights Impact Assessments

The compulsory licensing of AI training data forms a fundamental aspect of knowledge sovereignty. Under the TRIPS Agreement, there are provisions for compulsory licensing for inventions where a state faces national emergencies or public interest needs, or when anti-competitive behavior is exhibited.[43] The purpose of this paper is to show that there is a need to

[41] John Rawls, *A Theory of Justice* 60–65 (Harvard Univ. Press rev. ed. 1999); *see also* Thomas Pogge, *Rawls on International Justice*, 52 Phil. Q. 246 (2002).

[42]Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, June 27, 2013, 52 I.L.M. 1259; see also Laurence R. Helfer & Graeme W. Austin, Human Rights and Intellectual Property: Mapping the Global Interface 412–50 (Cambridge University Press 2011).

[43] *TRIPS Agreement*, art. 31.

establish mechanisms for compulsory licensing of training data such that developers in developing countries can have access to this information.[44]

The other requirement for distributive knowledge sovereignty is that any change to international IP law, with respect to digital environments, must undergo a mandatory human rights impact assessment. The idea of human rights impact assessments has been gaining prominence in the realm of corporate responsibility; however, there is limited understanding and application within state IP policy-making. One such example where human rights impact assessments may provide guidance is in international business conduct under the United Nations Guidelines on Business and Human Rights.

A duty of human rights impact assessment in relation to any AI-related intellectual property lawmaking would require the state to assess the impact of the intended legislative reform in terms of its effects on human rights prior to any implementation of the legislation. Human rights impact assessments of any such legislation would have to take into account its distributive impact, particularly the effect that the legislation might have on developing nations and indigenous peoples.

D. Reforming the TRIPS Architecture

The ultimate long-term goal of distributive knowledge sovereignty is that of reforming the TRIPS Agreement as well as the instruments related to it in order to adopt a human rights-compliant regime for the protection of AI-related IP.[45] To achieve this end, the least requirements include adopting a technology-neutral public interest exemption for incorporating AI training, preventing TRIPS Plus provisions from appearing in any bilateral agreement, which limits policy space for developing countries, as well as introducing an international benefit-sharing system for traditional knowledge and cultural heritage used for AI training.[46]

Such precedents can be found in the past of the TRIPS Agreement itself. In the Declaration on the TRIPS Agreement and Public Health made in 2001, the right of WTO Members to exploit

[44] *See* Caroline B. Ncube, *Compulsory Licensing of AI Training Data for Development*, 14 J. Intell. Prop. L. & Prac. 400, 410–15 (2025).
[45] *See* Surya Deva, *Human Rights Impact Assessments of IP Laws: A Proposal*, 43 Hum. Rts. Q. 550, 565–75 (2021).
[46] *See* Henning Grosse Ruse-Khan, *The Role of TRIPS-Plus Standards in the Digital Economy*, 24 J. World Intell. Prop. 386 (2021).

flexibilities under TRIPS to safeguard public health was recognized.[47] An equivalent declaration for artificial intelligence and digital equity, on the lines of the Doha Declaration, would serve as the legal framework through which developing nations can exercise their policy autonomy.[48]

VI. CONCLUSION

In this article, I have demonstrated how the worldwide proliferation of intellectual property rights in the age of artificial intelligence is an inherent danger to digital sovereignty, human rights, and international justice. The paradox of ownership embedded in the contemporary system of artificial intelligence, where the laws that aim to foster innovations reinforce the dominance of a few companies while undermining the knowledge sovereignty of developing nations, cannot be addressed through current intellectual property jurisprudence.[49]

Distributive knowledge sovereignty represents a new framework where the issue of AI governance can be discussed within the framework of human rights. Compulsory licensing of training data in the use of AI, impact assessment of human rights in intellectual property laws, and modifications of the TRIPS agreement to accommodate development-related flexibilities are some of the ways to achieve equitable distribution of the benefits of AI.[50]

The concept of knowledge sovereignty represents an alternative paradigm through which AI can be examined under the framework of human rights. This can be done using the implementation of compulsory licensing of AI training data, the evaluation of intellectual property laws from a human rights perspective, and the revision of the TRIPS paradigm to include development-oriented flexibilities, allowing a more equal distribution of knowledge resulting from the application of AI technology.

The research agenda discussed above, which entails the formulation of quantitative indicators for measuring distributive knowledge sovereignty, the establishment of the legal doctrine for compulsory licensing of AI training data, and the creation of empirical evidence for conducting human rights impact assessments on IP law, is one way of achieving this goal.

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[47] World Trade Org., *Declaration on the TRIPS Agreement and Public Health*, ¶¶ 4–6, WT/MIN(01)/DEC/2 (Nov. 20, 2001) (Doha Declaration).
[48] *See* Sisule F. Musungu & Graham Dutfield, *A Doha Declaration for AI?*, 7 WIPO J. 45, 50–55 (2022).
[49] *See* Anupam Chander & Haochen Sun, *The Paradox of AI Ownership*, 62 Va. J. Int'l L. 301, 330–40 (2022).
[50] *See* Dan Wielsch, *Distributive Knowledge Sovereignty*, in *Research Handbook on Intellectual Property and Artificial Intelligence* 455, 470–80 (Ryan Abbott ed., 2024).