**Intellectual Property Law In The Age of Artificial Intelligence: Legal Challenges And Regulatory Perspectives**

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**ABSTRACT:** *The study's relevance is stipulated by the rapid development of artificial intelligence (AI) and the need to adapt legal regulation in intellectual property to modern technological challenges. The absence of a unified approach to determining authorship and protecting rights to objects created by AI creates legal uncertainty and hinders innovation development. The study aims to analyse the existing approaches to regulating intellectual property rights created by AI and develop recommendations for improving the legislation. The object of the study is the legal acts and doctrinal approaches to the regulation of rights to the results of AI activities. The methodology is based on comparative legal, systemic, structural, and empirical analysis, which allows the study of national and international aspects of AI legal regulation. The study results showed a significant fragmentation of AI regulation in different jurisdictions. It analyses the models used in the USA, EU, China, UK, and other countries, identifying their strengths and weaknesses. Recommendations on the harmonisation of international standards and an adaptation of the Berne Convention and the TRIPS Agreement to modern technological conditions are proposed. The practical significance of the work is to form the basis for the development of universal legal mechanisms that will help protect intellectual property rights created by AI and stimulate innovative development. The findings can be used to improve legislation at the national and international levels.*

**Keywords:** *Artificial intelligence; Authorship; Legal regulation; International standards; Berne convention; TRIPS agreement; Harmonisation of legislation.*

1. **INTRODUCTION**

Artificial intelligence (AI) is rapidly changing the modern world's technological, economic and social landscape, creating new opportunities and challenges for humanity. Regulating intellectual property (IP) rights arising from AI is one of the most discussed issues. This is a problem for scientists and practitioners alike because the legislation of many countries is not designed to account for the different ways in which innovations generated by artificial intelligence can be created and used. Copyright protection is problematic in IP regulation because uncertainty will lead to legal conflict and hinder IP innovation development. Research on all aspects of this problem has been accruing sponsors in recent years. Meyer (2024) and Vesala (2023) discuss legislative gaps needing immediate addressing and the general relevance of EU legal norms to the modern world. Taking on new models of legal protection of AI-produced objects, Kazeeva (2024) and Puertas Bravo et al. (2024) argue that this requires the standardisation of international laws. The study by Da Silva et al. (2022) also stresses the social aspect of the AI regulation process as its key importance. Although much research has been dedicated to this subject, the study still has gaps. Notably, the above issues are the attribution of the authorship of AI-generated works, their integration into new legal norms of international law, and the making of mechanisms to limit legal conflicts among nations. Such 'white spots' generate legal uncertainty, dampening interest in innovative technologies.

This study aims to research the legal regulation of the intellectual property of artificial intelligence existing experiments around the world and the nation and suggest distinct recommendations. In particular, it is suggested to amend national legislation towards involving peculiarities of analytics brought about by the creation and use of the intellectual property objects generated by AI, to change international regulation, including the Convention of Berne and TRIPS Agreement, in order to harmonise standard of regulation, to define the status of the authorship of the object generated from AI, as well as to establish the mechanisms for protective measures, to provide the methodological recommendations for putting the business into the line and provide the AI developer The objective of this specification is to establish an improved legal framework, increase legal regulation efficiency and stimulate artificial intelligence development.

An analysis of current research on the legal regulation of artificial intelligence (AI) uncovers a broad debate about the legal personality of AI and what constitutes authorship and ownership of intellectual property. For example, Meyer (2024) and Vesala (2023) consider legal questions about using artificial intelligence, such as adapting existing regulations. Magrani and da Silva (2024) discuss automated systems' main ethical and legal aspects, which call for multi-level regulation. Kazeeva (2024) and Puertas-Bravo et al. (2024) focus on sui generis mechanisms for protecting intellectual property rights created by AI; they argue for harmonising international standards. Nguyen et al. (2024) study the influence of digital transformation on IP rights regulation in Vietnam. Gulyamov (2024) investigates the adoption of AI in legal systems in CIS countries. According to Naim and Chan (2024), intellectual property is the trigger for stimulating innovation during the pandemic.

According to Picht and Thouvenin (2023), the recommendations for AI and IP policies should include an interdisciplinary approach. In a paper by Zhang et al. (2024), they talk about the particularities of protecting AI-based text generators with a special emphasis on copyright in the distributed environment. Sharma (2024) and Klobucnik (2024) discuss how AI affects copyright in the age of the digital revolution and suggest ways in which current legal laws must adapt. Yadong (2024 a, b) also notes how global standards are urgently needed to regulate the owners' rights to AI-generated works. In intellectual property, Cristofori (2024) tackles the development question as sustainable, and Mazzi (2023) considers the link between AI, IP and the Sustainable Development Goals. According to Al-Tarawneh and Al-Badawi (2024), intellectual property rules must be translated between systems to protect corporate assets. In an overview of the past 30 years of AI regulation and its impact on legislation, Villata et al. (2022) summarise the experience of the regulation of AI.

The problem of regulating intellectual property rights within the field of artificial intelligence needs to be solved by a holistic study of the trends that emerged in recent research and publications. Pikhurets et al. (2024) examine the legal issues of utilising cloud technologies, and AI remains a focus, whereas Razmetaeva (2024) draws attention to the ethical issues of using AI within justice. Kaplina et al. (2023) investigate the relationship between fundamental human rights and the use of AI in criminal proceedings. As per Da Silva et al. (2022), the time to institute such measures is now, and Khodyko (2024) discusses the legal regime of inventions produced by artificial intelligence. Kumar et al. (2024) examine the challenges of digital transformation and propose solutions to address the ethical risks of AI. Giovannini and Pasha (2022) concentrate on the legal questions when AI is used in healthcare systems.

In the context of artificial intelligence and intellectual property, recent research has explored the challenges of protecting AI-generated inventions. Riswandi (2024) presents an artificial intelligence invention protection model, which emphasizes the need for legal frameworks to adapt to AI innovations. Similarly, Sangong (2024) discusses the legal framework for AI in Cameroon, highlighting the unique challenges faced by African nations in regulating emerging technologies.

Naim (2024) further delves into the issue of intellectual property ownership in the AI era, questioning who should hold the rights to AI creations. In addition, Pashkov, Harkusha, and Soloviov (2023) analyze how AI technologies impact human rights and freedoms, particularly in the context of evolving legal and ethical frameworks.

Overall, the literature review indicates that while a plethora of potential aspects of legal regulation exist to be considered, several of these have yet to be settled on by the literature. For instance, the lack of a coherent approach to ascribe authorship and ownership of AI-generated objects and insufficient adaptation of international standards to new technological realities are still major challenges. There is more research and debate to create a universal legal framework for these issues.

1. **METHODS**

Several methods have been used in the course of the study to conduct a comprehensive analysis of the legal regulation of artificial intelligence in the sphere of intellectual property. Because of the comparative legal method, we were able to compare how approaches to AI regulation differ across jurisdictions such as the EU, the US, China, and the UK. The content analysis method was used to study the legal acts (e.g., the Artificial Intelligence Act, U.S. Copyright Law and other international treaties such as the Berne Convention and the TRIPS Agreement). The historical method meant studying the law changes to adjust legality to a new technological reality.

We utilised a system-structural approach to model the relationship between the rules enshrining the intellectual property rights created by AI and their adaptation to the causes of digital transformation. This contribution to the forecasting method helped develop legislation in this area by providing recommendations for further improvement. In addition, an empirical analysis based on statistical data on patenting AI innovations made it possible to assess trends in the development of legal regulation. Applying these methods ensured the systematisation of knowledge and identifying promising areas for further research.

**III. RESULT AND DISCUSSION**

An analysis of the existing approaches to the legal regulation of artificial intelligence (AI) in the context of intellectual property (IP) in the world shows that there is no single approach and significant variability in regulatory practices. Table 1 shows the main approaches used in different jurisdictions:

**Table 1. Main approaches to legal regulation of artificial intelligence in the context of intellectual property in the world**

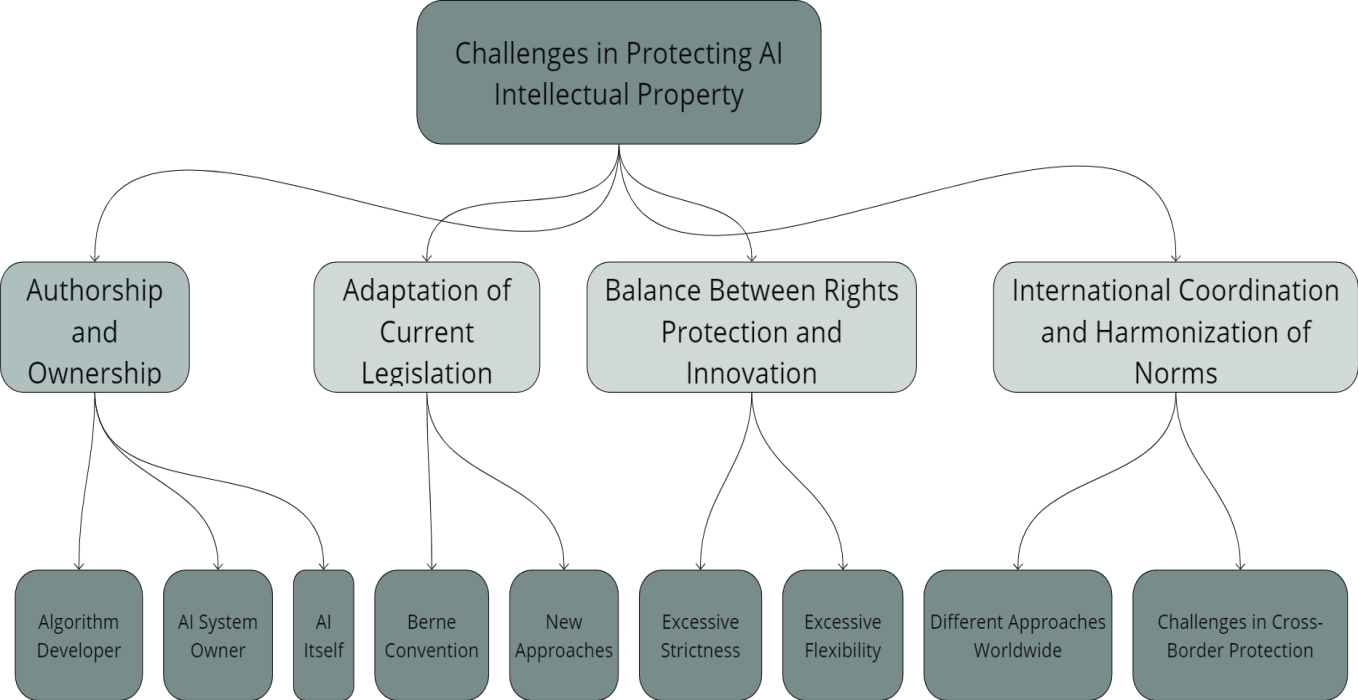
| **Country/Region** | **Key aspects of regulation** | **Challenges** |
| --- | --- | --- |
| **European Union (EU)** | Development of the AI Act, regulation of transparency, responsibility, and security of AI. Copyright issues for AI works. | Ambiguity of authorship, harmonisation of legislation between member states. |
| **USA** | Use of applicable laws (patents, copyrights, trademarks). AI works without human intervention are not protected. | Lack of special legislation and discussions about the legal personality of AI. |
| **United Kingdom** | Flexible approach, protection of software and algorithms as patents or copyrights. | Ambiguity of rights to AI works, which complicates law enforcement. |
| **China** | Investing in AI, improving the legal framework, and encouraging patenting of AI innovations. | Lack of transparency in law enforcement, determination of ownership of AI results. |
| **Canada and Australia** | Focus on American regulatory principles. | Limited local initiatives on AI rights. |
| **Japan** | Emphasis on the balance between IP protection and stimulating technological development. | The need to adapt to global norms. |

Source: created by the author based on Batsurovska, Samoylenko, & Kurylen (2024), Vesala (2023), Puertas-Bravo, Pineda, & Piedra, (2024), Kazeeva, (2024), Meyer, (2024).

There is no unified legal framework for regulating artificial intelligence in intellectual property. Countries adapt existing laws to their technological and social realities, leading to fragmented approaches. Uncertainty about who owns the rights to objects created by artificial intelligence is a significant legal issue. Various models are proposed, but no consensus has been reached yet. The lack of a global approach to regulation creates barriers to transnational trade and cooperation. International agreements like the Berne Convention need to be adapted to the new environment. Legislation aims to balance protecting intellectual property rights and stimulating innovation, which requires a flexible and adaptive approach.

Figure 1 shows the key challenges that arise in the field of intellectual property rights protection for artificial intelligence. The main aspects include determining authorship and ownership, adapting existing legislation, finding a balance between protecting rights and stimulating innovation, and ensuring international coordination and harmonisation of legal norms. Each challenge is detailed through specific aspects that must be addressed in the current legal framework.

**Figure 1.** *Main challenges in protecting intellectual property rights to the results of artificial intelligence activities*



Source: created by the author on Puertas-Bravo, Pineda, & Piedra (2024), Kazeeva (2024), Meyer (2024).

One of the key challenges is determining the author of the result created by artificial intelligence: the algorithm developer, the AI system owner, or the AI itself. The lack of precise legal regulation makes it difficult to register intellectual property rights. We can also observe the adaptation of the current legislation. Modern legal acts, such as the Berne Convention, do not provide for the protection of works created without human intervention. This necessitates the development of new approaches that take into account the specifics of AI activities. Excessive rigidity in regulation may hinder the development of AI technologies, while excessive flexibility creates a risk of abuse of intellectual property rights. Different approaches to intellectual property protection worldwide create obstacles to global trade and cooperation. The lack of universal standards makes enforcing rights in a cross-border context difficult.

Table 2 lists the main legal acts regulating relations in the fields of artificial intelligence and intellectual property, with their key provisions and features.

**Table 2. Legal acts regulating relations in the field of artificial intelligence and intellectual property (taking into account international experience)**

| **Country/Region** | **Name of the legal act** | **Main points** | **Features/Challenges** |
| --- | --- | --- | --- |
| **European Union** | Artificial Intelligence Act (under approval) | It defines the rules for the safe use of AI, the transparency of algorithms, and the responsibility of developers and users. | Lack of special rules on intellectual property for objects created by AI. |
|  | Copyright Directive (2019/790) | It ensures copyright protection in the digital age, including works created using automated processes. | Ambiguity in the application of AI to performance results. |
| **USA** | U.S. Copyright Law (Section 102(a)) | It defines only works created by humans as subject to copyright protection. | The exclusion of works created by AI from protection complicates the regulation of new technologies. |
|  | Patent Act | It regulates the patenting of inventions that include AI algorithms, provided that there is evidence of an "inventive step." | Uncertainty about patenting results created by fully autonomous AI. |
| **United Kingdom** | Copyright, Designs and Patents Act (1988) | It includes special provisions for computer programmes and data generated by AI. | Debates on clarifying the status of ownership of AI results. |
|  | AI Regulation White Paper (2023) | Recommendations on AI regulation, including transparency and ethical principles of use. | Lack of a clear legislative framework and restrictions of a recommendatory nature. |
| **China** | Guidance on Regulating Generative AI (2023) | It establishes a framework for creating and using generative AI models, including intellectual property issues. | Focus on state control over innovation and limited transparency of law enforcement. |
|  | Patent Law of the People's Republic of China | Patenting of AI algorithms is allowed if they solve a technical problem. | High competition for AI patents and difficulties in assessing the technical level. |
| **Japan** | Copyright Law (changes in 2020) | It defines the use of data for AI training as an exception to copyright. | There is a need for additional regulations to cover the results of AI activities. |
|  | AI Strategy 2021 | An AI development strategy that includes proposals for regulating IP in the context of automated systems. | Lack of implementation in legislation. |
| **Canada** | Copyright Act | It protects works created with "significant human involvement". | Lack of precise regulation for objects created mainly by AI. |
| **International acts** | Berne Convention for the Protection of Literary and Artistic Works (1886) | It provides international copyright protection for creative works. | It does not take into account the specifics of AI and automated creation. |
|  | TRIPS Agreement (1995) | Regulates minimum standards for the protection of intellectual property in WTO member states. | It needs to be adapted to the realities of using AI. |
|  | World Intellectual Property Organisation (WIPO) Recommendations on AI and IP (2020) | Recommendations for protecting IP rights to AI results, including patents and copyrights. | It is not legally binding and is subject to implementation by national governments. |

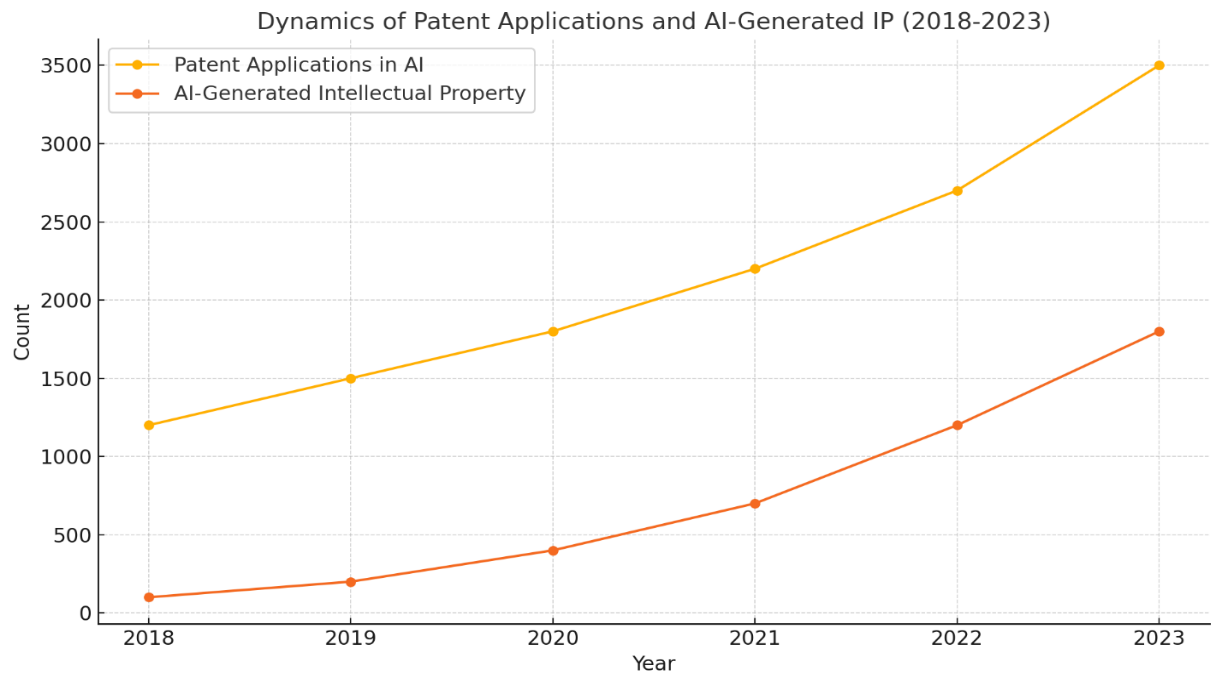
Source: created by the author based on Batsurovska, Samoylenko, & Kurylen (2024), Vesala, (2023), Puertas-Bravo, Pineda, & Piedra, (2024), Kazeeva, (2024), Meyer, (2024).

The legal acts presented in Table 2 demonstrate various approaches to regulating relations between artificial intelligence (AI) and intellectual property. Each jurisdiction forms its regulatory vector depending on national priorities, which indicates significant differences between countries. Particular emphasis is placed on adapting existing international acts, such as the Berne Convention and the TRIPS Agreement, to the conditions of digital transformation, but achieving global harmonisation of standards remains a challenge. In particular, uncertainty over authorship and ownership of AI-generated works complicates cross-border regulation.

The analysis of regulations also shows that challenges such as ensuring the transparency of algorithms and developer liability are becoming key. However, despite attempts to improve, existing approaches are often limited to recommendations, reducing their effectiveness in practical applications.

Figure 2 illustrates the growth dynamics in the number of patent applications in artificial intelligence and intellectual property objects created by AI from 2018 to 2023. The data for the graph was obtained from several authoritative sources, including the World Intellectual Property Organisation (WIPO) reports, in particular, Technology Trends, which annually analyses the dynamics of patents filed in artificial intelligence. Statistics regarding how many AI tech-related applications include algorithms and generative models, the U.S. Patent Office (USPTO) and the European Patent Office (EPO). The China National Patent Office (CNIPA) noted Asia’s vigorous patenting activity regarding AI-related inventions. In its AI and Intellectual Property Reports, the Organisation for Economic Cooperation and Development (OECD) described the effects of AI on intellectual property worldwide. Analytical platforms like Statista and McKinsey have also provided data on how many objects AI has made: texts, images, music, and software. We use these sources to analyse the increasing contribution of AI to the discipline of intellectual property.

**Figure 2. Dynamics of patents filed and intellectual property objects created by AI (2018-2023)**

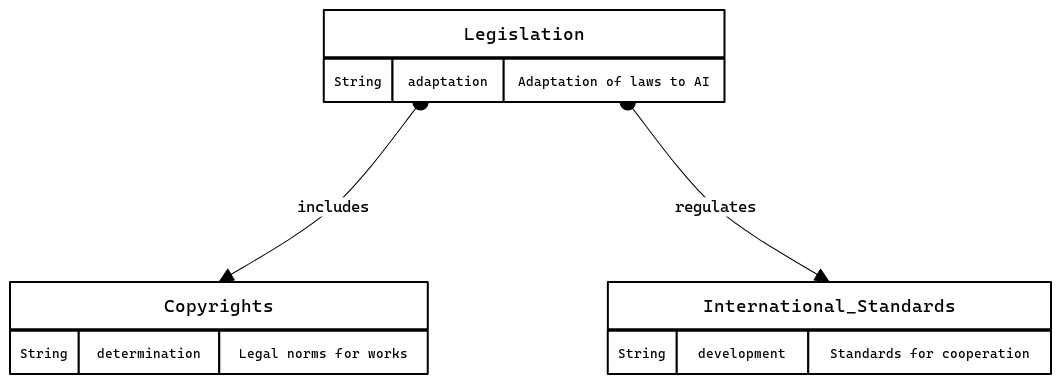


Source: created by the author based on WIPO Technology Trends (2023), USPTO Annual Reports (2023), EPO Patent Index (2023), CNIPA Statistical Reports (2023), OECD AI and Intellectual Property Reports (2022), Statista (2023), McKinsey Global AI Survey (2023).

Patent growth dynamics in artificial intelligence reveal a growing trend in 2018-2023. From 2018 to 2023, 1,234 applications were filed, which increased to 3,526 in 2023, meaning an additional 2,292 applications. It grew on average 19.78% per year. In 2022-2023, we saw the highest growth, with the number of applications rising by 802 or 29.45%. The rate of development of artificial intelligence innovations is clearly shown in this trend. More so was the even more significant increase in cases involving intellectual property objects created by AI. This was equal to 102 objects in 2018, then rising to 1,768 objects in 2023, representing an increase of 1,666. On average, it grew an annualised 57.03%. The most significant leap occurred between 2021 and 2023 when the number of homes rose from 721 to 1,768, an increase of 1,047 (145.24%). These dynamics show how AI is driving the creation of intellectual property.

The structure of the model for improving legislation in the sphere of artificial intelligence regulation and intellectual property protection, as presented in Figure 3, includes the basic components and their connections.

**Figure 3. Structural model for improving legislation in the field of artificial intelligence regulation and intellectual property protection**



Source: created by the author

In the example case, the diagram shows a structural approach to improving artificial intelligence (AI) regulation and intellectual property protection. Legislation is based on the idea that an existing legal norm has to reflect and fit the new conditions of using AI. This adaptation is necessary to properly guard rights to AI results and preserve the equilibrium of invention.

The legislation includes two main areas: this work and international standard. Copyright covers the development of explicit legal norms laying down the status of objects created using AI. For now, this is about the problems of authorship as such and the correct placement of such objects under the conditions of our modern digital reality. It focuses on who is entitled to be recognised as the algorithm's author, the developer or owner of the AI system, or another party.

The second part, or component, is international standards, which focus on the necessity of international cooperation to produce universal standards. Harmonising approaches to protecting intellectual property produced by AI and developed internationally will strengthen the development of international standards to protect intellectual property produced by AI. It will also prevent legal conflicts between states, help cross-border enforcement, and ensure fair rules of the game at the global level.

The diagram relationships show how local legislative initiatives are integrated with the international effort. This allows for the specificities of each jurisdiction to be accounted for while at the same time producing standard rules for the proper work of AI at the global level. The scheme also highlights that to deal with the issues brought by the fast development of artificial intelligence technologies, both internal and international coordination is important.

1. **DISCUSSION**

This study finds that approaches to the legal regulation of artificial intelligence (AI) in the context of intellectual property (IP) are incredibly diverse, which we outline in this paper. Since there is no one global legal framework, harmonisation of standards is an even bigger issue regarding cross-border IP protection. To take one example, the United States emphasises the need for human intervention as the condition for copyright protection (Naim & Chan, 2024), while in the European Union's draft Artificial Intelligence Act, transparency and security outweigh other concerns, but do not pose any clear guidelines concerning the AI-generated objects' (Vesala, 2023; Shepitko, 2024).

However, it is a different position taken by China and the United Kingdom. State control over innovation is a primary focus in China; technology patenting is also encouraged for AI (Kazeeva, 2024). The UK supports flexibility in current AI implementation, allowing AI programmes and algorithms to be regarded as objects of copyright or patents. At the same time, debate is ongoing surrounding the ownership of AI results (Scheuerer, 2024). This is interesting because one of the most significant issues for all jurisdictions is proving ownership or the author of the rights to AI-generated objects. As in most countries, such works are beyond legal protection because human intervention is usually absent (Nguyen et al., 2024). That is a recipe for legal uncertainty that deters the growth of AI technologies and their appearance in the international economy (Meyer, 2024).

It is also unresolved whether international acts, such as the Berne Convention, shall be adapted to the new conditions of the AI creation (Razmetaeva, 2024). Global harmonisation of standards may solve legal conflicts and enable the effective regulation of IP rights internationally. Overall, the results support additional research to develop balanced legal regulation models. Additionally, further study should be conducted on forming protective mechanisms of IP rights while encouraging more innovative AI development.

1. **CONCLUSION**

The analysis of undisguised discrimination in regulatory spaces between different zones and the lack of a unified approach in the legal regulation of artificial intelligence in intellectual property at the global level was established as the unsurmountable hindrance in international cooperation and protection of rights in international space. Drawing on the difficulty of determining authorship and ownership of objects produced by AI, the article suggests ways forward in dealing with some of the key challenges and, in doing so, stresses the need for appropriate adaptation of national and international legislation. The novelty of the work lies in the identification of the leading legal gaps, as well as in the proposal of models for harmonising legal norms to minimise conflicts between jurisdictions. The practical significance of the results obtained is that they can be used to develop universal standards for regulating the rights to objects created by AI. The study's main limitations are the insufficient amount of empirical data, which necessitates further study of this topic. Promising areas for future research include analysing the impact of international standards on national legislation and assessing the effectiveness of the proposed approaches in different legal systems.

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