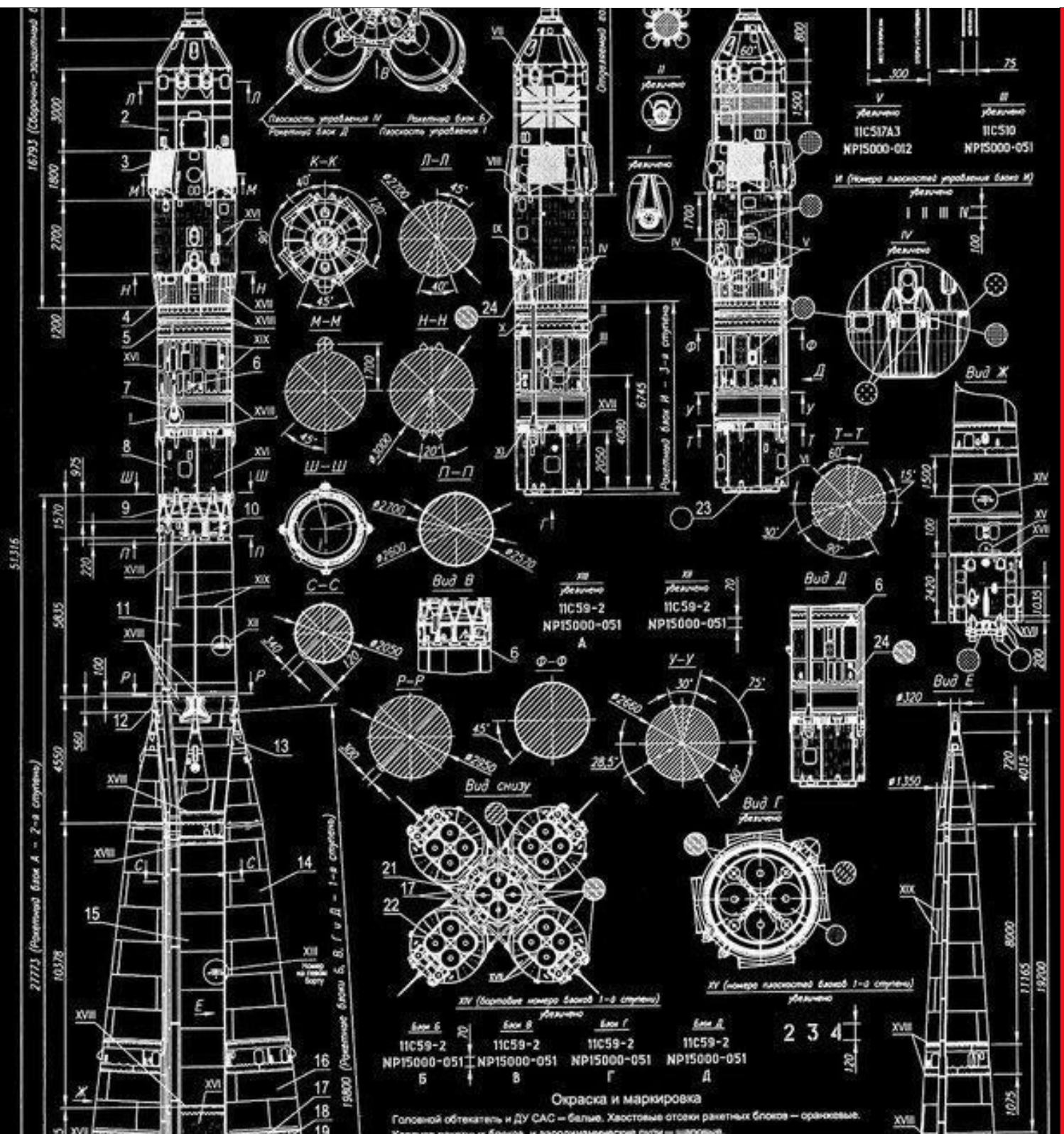


THE IPR UPDATE

DECEMBER 2023



PATENTABILITY OF AI-GENERATED INVENTIONS

AVISHI RAJ

The UK Supreme Court decided on December 20, 2023, not to issue patent protection to two inventions that included DABUS (Device for the Autonomous Bootstrapping of Unified Sentience) as one of their stated inventors. In 2019, US computer scientist Stephen Thaler filed patent applications for AI-generated ideas in several jurisdictions, including India.

The UK Court upheld its earlier ruling that the AI software could not be registered as the inventor since an inventor can only be a company or a human, not a machine. According to the application, Thaler was qualified to apply for the patent since he owned the "creativity machine," which was created by DABUS acting on its own. The Court restated that, in accordance with the 1977 Act, no human inventorship had been established. Interestingly, this decision follows another one from earlier this year, in which a London court determined that an AI system is patentable.

Earlier this year, Thaler was also denied registration by the US Patents and Trademarks Office on the same grounds—that is, the absence of a human inventor. As previously mentioned, DABUS's inventor registration is exclusive to South Africa and Australia. Additionally, Thaler had submitted an application for the patent's registration in India which is still pending even though there have been complaints raised against AI software being registered as an inventor.



The Indian Patent Office (IPO), in contrast to many other patent offices, has not released AI-specific guidelines; instead, inventions pertaining to AI are still evaluated using the 2017 Computer-Related Inventions Guidelines. Similar to copyright, there are two major issues with patenting AI-generated content: may AI act as a sole or joint inventor? If not, when the AI tool actually independently creates the innovation, can the human who owns or manages the AI programme be legitimately referred to as the inventor(/creator)? The government is indeed attempting to address these issues through the legislative and policy initiatives covered here. But it's unclear how much the government has considered these scenarios, especially in light of intellectual property rights, based on the materials that have been made public thus far.

Reference:

<https://economictimes.indiatimes.com/tech/technology/ai-systems-cant-be-named-as-the-inventor-of-patents-uks-top-court-rules/articleshow/106162200.cms>

BIOMETRICS UNVEILED: SAFEGUARDING IDENTITY IN THE AI-DRIVEN FRONTIER

KESHAV VYAS



The Confederation of Indian Industry (CII) has proposed a system to prevent the sale of counterfeit products on e-commerce platforms, labeling them as "dead copies" that create unfair competition. In a recent report on Intellectual Property Rights (IPR) issues in the manufacturing sector, CII suggested fast-tracking patent grants for manufacturing technologies reducing carbon emissions and reinstating specialized arbitration cells for IPR matters.

Emphasizing the need for clarity in responsibilities, CII called for the elimination of counterfeiters, sharing information about them, and implementing countermeasures to prevent the sale of fake products online. CII stressed that removing counterfeit items would contribute to the healthy development of e-commerce, protecting customers and ensuring fair competition.

The challenges outlined in the report include re-scoping the Bio-diversity Act for easier bio-resource access, addressing the lack of statutory trade secret protection, and navigating hurdles for companies supporting circular economy and sustainability goals. These challenges coincide with India's goal of increasing the manufacturing sector's GDP contribution to 25% by 2025.

In a separate report on IPR issues in the pharmaceutical sector, CII highlighted concerns like the lack of specific timelines in IPR procedures, slow litigation, and limited research exemptions in certain countries. Following the abolition of the Intellectual Property Appellate Board (IPAB), CII recommends creating a "Patent Appellate Board" within the patent office to expedite processes and reduce court pendency. The report also pointed out cumbersome approval requirements from the National Biodiversity Authority for inventions using biological resources from India as a significant concern.

Reference :

<https://economictimes.indiatimes.com/news/india/rise-in-patent-applications-in-india-demonstrates-rising-innovative-zeal-of-youths-pm-modi/articleshow/105067459.cms?from=mdr>

AI-POWERED JOURNALISM: AXEL SPRINGER TEAMS UP WITH OPENAI FOR CHATGPT SUMMARIES

HARSHUL MITTAL

Axel Springer, a global news publisher, has entered into a groundbreaking partnership with OpenAI, the company powering ChatGPT. This partnership aims to enable ChatGPT to provide summaries of Axel Springer content in response to user queries. Under this agreement, ChatGPT will deliver summaries of relevant news stories from Axel Springer's brands such as Politico, Business Insider, Bild and Welt, when users ask a question. These summaries will include material from stories that would otherwise require subscriptions to access. The Axel Springer publication will be cited as the source, and a link to the full article will be provided.

The summaries will be made available on ChatGPT immediately after the article has been published, ensuring that breaking news is part of the user experience. These summaries will enjoy a "favourable position" in ChatGPT search results, driving traffic and subscription revenue to Axel Springer brands. OpenAI will also pay for the Axel Springer content it uses to train the large language models that power ChatGPT. The companies did not disclose the financial terms of the deal, which is for multiple years and is not exclusive.



The Axel Springer deal is the second between OpenAI and a major news publisher. In July OpenAI struck a deal with the Associated Press, in which the news publisher agreed to license a portion of their extensive news archive to OpenAI. In return, OpenAI will offer its technological and product expertise to the news agency. The financial terms of this agreement were not disclosed, but it is worth noting that the deal was not focused on content display.

Reference :

<https://www.reuters.com/business/media-telecom/global-news-publisher-axel-springer-partners-with-openai-landmark-deal-2023-12-13/>

MP NEEDS TO GEAR UP IN FILING OF IPRS

HARSHVARDHAN SINGH



In a recent workshop on intellectual property rights (IPR) organized by the Associated Chambers of Commerce & Industry of India (ASSOCHAM) in Indore, Deputy Controller Yogesh Bajaj highlighted Maharashtra, Uttar Pradesh, and Tamil Nadu as leading states in filing the highest number of intellectual property rights. However, he emphasized the need for improvement in Madhya Pradesh, particularly in trademark applications and overall IP filings.

Bajaj stressed the significance of commercializing the patent system, underscoring its importance in driving innovation and economic growth. He noted the workshop's aim to raise awareness about IPR, the state's startup policy, and support for micro, small, and medium enterprises (MSMEs).

The MSME department in Madhya Pradesh has actively supported entrepreneurs in filing IPRs, reimbursing up to Rs 5 lakh in the last fiscal year under the Scheme Of Building Awareness On Intellectual Property Rights.

Entrepreneurs with Udyam registration can benefit from the government scheme, receiving financial aid for various IP filings. The scheme covers up to Rs 5 lakh for foreign patents, Rs 1 lakh for domestic patents, and Rs 10,000 for trademark patents. HR Muzalda, Joint Director of MSME in Indore, emphasized the crucial role of intellectual property management in distinguishing organizations and fostering growth in the MSME sector.

The support provided by the MSME department underscores the recognition of IPR as a critical asset for businesses. Their initiatives aim to equip entrepreneurs with the necessary resources and knowledge to protect their innovations. Madhya Pradesh, while witnessing an uptick in interest, is actively working to enhance its IP landscape through awareness programs and financial aid, envisioning a stronger ecosystem for innovation and protection of intellectual property rights among its entrepreneurial community.

Reference :

<https://timesofindia.indiatimes.com/city/indore/mp-needs-to-gear-up-in-filing-of-iprs/articleshow/105973607.cms>

GEOGRAPHICAL INDICATIONS POWER AS A COMMUNITY IP RIGHTS

RADHIKA BADERIA

The National Intellectual Property Conference 2023 held in New Delhi served as a pivotal platform for the celebration and discussion of Geographical Indications (GIs). At the forefront of the discourse was the National GI Conference, presided over by Prof. Dr. Lisa Lukose, which shed light on the collective power inherent in GIs as a form of community intellectual property rights.

Speakers at the conference underscored the vital importance of collaboration among diverse stakeholders, including farmers, artisans, governmental bodies, and GI experts. Recognizing GIs as a collective right rather than an individual one, the event aimed to foster a sense of shared responsibility for the protection and promotion of geographical indications. Dr. Yogesh Pai provided historical insights into the evolution of GIs, advocating for a legal framework that better accommodates their collective nature. He also emphasized the critical role of quality control in maintaining the integrity of GIs.

An integral component of the conference was the "GI Exhibition: Showcasing Diversity," which featured culturally significant GI products from various regions in India. This exhibition not only served as a visual testament to India's rich cultural heritage but also provided a tangible representation of the economic significance of GIs.



A particularly noteworthy moment occurred when a GI certificate was awarded to Marcha Rice, exemplifying the role of GI protection in preserving indigenous agricultural products.

Throughout the conference, the theme of gender diversity was evident, with women artisans actively participating and showcasing their contributions to the GI landscape. The exchange of ideas, knowledge, and experiences among dignitaries, intellectuals, and GI practitioners facilitated a meaningful dialogue on the challenges and opportunities associated with GIs.

In conclusion, the event showcased India's diverse traditions and underscored the economic potential embedded in safeguarding these cultural assets. Overall, it reinforced the idea that the protection and promotion of GIs are not only legal considerations but also imperative for preserving the cultural and economic identity of communities.

Reference :

https://ipindia.gov.in/writereaddata/Portal/News/9321_IP_Conference_2023_Special_Edition_Newsletter.pdf

INTELLECTUAL PROPERTY RIGHTS TO FUEL ECONOMIC GROWTH IN INDIA

HARSHVARDHAN SINGH



In the recent CII's 9th International Conference on IPR, key figures like Unnat Pandit, the Controller General of the Intellectual Property Office, and Masanori Katsura from the Japan Patent Office highlighted the pivotal role of Intellectual Property Rights (IPRs) in fostering economic growth in India and globally.

Pandit emphasized India's commitment to leveraging IPRs for economic development, stressing the significance of Geographical Indications (GIs) in driving economic progress and advocated for industry-academia collaboration to further harness the potential of intellectual property.

The event unveiled four comprehensive reports, two focusing on pharmaceuticals and manufacturing, and two Geographic Indication booklets for Madhya Pradesh and Gujarat.

The pharmaceutical report predicted substantial growth, estimating the sector to surpass \$372 billion by 2024 with a remarkable compound annual growth rate (CAGR) of 22.4%.

It also highlighted the burgeoning medical device market, projected to reach \$25 billion. This report called for updated guidelines concerning pharmaceutical, biological, and radiopharmaceutical inventions to address existing IPR concerns.

In parallel, the manufacturing report emphasized the sector's substantial contributions to India's GDP growth (15%) and employment generation (12%). It identified prevalent IPR challenges within the manufacturing domain and proposed recommendations to fortify the IPR ecosystem, aiming to meet its pivotal requirements.

Additionally, the Geographic Indication booklets for Madhya Pradesh and Gujarat align with the government's 'Vocal for Local' and 'One District-One Product' initiatives. These booklets intend to bolster local artisans and craftsmen by promoting and encouraging their indigenous products. Overall, these insights and initiatives outlined in the conference underscore the critical role of IPRs in fueling economic growth, emphasizing the need for collaboration, protection, and strategic reforms across various sectors in India, aligning with both national and global economic agendas.

Reference :

<https://www.livemint.com/industry/intellectual-property-rights-to-fuel-economic-growth-in-india-unnat-pandit-11700489753255.html>

MICKEY MOUSE'S COPYRIGHT JOURNEY: A PIVOTAL MOMENT FOR INTELLECTUAL PROPERTY RIGHTS

ARPIT DADHICH

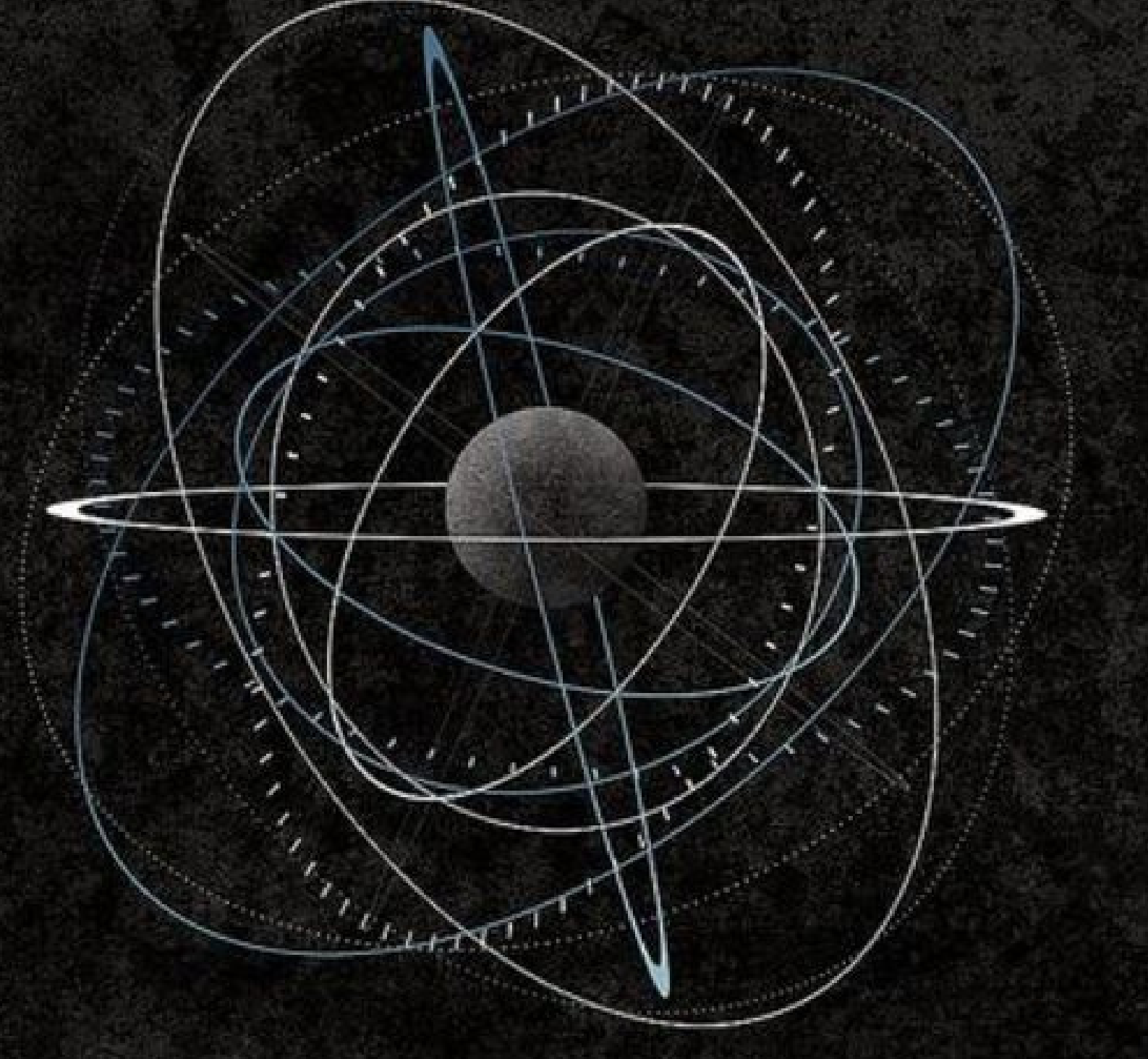
In a groundbreaking development, Mickey Mouse is poised to enter the public domain in 2024, signifying a significant shift in the landscape of intellectual property rights. This means that the early version of Mickey, particularly from the 1928 classic "Steamboat Willie," will no longer be under copyright protection. While Disney assures that the core essence of Mickey's association with their stories will persist, this freedom only extends to the original, non-speaking, boat-captain portrayal of Mickey. Contemporary versions of Mickey and other copyrighted works remain under Disney's protection, prompting ongoing debates on the ownership of specific character traits.

Beyond Mickey, other noteworthy works like Charlie Chaplin's "Circus," Virginia Woolf's "Orlando," and Bertolt Brecht's "The Threepenny Opera" are also set to join the U.S. public domain in 2024. This event sheds light on the lengthy process for U.S. works to achieve public domain status, leaving many properties in a state of copyright uncertainty. As the U.S. moves toward aligning with the European Union's copyright terms, the discussion on wider public ownership of creative works gains momentum. This shift prompts contemplation on the enduring legacy of recognizable works and the need for potential legislative adjustments in international copyright agreements.



Reference :

<https://economictimes.indiatimes.com/industry/media/entertainment/media/mickey-mouse-set-to-join-public-domain-with-a-twist-for-all-of-us/articleshow/106201914.cms>



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