Editorial

Articles

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty eighth issue of the *Christ University Law Journal* which is based on the theme of generative artificial intelligence and intellectual property law. Use of Generative AI has developed exponentially in recent years. It now produces text, images, music and many other kinds of creative work. This rise has brought new questions for scholars and practitioners. It has also prompted fresh debates about the purpose and limits of intellectual property systems. Generative AI challenges many of the ideas that lie at the heart of intellectual property. Concepts such as authorship, originality and ownership are being tested in new ways. Copyright law, which was built around human creativity, now faces situations it did not anticipate. Patent law is also under significant challenge, particularly regarding the issue of inventorship. Judiciary and policymakers continue to analyse whether an AI system can be treated as an inventor. Discussions on these areas are still evolving.

Training AI models often requires the use of large data sets which contain copyright protected material. This raises questions about fair use, access and consent. Similar challenges appear in trade mark law. AI systems can now generate logos and symbols that look close to existing marks. These developments generate conceptual and practical uncertainty, giving rise to confusion within existing legal and regulatory frameworks. Deepfakes and synthetic media create another set of concerns which affect privacy and personal dignity. They also influence trust in public life. Clear rules and strong safeguards will be needed as these technologies continue to develop. This issue of the Journal brings together a set of papers that engage directly with these themes. The authors examine the legal, technological and ethical dimensions of generative AI and highlight the gaps in current rules and offer suggestions for improvement.

Shridul Gupta's article titled *Fair-Use Doctrine: Copyright Challenges Posed by AI Generative Technology and In-Text and Data Mining Training* highlights how AI innovations are curtailed by the current Intellectual Property regime. The paper argues for the need to revisit the fair use exceptions, especially those within the copyright framework. The author, using case laws across various jurisdictions, extensively analyses whether this doctrine developed for human authorship is sufficient for machine learning and generative AI training. The paper concludes by categorically stating that the fair use

doctrine is a threat to AI content creation and suggests measures to overcome this so that legal doctrine does not impact technological progress.

The paper titled *Global Perspectives on Fair Use and AI Training Data* by Rishabh Tomar presents a comparative analysis of fair use and similar doctrines in the Jurisdictions of the USA, EU and South Africa to bring clarity to the issues related to the lawful use of copyrighted material. The author looks into the basic tension between private and commercial interests, which is the core of copyright law and also explores the role of licensing as an alternative to fair use. The paper concludes by alerting that in the absence of an international strategy, there is a risk of an AI data oligopoly emerging, in which only well financed companies will be able to navigate complex global licensing regimes. Such concentration would entrench market power and contribute to the homogenization of AI development.

Aneesh V Pillai's commentary on the *Thaler v. Comptroller-General* Case emphasizes the need for strengthening India's patent framework. This judgment reignites global discourse on the question of whether artificial intelligence can be recognized as an inventor under existing patent regimes. The author mandates a separate legal system for inventions supported by artificial intelligence that explicitly defines the notion of inventorship and ownership. India would be well-placed to develop a comprehensive, policy-driven perspective that recognizes AI-created inventions as eligible for intellectual property protection and yet stays faithful to the key idea of human intellect and responsibility. In addition to bringing an overhaul of the current Indian patent system in India, this transformation would also elevate the country to one of the global front-runners reconciling technology, innovation, and law in the era of artificial intelligence.

The Journal and Publications Society would like to express its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicit their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications, the Library personnel and the National Printing Press, for extending their support towards our humble mission of making effective contribution to legal research.

Sharmila Narayana   **Avishek Chakraborty**
Editor-in-Charge   Issue Editor