"ANALYSIS OF THE SOCIO-LEGAL INTERVENTION OF ARTIFICIAL INTELLIEGENCE (AI's) and its IMPACT ON INTELLECTUAL PROPERTY RIGHTS IN THE REAM OF LEGAL-PRACTICE AND JUDICIARY-SYSTEM IN INDIA"

By- Reshma Jaishreeram Yadav

VES COLLEGE OF LAW (Assistant Professor- Law), Chembur, Mumbai-400074

Abstract:

The Intellectual Property Rights (IPs) is concerned with the any sort of genuine and pure invention of human intellect and intelligence. It can be literary, scientific creation, artistic or digital in nature. To safeguard the legal rights of owners and claimants of Intellectual Property Rights (IPs), preservation of its originality has become a matter of concern in today's modern era. However, the need for legal advancements and stringent provisions also has been intensified. The controlled system mechanism under data protection of human intellect based, intangible assets such as, patentable inventions, copyrights, trademarks and designs is very necessary in modern era of Artificial Intelligence (AI). It is an obvious matter of concern. In consonance to this, several nations and IPRs agencies are taking keen and serious interest and cognizance of the advancements of (AI) systems, worldwide. There is a remarkable demand for the formulation of (IPRs) laws that can protect and safeguard Artificial Intelligence (AI) products so, that, the technological advancements can move ahead without facing any kind of socio-legal hassle in years to come.

Therefore, this research paper has tried to emphasize on the intricacies, faced under IPRs and implications of AI on order to protect the original literary works, inventions, artistic creations without losing its originality.

Keywords:

The Intellectual Property Rights (IPs), intangible assets, digital transformation, *controlled system mechanism under data protection Landmark Judgments, etc.*

Introduction:

In today's time, Science and Technology have made considerable progress. New advanced technological frontiers are being explored with each passing day. Today, we are blessed to witness the highly sophisticated and technological advancements in almost, all sectors of the service sector as well as, product cum process manufacturing world. India is also one among one of the most leading nations which has not only earned accolades in scientific temperaments and achievements' but also, we have marked our presence and achieved excellence in pursuits, relating to Intellectual Property Rights. Presently, after the successful launching of India's satellite on South Pole region of moon, the whole world has realized the importance of India's high potential in global market due to its unmatched and remarkable socio-economic, cultural, and technological transformation and its contribution in globalization, advancement of science and emergence of new technologies. These fast changes are the best examples, which have made the entire human kind, indebted to scientific reasoning and usage of the advanced technologies such as, "Artificial Intelligence". Furthermore, it has also tried to present the challenges to the existing legislative frame-work and pushing next to   policy precincts and grounds.

The pertinence of the technology can be gauged by its moral wrong, be it in the fields of education, security, travel, lifestyle, etc. The journey of this 'Digital Transformation' is also turned out to be a lesson for lawyers who ought to now, embrace (AI) era, irrespective of their liking or not.

Secondly, it is also considered to be a paradigm shift from the days of leather-bound books to the digital platforms age because, this is the (AI) driven future which offers, valuable lessons for embracing new challenges and change, day by day.

Importance of the Usage of (AI) in Intellectual Property Rights (IPRs) Protection Mechanism and in Judicial Transformation:

AI's role in the Indian judiciary is transformative, promising to enhance the system's efficiency and accessibility. This ongoing integration aims to better serve the nation's needs in a digital era, balancing technological advancement with ethical and legal considerations.

Before the introduction of (AI) age, it used to a Hercules task to search for a case-law or a precedent from the existing, towering, leather-bound library books. It was as good as, finding a needle in a haystack.

Fast-forward today, the legal educational and judiciary has immensely benefitted of the usage of digitalized platform and by its practical utility. It also saves the valuable time of the court, pleaders, academicians and researchers to get new cases from the digital library platform at ease.

At present, it has replaced those typical, towering leather-bound-based libraries, as it has been already discussed in above paragraphs into sleek, powerful accessible in just a few clicks efforts.

This is one of the basic feature and benefit which almost, all the law professionals have felt i.e.; from court to law educational institutes, from clients to governmental-administrative needs.

This pivotal shift from leather-bound volumes to digital data bases has taught us about embracing the next frontier in legal technology. We should also remember that 'Digital Transformation', takes time; as, 'It is a process, not an event'.

The shift from traditional law libraries to digital databases did not happen, overnight. It was a gradual, steady process that permitted us to learn, adapt and accept, eventually, embrace the new techniques and technological advancements that now, define our daily case routines.

While addressing the audience in the Indo-Singapore Judicial Conference, Chief Justice of India, Dr. DY Chandrachud also, tried to explain the intrusion of Artificial Intelligence (AI) in the sphere of legal profession and judicial- managerial decision-making.[1]

This theme provides a comprehensive lens to explore the dynamic intersection between law, innovation, and society wherein, researchers have the opportunity to delve into the evolving landscape of the ever-changing realm of advancements in socio- economic, cultural, and technological aspects. The theme of our conference, "Law, Innovation, and Society," is designed to offer participants a forum for the exchange of ideas and knowledge. Its goal is to encourage collaboration among various stakeholders in the legal and innovation domains in India.

Aims & Objectives:

The research aims to support the rapidly evolving professional landscape by anticipating and embracing opportunities, arising from shifts in laws, related to IPRs and judicial transformations. Additionally, it seeks to identify any gaps in current laws applicable to these areas and make necessary adjustments to establish a robust judicial-environment that facilitates progressive growth and contributes to the development of the economy and society as a whole.

The research paper, mainly focuses on various methods of socio-legal and inter-disciplinary- research methodology. It has also tried to study the behavioral pattern of all the stakeholders, who are directly and indirectly, has been influenced and affected by usage of (AI) mechanism so, as to   get the considerate and clear impact of it and to understand as to how the law is produced, implemented and executed.

Research Methodology:

This research study is based on the primary and secondary data collection sources which are comprised of sources, accessible in law as precedents, treaties and conventions, websites, magazines, Journals, legislative materials, government reports, Acts and provisions.

In today's digitalized era, Artificial Intelligence (AI) stands as one of the most groundbreaking technological advancements. AI, at its core, involves creating computer systems. The origin of AI traces back to the mid-20th century, but it's in recent years that its capabilities have expanded exponentially.

Judges Opinion on AI:

- The Chief Justice of India, DY Chandrachud, has urged judges to adopt technology for the advantage of those involved in legal cases. He emphasized that litigants shouldn't suffer due to judges' discomfort with technological tools. Addressing the audience at the National Conference on Digitization in Odisha, on May 6, 2023, the CJI emphasized the importance of

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[1] Use Of AI In Court Adjudication Presents Both Opportunities & Challenges: CJI DY Chandrachud, 13thApril, 2024, 6:24 PM, reported by Anmol Laur Bawa

maintaining technological practices like hybrid hearings in High Courts, highlighting that these should not be limited to the period of the COVID-19 pandemic.

- On Constitution Day, November 29, 2019, a gathering headed by President,   Shri Ram Nath Kovind, Chief Justice of India, Shri Sharad Arvind Bobde, emphasized the significance of artificial intelligence. He pointed out that AI has a very crucial role to play in avoiding the repetitive actions and tasks that are not concerned to judicial and IPRs –related decision-making abilities. Chief Justice Bobde also mentioned that AI's ability to translate languages would make court processes more understandable to the general public.

- Former Justice, Shri L. Nageswara Rao, who is also considered to be the Head of the Supreme Court's AI Committee, once stated and affirmed that Artificial Intelligence would be utilized for administrative functions to accelerate the justice delivery practice.

- Start the Virtual Hearings and Online Dispute Resolution in Pandemic: When the COVID-19 pandemic hit, it pushed the Indian judiciary to quickly embrace virtual hearings and online dispute resolution methods. This change wasn't just about dealing with the pandemic. It was also about making a smart move for the future, aiming for better efficiency and easier access to justice. During the lockdowns, Courts couldn't function normally. But thanks to virtual hearings, they could keep working. Judges, lawyers, and clients started meeting online, which kept the wheels of justice turning. This wasn't just a temporary fix. It showed a new way of doing things in the legal world, a way that could keep helping even after the pandemic. The pandemic has been tough, but it has also given the Indian legal system a chance to change for the better. By moving hearings and dispute resolution online, the judiciary has not just solved a temporary problem. It has started a shift that could make justice faster, more efficient, and more accessible for years to come.

The Impact of Technology on Transparency and Efficiency:

The integration of technology has had a profound impact on the transparency and efficiency of the Indian judiciary. The live streaming of Court proceedings is a prime example, offering the public a window into the judicial process and thereby bolstering trust in the system. The Madras High Court, leveraging technology, recorded exceptional case clearance rates in 2020 and 2021. These figures not only surpass those of other high Courts but also demonstrate the tangible benefits of technological adoption in the judiciary.

SUPACE and SUVAS: Leading the Way: In India, initiatives like SUPACE (Supreme Court Portal for Assistance in Court's Efficiency) and SUVAS (Supreme Court Vidhik Anuvaad Software) are great examples of AI in action. SUPACE helps judges by providing relevant information and research, making their workload more manageable. SUVAS, on the other hand, focuses on translating judicial documents, breaking language barriers in the legal process. These initiatives show how AI can be a powerful tool in the Indian judiciary, improving how the legal system works.

Global Perspectives on AI in Judiciary:

AI in the US Legal System: The USA's adoption of AI in its legal system demonstrates a commitment to leveraging technology for enhancing judicial efficiency. AI tools like, COMPAS, (Correctional Offender Management Profiling for Alternative Solutions) are being used for tasks such as data collection, risk assessment and decision support. Additionally, AI-powered chat bots are being employed to provide information to the public, easing the workload on Court staff and improving public access to legal information.

- China's Smart Court System: China has been at the forefront of integrating AI into its judicial system. Its 'Smart Court' initiative, dating back to 1990, has significantly reduced the workload of judges by aiding in case analysis and decision-making. This advanced use of technology in the judiciary is indicative of China's approach to modernizing its legal system and streamlining judicial processes.
- **The UK's Digital Case System**[2]: The Ministry of Justice of this nation has already launched its Digital Case Depository System in 2020 for their Courts and of course, it has drastically revamped the case listing, updating, researches of data with respect to IPRs as well as all types of legal requirements.

Challenges and Ethical Considerations in AI Adoption:

While AI brings numerous benefits to the judiciary, it also presents challenges and ethical dilemmas. The use of algorithms in judicial processes, such as bail decisions and sentencing in the US, raises concerns about potential biases. There have been instances where these systems reportedly showed biases against certain racial groups, leading to unfair outcomes. This highlights the critical need for oversight and transparency in the deployment of AI within the judicial system.

Addressing Biases and Ensuring Fairness:

One of the key challenges in implementing AI in the judiciary is ensuring the technology is free from inherent biases. AI systems get the information and basic details from the available data, and if the data is manipulated or not free from biasness, then, the AI's decisions can perpetuate existing inequalities. Therefore, it is essential for the critical examination of the data, used to develop and evolve AI systems so, as to prevent biased outcomes.[3]

Future- Road Ahead: (Creating Rules for AI in the Legal System):

As AI becomes more common in Courts, it's important to have clear rules to make sure it's used fairly and ethically. These rules are like guidelines that ensure AI helps the legal system without causing any harm or unfairness.

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[2] "The Integration and Impact of Artificial Intelligence in the Indian Judiciary", Law Insider in First Word in Law Insight, Published on Jan .3, 2024, Md. Arif Imam, published on: January 1, 2024 at 10:03 IST
[3] Alex Pentland, 'A Perspective on Legal Algorithms', MIT Computational Law Report 6 December 2019, p. 4-6

- Making Sure AI is Fair and Ethical: AI is powerful, but it must be used in a way that respects everyone's rights. The rules should make sure that AI does not favour one group over another and that its decisions are transparent and can be understood.

- Building Trust in AI: People need to trust the AI used in Courts. This trust comes from knowing that there are strong rules in place that keep AI in check. Organizations like the Vidhi Centre for Legal Policy are stressing how important these rules are. They help everyone feel more confident that the AI is working in a fair and just way.

- What Should These Rules Cover: These rules should cover how AI is made and used? They should ensure that the data used to train AI is unbiased and represents everyone fairly. The rules should also make it clear how AI's decisions are made, so that there's no mystery about how it reaches its conclusions.

- Keeping an Eye on AI: Once AI is being used, it's important to keep checking that it's working as it should. This means regularly testing and reviewing the AI to make sure it's not biased and that it's being as helpful as possible.[4]

(AI's) Role in Transforming India's Judicial System:

India's judiciary currently overburdened with over 4.32 lacs pending cases. By introducing, (AI) tools in Judiciary, routine tasks such as organizing case files, scheduling hearings, and even preliminary legal research can be accelerated. This approach allows judges to concentrate on the critical aspects of adjudication, thereby accelerating the resolution of cases.

AI's impact extends beyond just speeding up processes. It introduces a level of accessibility previously unattainable. For instance, the SUVAS tool, which translates legal documents into various Indian languages, breaks down language barriers, making the legal system more approachable for a diverse population. This inclusivity is a step towards a more equitable judicial system.[5]

The slow judicial process in India not only affects individuals awaiting justice but also has far-reaching implications on the economy and social order. Delays in the legal system can deter investments and hinder economic growth. By integrating AI, the judiciary can stimulate economic progress and uphold the rule of law more effectively, ensuring societal stability. The Supreme Court's adoption of AI tools like SUPACE, which aids in information processing for judicial decisions, marks the beginning of a new era in judicial proceedings. It's important to note that these tools support decision-making without directly influencing the outcome.

In practical terms, AI's application was evident in the Jaswinder Singh v. State of Punjab case. The judge's request for Chat GPT's insights on bail laws in cases involving cruelty demonstrates AI's potential as a consultative tool, offering broader perspectives without dictating judicial decisions.[6]

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[4] Shreya Singhal v. Union of India. AIR 2015 SC 1523
[5] Olga V. Mack, April, 26, 2024 on 'The Digital Transformation Journey, lessons for Lawyers, embracing AI'
[6] State of Uttar Pradesh v. Raj Narain, (1975) 3 SCR 333

Continuous Development and Ethical Considerations:

As AI becomes more integrated into the Indian judiciary, continuous monitoring and development of these tools are crucial. Ensuring they align with ethical standards and judicial fairness is paramount. This involves addressing potential biases, maintaining transparency, and safeguarding against misuse. AI's integration into the Indian judiciary is a transformative movement, poised to address longstanding challenges of pendency and inefficiency. It promises not only to speed up the justice delivery but also to enhance its quality and accessibility. However, this technological journey must be navigated with careful consideration of ethical and legal implications, ensuring that AI serves as a tool for justice, not a replacement for judicial wisdom.

Road Ahead (Recommendations):

The integration of Artificial Intelligence (AI) into India's judicial system is a significant step forward. It addresses the issue of case backlogs by making routine tasks like case management and legal research more efficient. (AI) tools, such as SUPACE for judicial decision support and SUVAS for language translation, are not just about speed; they also make the legal system more accessible and fairer for India's diverse population.

The move towards AI in the judiciary, accelerated by the necessity of virtual hearings during the COVID-19 pandemic, is not just a temporary solution but a lasting transformation. It promises a more efficient and transparent judicial process, essential for both the justice system and the economy. However, as we embrace this technological shift, we must remain mindful of the ethical aspects. Ensuring AI's fairness, transparency, and lack of bias is vital. (AI) in the judiciary is a powerful tool to support, not replace, human judgment, aiming to make justice more accessible and efficient for everyone. This journey of incorporating (AI) is about enhancing the capabilities of the Indian judicial system to better serve the nation's needs in a modern, digital world.

Learning new tools and technology is a must; one just cannot avoid it. The legal practice and legal education has never been static, and its techniques and tools have always improved, revamped to type writers and from books to databases. Each of these shifts, required, judiciary, government, lawyers and researchers to learn, try and adapt. Embracing, (AI) is no different. The future protection of IPRs and usage of (AI) based database is must and a mandatory requirement.   The future of law will belong to those who will be passionate and positive towards investing their time to understand and master, new technologies. Continuing legal education will increasingly include, technological components, reflecting the indispensable role of technology in modern legal practice. It is also an indication that accepting, adaptation and evolving is a gradual but certain process that there is a high tie to learn and grow, and that is the major essence of legal profession and judicial, IPRs transformations too.[7] It shall definitely harness the potential to enrich the practice of law as it is not the tools, we use but in the service, we provide. As we stand on the brink of this new technological advancement era, let's move forward with enthusiasm and readiness, curiosity, and open minds, ready to harness the potential of (AI).

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