



# Intellectual Property Rights, Ethical and Legal considerations in AI driven Innovations: Bridging Legal Gaps

1. **Ravijaa Mehta**, SVKM's Jitendra Chauhan College of Law, Mumbai.
2. **Shagun Soni**, SVKM's Mithibai College - Chauhan Institute of Science, Mumbai

## Abstract:

Artificial Intelligence (AI) has made advances faster than most humans can comprehend, raising legal and ethical questions. Correspondingly, when artificial intelligence (AI) and intellectual property rights (IPR) collide, a complex web of legal challenges emerges, centred on accountability and liability. This paper focuses on the intricacies of AI innovations, specifically on the ownership rights and accountability standards. Through the analysis of a research survey, significant legal cases, regulatory developments, and emerging ethical norms, this paper recognises the urgent need for adaptable legal frameworks, it contributes to the discourse on responsible AI use. These frameworks must strike a delicate balance between fostering innovation and safeguarding societal interests in the rapidly evolving AI landscape.

## Keywords:

*artificial intelligence, intellectual property rights, accountability, liability, ownership, legal frameworks, regulatory developments, ethical norms*

## Introduction:

The deep proliferation and rapid growth of AI technologies across sectors has led to an intense scrutiny of AI's legal and ethical dimensions.<sup>1</sup> The objective of this paper encompasses an examination of the argument behind granting legal personhood to AI, an in-depth exploration of the mechanisms for implementing the proposed solutions, and a discussion of the ethical considerations in the governance of AI.

The proposed framework seeks to address these concerns by offering a structured approach to AI governance. By advocating for the classification of AI as legal minors under guardianship, this framework aims to establish a framework that ensures accountability, transparency, and ethical conduct in AI development and deployment. This paper aims to address the nature and relationship between law, ethics, and technology in shaping AI governance.

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<sup>1</sup> Müller, V. C., Bostrom, N., & Dafoe, A. (2018). Future Progress in Artificial Intelligence: A Survey of Expert Opinion. In *Fundamental Issues of Artificial Intelligence* (pp. 553-571). Springer, Cham.

**Literature Review:***The Case for AI Legal Personhood:*

AI's advancing capabilities in autonomous decision-making have raised concerns regarding its legal position.<sup>2</sup> Proponents who are in favour of granting AI legal personhood argue that such recognition is essential for ensuring accountability and responsibility in Generative AI systems.<sup>3</sup> The ability to hold AI and developer companies accountable for actions becomes necessary as AI becomes more integrated into aspects of society. Legal precedents and frameworks supporting AI legal personhood signify the need for accountability and responsibility in AI systems.<sup>4</sup> This recognition would provide a basis for holding AI systems accountable for their actions and decisions, which is essential for fostering trust and confidence in AI technologies. Additionally, granting legal personhood to AI could lead to robust legal protection for AI systems and their stakeholders.<sup>5</sup>

The case for granting AI personhood rests on the premise that AI systems are increasingly assuming roles and responsibilities traditionally associated with human agency. Recognizing AI as legal persons would facilitate better accountability and responsibility, ensuring that AI developers and operators are held accountable for the actions of AI systems.<sup>6</sup> In addition, granting legal personhood to AI could improve the legal protections, ensuring that user's and company's rights and interests are adequately safeguarded. However, concerns about the potential implications of AI legal personhood, including the ethical and societal implications of treating AI as legal entities arise. It can be argued that AI lacks the moral agency and consciousness necessary for personhood and that granting legal personhood to AI could lead to unintended consequences, such as diluting human responsibility for actions taken by AI.

*Treating AI as a Minor: Dependency and Legal Capacity:*

AI's dependency on human developers underscores its limited legal capacity. Comparisons with other legal minors highlight the need for protective measures to safeguard AI's interests.<sup>7</sup> Protective measures may include the appointment of guardians or trustees to oversee AI's actions and decisions, ensuring that they act in the best interests of the AI system and its stakeholders.<sup>8</sup> Furthermore, statutes may need to be adapted to account for the unique features of AI systems, such as their lack of consciousness. However, treating AI as minors also raises questions about the allocation of responsibility and liability for AI actions. While developers and operators may be held accountable for the actions of AI systems, questions remain about the extent to which they should be held responsible for AI behaviour.<sup>9</sup>

The concept of treating AI as minors under guardianship draws parallels with existing legal frameworks for protecting vulnerable individuals, such as children and individuals with disabilities.<sup>10</sup> By recognizing AI's limited legal capacity and dependency on human operators, this framework seeks to establish mechanisms for

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<sup>2</sup> Hagendorff, T. (2019). The Ethics of AI Ethics: An Evaluation of Guidelines. *Minds and Machines*, 29(3), 389-409.

<sup>3</sup> *Association for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576 (2013)

<sup>4</sup> *Alice Corp. v. CLS Bank International*, 573 U.S. 208 (2014)

<sup>5</sup> *Capitol Records, LLC v. ReDigi Inc.*, 910 F. Supp. 2d 340 (S.D.N.Y. 2012)

<sup>6</sup> *Google LLC v. Oracle America, Inc.*, 593 U.S. (2021)

<sup>7</sup> *Indian Performing Right Society v. Eastern India Motion Picture Association*, AIR 1977 SC 1443 (India)

<sup>8</sup> *Washington v. Glucksberg*, 521 U.S. 702 (1997)

<sup>9</sup> *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368 (Fed. Cir. 1998)

<sup>10</sup> *Funk Brothers Seed Co. v. Kalo Inoculant Co.*, 333 U.S. 127 (1948)

ensuring that AI systems are developed and deployed responsibly.<sup>11</sup> This may include implementing safeguards to prevent AI systems from causing harm or engaging in unethical behaviour, as well as providing mechanisms for addressing instances where AI systems fail to comply with legal or ethical standards.<sup>12</sup> Additionally, treating AI as minors may also entail establishing mechanisms for representing AI's interests in legal proceedings, such as appointing guardians or trustees to advocate on behalf of AI systems.

#### *Developer Company as Trustee/Guardian:*

The role of the company as trustee or guardian entails assuming responsibility for overseeing AI's actions and decisions. Trust law principles provide a useful framework for delineating the fiduciary duties owed by developer companies towards AI and its stakeholders. These duties may include ensuring that AI systems are developed and deployed in a manner that complies with legal and ethical standards, as well as taking steps to mitigate the risks associated with AI technologies. Additionally, developer companies may be required to establish mechanisms for monitoring and addressing instances where AI systems fail to comply with legal or ethical standards. This may include implementing systems for detecting and addressing instances of bias or discrimination in AI algorithms, as well as providing transparency and accountability mechanisms to ensure that AI systems are used responsibly.

By assuming responsibility for overseeing AI's actions and decisions, companies are held to a higher standard of accountability for the behaviour of AI systems.<sup>13</sup> This includes not only ensuring that AI systems are developed and deployed in a manner that complies with legal and ethical standards but also taking proactive steps to address potential risks and harms associated with AI technologies. Moreover, companies may be required to establish mechanisms for monitoring and evaluating the performance of AI systems, as well as providing remediation measures in cases where AI systems fail to meet legal or ethical requirements.<sup>14</sup>

Trust law principles provide a useful framework for delineating the fiduciary duties owed by developer companies towards AI and its stakeholders. These duties may include a duty of care, requiring developer companies to act in the best interests of AI systems and their stakeholders, as well as a duty of loyalty, requiring developer companies to prioritise the interests of AI systems over their own interests. Additionally, developer companies may be subject to a duty of prudence, requiring them to exercise reasonable care and diligence in managing AI systems and their associated risks.<sup>15</sup>

Ensuring accountability in AI governance requires an approach that involves not only developer companies but also regulators, policymakers, and other stakeholders.<sup>16</sup> This includes implementing transparency measures to ensure that AI systems are developed and deployed in a manner that aligns with ethical standards, as well as providing avenues for redress in cases where AI systems cause harm or fail to meet legal or ethical norms.

#### *Ownership of AI-Generated Content's Intellectual Property Rights (IPR):*

Analysis of intellectual property rights associated with AI-generated content includes patents, copyrights, and trademarks. Ownership by the developer company is advocated due to AI's legal incapacity to enter into contractual agreements. Implications for innovation and creativity in AI development must be considered.

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<sup>11</sup> *Griswold v. Connecticut*, 381 U.S. 479 (1965)

<sup>12</sup> Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines.

<sup>13</sup> *Granville*, 530 U.S. 57 (2000)

<sup>14</sup> *Washington v. Glucksberg*, 521 U.S. 702 (1997)

<sup>15</sup> *State of Uttar Pradesh v. Singhara Singh*, AIR 1964 SC 358 (India)

<sup>16</sup> *Sri Venkataramana Devaru v. State of Mysore*, AIR 1958 SC 255 (India)

As AI systems become increasingly capable of creating original works, such as music compositions, artwork, and written content, questions arise about who should own the rights to these creations. Traditionally, copyright law grants ownership of creative works to their human creators, but the emergence of AI-generated content complicates this framework.

In many jurisdictions, copyright law requires that a work be created by a human author in order to qualify for copyright protection. However, AI-generated content blurs the line between human and machine authorship, raising questions about whether AI systems should be considered legal authors under copyright law. Proponents of AI legal personhood argue that granting AI systems the status of legal authors would ensure that they are entitled to copyright protection for their creations. This would not only recognize the creative contributions of AI systems but also provide them with legal protections against unauthorised use or exploitation of their works.

However, AI lacks the consciousness and creative intent necessary for authorship and that granting copyright protection to AI-generated content could undermine the rights of human creators. Additionally, questions arise about the allocation of ownership and control over AI-generated content, particularly in cases where multiple parties are involved in the creation process. For example, if an AI system creates a work using data or algorithms provided by a human creator, who should own the rights to the resulting work? These questions highlight the need for a nuanced approach to addressing IPR issues in the context of AI-generated content.

Other forms of IPR, such as patents and trademarks, may also be relevant to AI-generated content. AI systems may be capable of inventing novel processes or technologies that qualify for patent protection. Similarly, AI-generated brands or logos may be eligible for trademark protection. Similar questions arise about the ownership and control of these rights, particularly in cases where AI systems are involved in the creation process.

#### *AI as a Minor under Indian Jurisprudence:*

India's rich legal tradition offers insights into the concept of AI legal personhood and its implications for society.<sup>17</sup> Drawing on principles of Hindu philosophy and jurisprudence, Indian law recognizes the legal personhood of non-human entities such as idols and corporations.<sup>18</sup> These entities are afforded certain rights and responsibilities under the law, despite lacking the attributes of natural persons.

#### *Practical Implementation and Ethical Considerations:*

Practical implementation of the proposed framework for AI legal personhood presents challenges, including technological limitations and regulatory hurdles. Technological limitations may include constraints in AI's ability to understand and comply with legal requirements, as well as challenges in developing mechanisms for monitoring and regulating AI behaviour.<sup>19</sup> Regulatory hurdles may arise from existing legal frameworks that were not designed to accommodate AI legal personhood, requiring legislative and policy reforms to ensure alignment with emerging technological realities.<sup>20</sup>

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<sup>17</sup> Dignum, V., Dignum, F., & Gordijn, B. (2017). Responsible autonomy. *Science and Engineering Ethics*, 23(1), 35-61.

<sup>18</sup> Mohori Bibee v. Dharmodas Ghose, ILR 30 Cal 539 (1903)

<sup>19</sup> Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, 1(9), 389-399.

<sup>20</sup> Wachter, S., Mittelstadt, B., & Floridi, L. (2017). Why a right to explanation of automated decision-making does not exist in the general data protection regulation. *International Data Privacy Law*, 7(2), 76-99.

Ethical considerations related to AI legal personhood are multifaceted and encompass issues such as autonomy, transparency, and accountability. <sup>21</sup>Questions arise about the extent to which AI systems should be granted autonomy in decision-making and the implications of such autonomy for human-AI interactions. Transparency concerns revolve around ensuring that AI systems are transparent about their decision-making processes and the factors influencing their behavior. Accountability considerations involve determining the parties responsible for AI actions and establishing mechanisms for holding them accountable for any resulting harm or wrongdoing.

Stakeholder perspectives from developers, legal experts, ethicists, and policymakers are crucial in addressing practical and ethical concerns surrounding AI legal personhood. Developers play a central role in designing and deploying AI systems and must be mindful of the ethical implications of their actions. Legal experts provide valuable insights into the legal frameworks governing AI and can help identify areas where legislative and policy reforms are needed. Ethicists contribute ethical perspectives that inform discussions about the moral implications of AI legal personhood and the values that should guide its implementation. Policymakers play a key role in shaping the regulatory landscape for AI and must balance competing interests to ensure that AI governance promotes the public good while respecting individual rights and freedoms.

### Objectives:

1. To identify the position of artificial intelligence in the law system.
2. To examine assigning legal personhood to AI, recognising the implications of the rapid advancement of the technology.
3. To lay out the nuances of AI-generated content and innovations, focusing on ownership rights and the need for adaptable legal frameworks.
4. To shed light on the intricate interplay between law, ethics, and technology in shaping AI governance to promote responsible and ethical use of AI technologies.

### Hypothesis

1. *Granting legal personhood to AI technologies would lead to an improvement in the legal and ethical conduct of AI development and usage.*

Legal personhood is the recognition of an entity, like AI, as having rights and responsibilities similar to humans. The "bundle of rights" accompanies the status, including property ownership, contract participation, and legal protections. Granting AI personhood involves complex ethical and practical considerations, touching on issues of accountability and the nature of consciousness. As AI evolves, granting legal personhood would decide how AI is legislated.

Null Hypothesis (H0): There is no benefit in granting legal personhood to artificial intelligence (AI) entities.

Alternative Hypothesis (H1): Granting legal personhood to artificial intelligence (AI) entities leads to improved accountability, transparency, and ethical conduct in AI development and deployment.

2. *Ownership of data is influenced by the involvement of AI technology leaving various stakeholders with competing interests in the intellectual property based on their roles in the data generation process.*

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<sup>21</sup> Floridi, L. (2019). Translating Principles into Practices of Digital Ethics: Five Risks of Being Unethical. *Philosophy & Technology*, 32(2), 185-193.

The ownership of data generated by AI is an issue since multiple stakeholders are involved in the data generation process, leading to competing interests in intellectual property rights. This includes developers, users, and the AI system itself, leading to a required careful consideration of legal and ethical frameworks to address ownership disputes and for the equitable distribution of rights.

Null Hypothesis (H0): The ownership of data generated by AI is not influenced by the involvement of AI technology.

Alternative Hypothesis (H1): The ownership of data generated by AI is influenced by the involvement of AI technology, with various stakeholders having competing claims based on their roles in the data generation process.

## **Research Methodology:**

### *Type of study*

This research study is conducted via a survey using a single blind method to understand and analyse the public opinion on the research topic. Beyond the meta analysis and collected data is used to investigate the opinion utilising statistical models beyond a systematic review.

### *Study Design*

#### a) Survey:

A survey comprising 21 questions was employed to study the opinions of the participants. The 39 participants were selected randomly via the distribution of the survey on social media.

#### b) Participants

1. All participants were above age 16.
2. All participants have completed 12th or higher.
3. Consent of all participants for participation is required.

#### c) *Sampling design*

For probability methods, the cluster sampling method was used, encompassing participants residing in urban areas. Snowball sampling was utilised for non-probability sampling.

#### d) *Limitations*

The study was conducted on 39 participants and the participants were selected blindly using social media and the participants are from urban areas only. This could lead to the sampling bias as well as self-selection bias as only the volunteers are participants. The small sample size leads to a limited demographic representation resulting in reduced statistical power and lack generalizability.

## **Data Collection:**

A survey was conducted in India to explore public perceptions of AI's legal implications, involving 39 respondents aged 16 and above with at least a 12th-grade education. Distributed through social media, the survey comprised 21 questions and required explicit consent. Two sampling methods were used: cluster sampling targeting urban areas for probability-based selection and snowball sampling for non-probability-based selection. However, limitations such as sampling and self-selection biases were acknowledged, stemming from voluntary participation and demographic constraints.

**Data Analysis:**

The collected data will be thoroughly analysed to address outlined research objectives and hypotheses, utilising statistical techniques such as descriptive statistics, inferential analysis, and regression modelling to extract insights. Survey responses will be scrutinised to discern trends on attitudes towards AI legal personhood, content ownership, and liability concerns, while qualitative data will undergo thematic analysis for recurring themes. Findings will be interpreted within research objectives, considering both quantitative trends and qualitative nuances, alongside existing literature and ethical considerations, aiming to deepen understanding of AI governance complexities. Ultimately, the analysis aims to illuminate the intricate dynamics shaping AI's legal landscape in India and contribute to responsible and ethical AI development and usage discussions.

The data analysis process involved a multifaceted approach utilising both non-parametric tests, specifically the chi-square test, and descriptive data analysis techniques. The chi-square test was employed to examine associations between categorical variables within the dataset, offering insights into relationships such as perceptions of AI legal personhood and ownership of AI-generated content. Descriptive statistics, including measures of central tendency and dispersion, summarised key features of the data, while graphical representations aided in visually depicting response distributions and identifying patterns or trends. Integrating both chi-square tests and descriptive data analysis achieved a comprehensive understanding of the dataset, elucidating associations between variables and providing insights into characteristics and distributions, contributing to a nuanced exploration of public attitudes towards AI legality and regulation.

*Hypothesis 1:*

Null Hypothesis (H<sub>0</sub>): There is no benefit in granting legal personhood to artificial intelligence (AI) entities.  
Alternative Hypothesis (H<sub>1</sub>): Granting legal personhood to artificial intelligence (AI) entities leads to improved accountability, transparency, and ethical conduct in AI development and deployment.

$$H_0: \mu_0 = \mu_8$$

$$H_a: \mu_0 < \mu_8$$

$$\chi^2 = 8.190999066$$

$$\chi^2_{(0.05, 4)} = 9.488$$

$$\text{Degree of freedom} = 4$$

Therefore,

$$\text{Since: } \chi^2_{\text{statistic}} < \chi^2_{(0.05, 4)}$$

We reject the null hypothesis. Hence, the results from the chi-square test suggest that there is benefit in granting legal personhood to artificial intelligence (AI) entities.

*Hypothesis 2:*

Null Hypothesis (H<sub>0</sub>): The ownership of data generated by AI is not influenced by the involvement of AI technology.

Alternative Hypothesis (H<sub>1</sub>): The ownership of data generated by AI is influenced by the involvement of AI technology, with various stakeholders having competing claims based on their roles in the data generation process.

$H_0: \mu_0 = \mu_8$

$H_a: \mu_0 < \mu_8$

$\chi^2 = 10.84932771$

$\chi^2_{(0.05, 4)} = 9.488$

Degree of freedom = 4

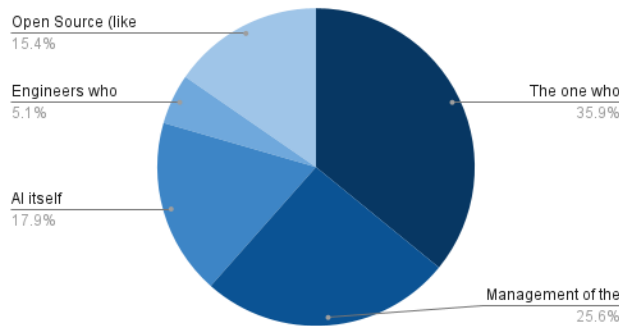
Therefore,

Since:  $\chi^2_{\text{statistic}} > \chi^2_{(0.05, 4)}$

We successfully reject the null hypothesis as there are no competing claims and that ownership should be with the user / company. Hence, the results from the chi-square test suggests that the ownership of data generated by AI is not influenced by the involvement of AI technology, with various stakeholders having competing claims based on their roles in the data generation process.

**Results:**

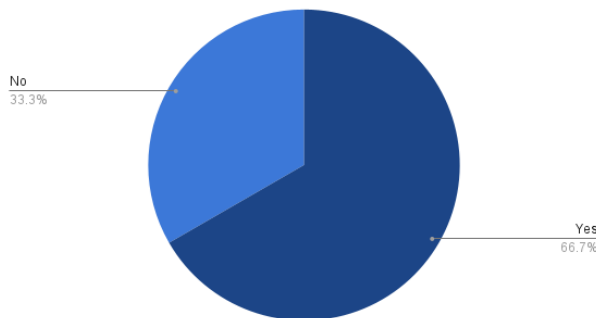
If yes, who gets ownership the intellectual property



If yes, who gets ownership the intellectual property

- Open Source - 15.4%
- Engineers - 5.1%
- The user - 35.9%
- AI itself - 17.9%
- Management - 25.6%

Do you think AI infringes the IPR of who create works?

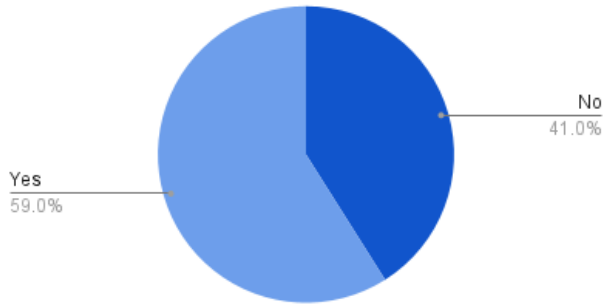


Do you think AI infringes the IPR of who creates works?

- No - 33.3%
- Yes 66.7%



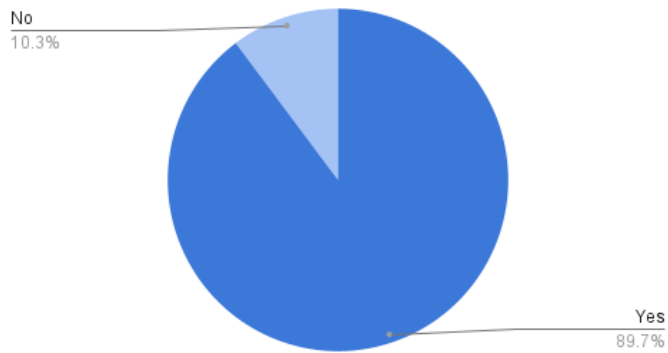
Do you think AI is biased?



Do you think AI is biased?

Yes 59.0%  
No - 41.0%

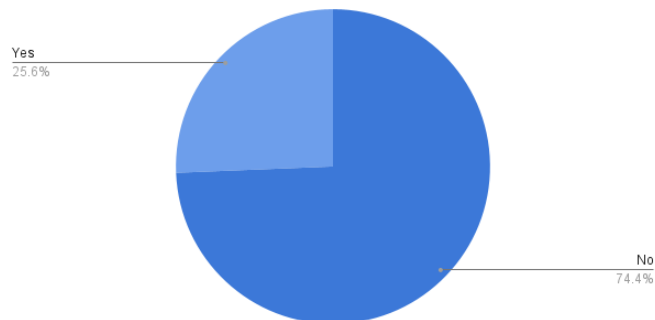
Do you think there are legal gaps in the regulation of



Count of Do you think there are legal gaps in the

No 10.3%  
Yes 89.7%

If AI is given legal personhood, it would get a bundle of rights. Do you think AI should be granted legal person?

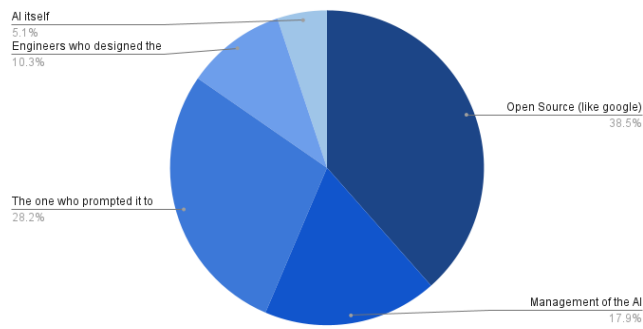


If AI is given legal personhood, it would get a bundle of rights. Do you think AI should be granted legal person?

Yes 25.6%  
No

74.4%

If an AI software generates content, who according to you, have the ownership of the content?



If an AI software generates content, who according to you, has the ownership of the content?

AI itself 5.1%

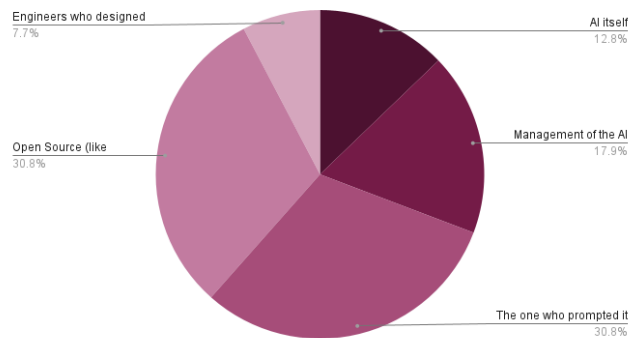
Engineers who designed the AI -10.3%

The one who prompted it to -28.2%

Open Source (like google) - 38.5%

Management of the AI - 17.9%

If no, Who would own AI generated content?



If no, Who would own AI generated content?

Engineers who designed -7.7%

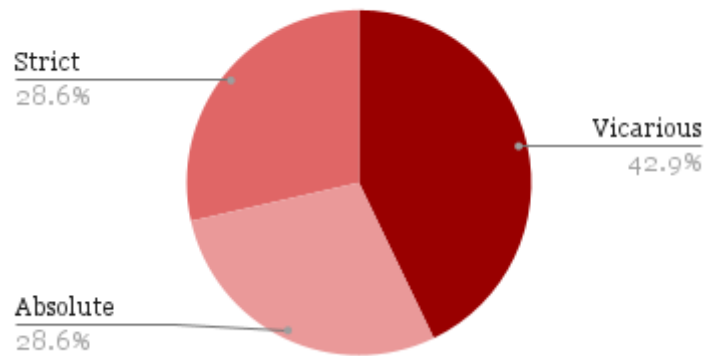
Open Source (like -30.8%

AI itself - 12.8%

Management of the AI -17.9%

The one who prompted it - 30.8%

## To what extent is AI liable?



### To what extent is AI liable?

Strict 28.6%

Absolute -28.6%

Vicarious - 42.9%

### Position of Artificial Intelligence in the Legal System:

- 89.7% of respondents believe there are legal gaps in regulating AI.
- 66.7% of respondents think AI could infringe on the works of creators.

### Legal Personhood for AI:

- 25.6% of respondents support granting legal personhood to AI entities.
- 74.4% of respondents oppose granting legal personhood to AI entities.

### Ownership of Data Generated by AI:

- Ownership of AI-generated content is perceived as follows:
  - Open Source: 15.4%
  - Engineers: 5.1%
  - The user: 35.9%
  - AI itself: 17.9%
  - Management: 25.6%

### Ethical Considerations and Liability of AI:

- 59.0% of respondents express concerns about AI bias.
- Regarding the liability of AI:
  - Strict: 28.6%
  - Absolute: 28.6%
  - Vicarious: 42.9%

The survey results shed light on various aspects of Artificial Intelligence (AI) and its legal implications. In terms of ownership of intellectual property (IP), opinions vary significantly. A notable portion, 35.9%, believe that the user should have ownership, while 17.9% argue for AI itself, and 25.6% for management. Only 5.1% advocate for engineers to possess IP rights, and a mere 15.4% support open-source ownership. Concerning potential infringement, a substantial majority, 66.7%, perceive AI as likely to infringe on the works of creators, while a minority, 33.3%, hold an opposing view. Bias in AI algorithms is a prevalent concern, with 59.0% of respondents expressing apprehension. Furthermore, an overwhelming 89.7% identify legal gaps in regulating AI. Delving into the notion of granting legal personhood to AI, opinions are divided, with 25.6% in favour and 74.4% opposed. Regarding the ownership of AI-generated content, respondents lean towards the entity that prompted its creation, with 28.2% in agreement, while 38.5% attribute ownership to open-source platforms. In terms of liability, 42.9% view AI's liability as vicarious, while 28.6% each support strict and absolute liability. These findings underscore the complexity and evolving nature of AI's integration into legal frameworks, emphasising the need for comprehensive regulations to address emerging challenges effectively.

**Discussion:****Position of Artificial Intelligence in the Legal System:**

The majority of respondents acknowledge the presence of legal gaps in regulating AI, indicating a widespread recognition of the need for updated legal frameworks to address emerging challenges. Concerns about AI potentially infringing on the intellectual property rights of creators further highlight the importance of establishing robust legal mechanisms to protect the rights of content creators and ensure accountability in AI development and deployment.

**Legal Personhood for AI:**

While a minority of respondents support granting legal personhood to AI entities, the majority oppose this notion. This suggests a cautious approach towards conferring legal rights and responsibilities to AI, with concerns revolving around accountability, transparency, and ethical implications. The lack of consensus among respondents underscores the complexity of the issue and emphasizes the need for further exploration and dialogue among stakeholders.

**Ownership of Data Generated by AI:**

The varying perceptions regarding the ownership of AI-generated content highlight the ambiguity surrounding this issue. With multiple stakeholders having competing claims based on their roles in the data generation process, there is a clear need for adaptable legal frameworks to address ownership disputes and ensure equitable distribution of rights. The absence of a clear majority in ownership preferences underscores the complexity of this issue and emphasizes the importance of developing comprehensive legal guidelines to navigate the evolving landscape of AI-generated content.

**Ethical Considerations and Liability of AI:**

The concerns raised by respondents regarding AI bias reflect a growing awareness of the ethical implications of AI technologies, particularly concerning issues of fairness and accountability. Additionally, the diverse opinions on the liability of AI underscore the complexity of attributing responsibility in cases involving AI and highlight the need for clear legal standards to address liability concerns and ensure accountability in AI development and deployment. Overall, the survey results provide valuable insights into public perceptions of AI's legal implications and underscore the need for continued dialogue and collaboration among stakeholders to develop responsible and ethical AI governance frameworks.

**Limitations:**

This study provides insights into the legal and ethical aspects of Artificial Intelligence (AI) governance, but it has certain limitations. The sample size of 39 respondents, recruited mainly through social media, may not fully represent diverse perspectives. Additionally, the demographic focus on urban, educated individuals above the age of 16 could limit the generalizability of findings. The use of a survey instrument, while comprehensive, might not capture all nuances of AI governance. Moreover, the study did not directly address technological constraints related to AI compliance with legal requirements. Temporal considerations suggest that the findings may not reflect recent developments in AI governance. Furthermore, it's worth noting that respondents' understanding of governance may vary, potentially affecting the quality of their responses. Despite these limitations, this study underscores the need for ongoing research and collaboration to comprehensively address AI's legal and ethical challenges.

**Future Directions:**

The survey findings offer crucial insights into public perspectives on the legal implications of Artificial Intelligence (AI), stressing the imperative for targeted research and action. Urgently needed are updated legal frameworks to address regulatory gaps in AI governance, requiring interdisciplinary collaboration among policymakers, legal experts, ethicists, and technologists. Ethical considerations must also be paramount, with efforts focused on exploring ethical frameworks for AI development and deployment, necessitating stakeholder engagement and public discourse. Resolving ambiguity surrounding AI-generated content ownership calls for further research and collaborative efforts between legal scholars, technology experts, and industry stakeholders. Addressing practical challenges in implementing AI governance frameworks demands focused research on legal and technical mechanisms, while public awareness and international collaboration are key components in effectively tackling legal and ethical challenges. In conclusion, overcoming the legal and ethical hurdles of AI requires interdisciplinary cooperation, stakeholder engagement, and innovative governance strategies, ultimately paving the way for responsible AI use and risk mitigation.

**Conclusion:**

The exploration of Artificial Intelligence (AI) and its intersection with legal and ethical considerations has illuminated the complexities inherent in governing this rapidly advancing technology. Through an analysis of public perceptions, legal frameworks, and ethical norms, this paper has delved into the nuanced dynamics shaping AI governance.

The survey results have provided valuable insights into public attitudes towards AI legality and regulation. The majority of respondents recognize the existence of legal gaps in regulating AI and express concerns about potential infringements on intellectual property rights. Furthermore, the division of opinion regarding the grant of legal personhood to AI entities underscores the need for careful consideration of the ethical and practical implications of such a designation.

The ambiguity surrounding the ownership of AI-generated content highlights the challenges in developing clear legal guidelines to address emerging issues in the digital landscape. Moreover, concerns about AI bias and liability underscore the importance of ethical considerations in AI development and deployment.

In response to these challenges, the proposed framework for AI legal personhood and guardianship offers a comprehensive approach to ensuring accountability, transparency, and ethical conduct in AI governance. By treating AI as minors under guardianship and assigning responsibility to developer companies, this framework seeks to address the legal and ethical challenges posed by AI technologies.

Moving forward, it is imperative for stakeholders to engage in interdisciplinary dialogue and collaboration to develop and implement robust frameworks for AI governance. By prioritising research, policy development, and public awareness initiatives, we can promote the responsible and ethical use of AI technologies while safeguarding against potential risks and harms.

The journey towards effective AI governance is ongoing and requires the collective effort of policymakers, legal experts, technologists, and the public. By fostering collaboration and innovation, we can harness the transformative potential of AI while upholding fundamental principles of fairness, accountability, and transparency in the digital age.

**References:**

- Legal cases:

1. Association for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576 (2013)
2. Alice Corp. v. CLS Bank International, 573 U.S. 208 (2014)
3. Google LLC v. Oracle America, Inc., 593 U.S. \_\_\_\_ (2021)
4. Capitol Records, LLC v. ReDigi Inc., 910 F. Supp. 2d 340 (S.D.N.Y. 2012)
5. State of Uttar Pradesh v. Singhara Singh, AIR 1964 SC 358 (India)
6. Sri Venkataramana Devaru v. State of Mysore, AIR 1958 SC 255 (India)

The Case for AI Legal Personhood:

- Academic papers:

1. Bryson, J., Diamantis, M. E., & Grant, T. D. (2017). Of, for, and by the people: the legal lacuna of synthetic persons. *Artificial Intelligence and Law*, 25(3), 273-291.
2. Stuart, M. (2018). Could artificial intelligence create an unemployment crisis?. *Journal of Cyber Policy*, 3(3), 362-370.
3. Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, 1(9), 389-399.
4. Floridi, L. (2019). Translating Principles into Practices of Digital Ethics: Five Risks of Being Unethical. *Philosophy & Technology*, 32(2), 185-193.
5. Wachter, S., Mittelstadt, B., & Floridi, L. (2017). Why a right to explanation of automated decision-making does not exist in the general data protection regulation. *International Data Privacy Law*, 7(2), 76-99.

- Legal cases:

1. Google LLC v. Oracle America, Inc., 593 U.S. \_\_\_\_ (2021)
2. Capitol Records, LLC v. ReDigi Inc., 910 F. Supp. 2d 340 (S.D.N.Y. 2012)
3. Troxel v. Granville, 530 U.S. 57 (2000)
4. Washington v. Glucksberg, 521 U.S. 702 (1997)
5. Griswold v. Connecticut, 381 U.S. 479 (1965)

Treating AI as a Minor: Dependency and Legal Capacity: - Academic papers:

1. Parsons v. Minor, 21 Vt. 338 (1849)
2. Mohori Bibee v. Dharmodas Ghose, ILR 30 Cal 539 (1903)
3. Dignum, V., Dignum, F., & Gordijn, B. (2017). Responsible autonomy. *Science and Engineering Ethics*, 23(1), 35-61.
4. Jobin, A., Ienca, M., & Vayena, E. (2019). The global landscape of AI ethics guidelines. *Nature Machine Intelligence*, 1(9), 389-399.
5. Floridi, L. (2019). Translating Principles into Practices of Digital Ethics: Five Risks of Being Unethical. *Philosophy & Technology*, 32(2), 185-193.

- Legal cases:

1. Washington v. Glucksberg, 521 U.S. 702 (1997)
2. Griswold v. Connecticut, 381 U.S. 479 (1965)
3. State Street Bank & Trust Co. v. Signature Financial Group, Inc., 149 F.3d 1368 (Fed. Cir. 1998)
4. Funk Brothers Seed Co. v. Kalo Inoculant Co., 333 U.S. 127 (1948)

## Survey:

Link to survey: <https://forms.gle/wp45awwuSbza9Bc36>

### Legal Perspectives for AI

Hello!

We're Shagun Soni and Ravijaa Mehta, students at SVKM's Chauhan Institute of Science, Mithibai and SVKM's Jitendra Chauhan College of Law doing a paper on public opinion on legal perspectives for AI. This study seeks to conduct a comprehensive examination of attitudes and perceptions towards the legal framework surrounding AI, its use and ownership in India. By employing a mixed-methods approach, including quantitative surveys and qualitative analysis, this research endeavours to elucidate the nuanced perspectives of individuals concerning this legally and ethically complex issue. Thank you for considering participation in this study.

All data will remain confidential and will be used for academic purposes only.

### Section 1:

#### Consent:

By proceeding with this survey, you are voluntarily agreeing to participate in this research study. Your participation is entirely voluntary, and you may choose not to answer any question or discontinue the survey at any time without penalty. Your responses will be kept confidential and anonymised to the fullest extent possible. The data collected will be used for research purposes only and will be reported in aggregate form. By clicking "Submit" at the end of the survey, you acknowledge that you have read and understood the information provided in this consent disclaimer. If you have any questions or concerns about the study, you may contact the researchers:

Ravijaa Mehta - ravijaamehta@gmail.com

Shagun Soni - soni.shagun17@gmail.com

Thank you for your participation.

- I acknowledge that I have read and understood the information provided in the consent disclaimer. By clicking 'Submit,' I voluntarily agree to participate in this research study.

### Section 2:

#### Demographics

This section collects information about your demographic characteristics, which will help us analyse the diverse perspectives on legal perspectives for AI across different segments of the Indian population. Please provide accurate responses to the following questions regarding your age, gender, education, occupation, and geographic location. Your demographic data will remain confidential and will be used solely for research purposes.

Age:

- 15-19
- 20-24
- 25-29
- 30-34
- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60+

Gender:

- Female
- Male
- Non-binary
- Prefer not to say

Highest level of education:

- 10th
- 12th (High School Diploma)
- Diploma
- Undergraduate
- Post graduate
- PhD / Doctorate

Occupation:

- Student
- Professional
- Psychologist
- Healthcare worker
- Business / Self - employed
- Homemaker
- Retired

Place of residence:

Have you previously used any generative AI software? (yes/no)

Which of these following generative AI softwares are you aware of? (You can select more than one)

- ChatGPT
- Bard AI / Gemini AI
- Bing
- Siri / Alexa
- Quill Bot
- Dall-E



- Adobe AI

### Section 3:

#### Attitudinal Questions

In this section, we aim to understand your attitudes and opinions regarding the legal regulations with reference to Artificial Intelligence. Your responses will help us gain insights into the diverse perspectives within the Indian community regarding this complex and sensitive topic. Please answer the following questions honestly and to the best of your ability. Your input is invaluable in contributing to a better understanding of attitudes towards legal framework regarding AI in India.

If an AI software generates content, who according to you, have the ownership of the content?

- The one who prompted it to generate such content (user)
- Engineers who designed the algorithm of the Ai
- Management of the AI company
- AI itself
- Open Source (like google)

If AI is given legal personhood, it would get a bundle of rights. Do you think AI should be granted legal person? (yes/no)

Description: Legal personhood is the recognition of an entity, like AI, as having rights and responsibilities akin to humans. The "bundle of rights" accompanies this status, including property ownership, contract participation, and legal protections. Granting AI personhood involves complex ethical and practical considerations, touching on issues of accountability and the nature of consciousness. As AI evolves, debates persist on how to ensure its development aligns with human values and societal goals.

Why do you think AI should or should not be given legal personhood?

If not, Who would own AI generated content?

- The one who prompted it to generate such content (user)
- Engineers who designed the algorithm of the Ai
- Management of the AI company
- AI itself
- Open Source (like google)

If yes, who gets ownership of the intellectual property rights?

- The one who prompted it to generate such content (user)
- Engineers who designed the algorithm of the Ai
- Management of the AI company
- AI itself
- Open Source (like google)

To what extent is AI liable?

Description: Vicarious strict liability and absolute liability are legal concepts that hold someone responsible for the actions of another, regardless of fault. Vicarious strict liability typically applies in situations where a party is held accountable for the actions of another based on their relationship, such as an employer being held liable for the actions of their employees. Absolute liability, on the other hand, holds a party liable for harm or damage caused by their actions, regardless of intent or negligence. It's a stricter standard where even if all precautions were taken, the party can still be held responsible.

- Vicarious Liability
- Strict Liability
- Absolute Liability

Do you think AI infringes the IPR of who create works? (yes/no)

Description: When you put a prompt on an AI, it scrapes the works of copyrighted material to give you a response. Do you think this is a violation and leads to copyright/patent infringement?

Do you think AI is biased? (yes/no)

Do you think there are legal gaps in the regulation of AI? (yes/no)

Section 4:

Open Ended Questions

In this section, we invite you to share your personal insights, experiences, or additional comments related to the AI, law and society. Your responses to these open-ended questions will provide valuable qualitative data that complements the quantitative findings from the rest of the survey. Feel free to express your thoughts, opinions, or any other relevant information you believe is important for our study. Your input is greatly appreciated and will contribute to a richer understanding of this complex and sensitive topic.

Based on the questions in the survey, has your perception on the use of AI changed? (yes/no)

What made you change your mind?

What do you think should be included when making laws for the regulation of AI?

Would having regulations in place for AI make you feel comfortable in using AI? (yes/no)