

Artificial Intelligence and Intellectual Property: The Good, The Bad and The Ugly

by

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Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches equity and trusts, property law, and art, antiquities, cultural heritage and the law. Steven has presented continuing professional development courses for solicitors in Hong Kong on many topics associated with property law and equity. Steven's research interests include equity and the law of trusts, Chinese custom and law, cultural heritage law, and law and technology. In 2023 Steven published the first treatise dealing formally and systematically with all the major aspects of and entitled, Digital Technology and Law.

This three-hour seminar will consider the intellectual property rights that may arise with the use of artificial intelligence and the effect artificial intelligence may have on intellectual property rights.

Artificial intelligence has been around for some years, and many human authors have experimented with it to assist in the creation of their work. Until recently, this assistance had not caused many issues in intellectual property rights. However, with the boom in the popularity of generative artificial intelligence, and the ability to generate new works with very little human input, current intellectual property regimes have faced challenges.

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The seminar will begin by considering how artificial intelligence works and in particular how generative artificial intelligence (GenAI) works. The seminar will then briefly consider intellectual property as it applies in Hong Kong. The seminar will then focus on court decisions from around the world which have considered attempts to identify machines as authors for copyright and inventors for patent registration purposes (including the controversial views of Birss L.J. in the UK Court of Appeal in *Stephen Thaler v. Comptroller General of Patents, Trademarks and Designs* [2021] EWCA Civ 1374. Alongside this consideration, is the right of humans who have used generative artificial intelligence to generate works and inventions with little human assistance to economically exploit these generations (including Zarya of the Dawn and the UK Supreme Court's decision in *Thaler v Comptroller-General of Patents, Trade Marks and Designs* [2023] UKSC). The seminar will then consider the issue of the infringement of author's rights, including copyright and moral rights by artificial intelligence and/or those developing, providing or using artificial intelligence to generate works based upon works created by human authors. The seminar will conclude considering whether artificial intelligence should have legal personality and perhaps recognised author and/or inventor rights, and the future for artificial intelligence and intellectual property.

Some of the topics which will be covered in this course include:

- What is artificial intelligence?
- What is generative artificial intelligence?
- What is intellectual property in Hong Kong?
- May artificial intelligence be an author for copyright purposes?
- May artificial intelligence be an inventor for patent purposes?
- Do human authors have rights which may be protected against exploitation by those who develop, provide or use artificial intelligence?
- Should artificial intelligence have legal personality?
- Should artificial intelligence be recognised as author and/or inventor and have consequent rights?
- The future for artificial intelligence and intellectual property.

Scan to Calendar



Code:	EVT000000460	Level:	Intermediate
Date:	17 April 2025 (Thursday)	Language:	English
Time:	09:30 - 12:45 (Reception starts at 09:00)	Accreditation(s):	LSHK 3.0 CPD Points
Venue:	<i>Option of:</i> (1) Online via Zoom; <i>or</i> (2) Kornerstone Institute 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	Please Contact Us for Details



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