



THE IMPACT OF ARTIFICIAL INTELLIGENCE ON THE INTELLECTUAL PROPERTY LEGAL REGIME IN SRI LANKA

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This Article examines the changing relationship between artificial intelligence (AI) and intellectual property (IP) law, specifically examining legal, ethical, and regulatory difficulties related to authorship, ownership, and the patentability of works created by AI. With the rise of AI systems generating original pieces of work such as literature, music, visual art, and software, traditional intellectual property structures assuming human authorship and creative intention face significant challenges. This study explores how the current intellectual property regulations in Sri Lanka are responding to or falling short in addressing these new challenges. Using a doctrinal and comparative legal research methodology, the study examines the legal provisions established in Sri Lanka's Intellectual Property Act No. 36 of 2003, pertinent international case law, and comparative structures from several jurisdictions. It further assesses international treaties, scholarly critiques, and developing policy proposals. The research findings reveal that Sri Lanka's IP regime is currently ill-equipped to manage the complexities introduced by AI-generated content. The lack of legal acknowledgment for non-human authors means that works produced by AI fall outside copyright protection. Additionally, while Sri Lankan legislation does not ban software patents, it lacks clear guidelines on aspects such as the inventive step and ownership concerning inventions generated by AI. Furthermore, matters related to trade secret protection, reverse engineering, and fair use in the digital landscape are also not sufficiently addressed. Further, there is a critical need for extensive legal reform to keep pace with the AI era. Recommendations include explicitly recognizing the patentability of AI-driven innovations, modernizing copyright laws to accommodate AI-generated works with minimal human input, and expanding trade secret protections. Strengthening enforcement mechanisms against counterfeiting and enhancing judicial and regulatory understanding of AI technologies are also emphasized. By identifying legal gaps and proposing a future-oriented IP framework, this study contributes to the global discourse on balancing IP protection with technological advancement. It underscores the urgent need for Sri Lanka and similar jurisdictions to build responsive, innovation-friendly legal systems that address the unique challenges posed by AI while safeguarding the rights of human creators and society at large.

Keywords: artificial intelligence, copyright, intellectual property, patent, trademarks

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