Artificial Intelligence and the Public Domain: Global IP Frontiers in AI-Generated Advertising

4 Key Takeaways for Brands and Their Legal Advisors

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#1

Keeping the Human Touch in AI-Assisted Work

Human creativity remains essential when using AI to best protect creative assets. Ensure meaningful human authorship, clearly disclose AI involvement in copyright applications and document how human selection, arrangement and editing contributed to the final work.

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#2

Expand Your Clearance Processes in the AI Era

AI-generated content creates new considerations for brand protection. Review content for trademark, trade dress, and publicity-right conflicts before publication, monitor AI-generated advertising for potential infringement, and establish internal policies that address AI/IP compliance across the organization.

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#3

Protect Your Brand from the Start

AI-generated brand assets still require careful trademark review. Conduct comprehensive searches before adoption, monitor AI-generated content for potential conflicts, and establish clear internal policies to support trademark compliance and brand protection.

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#4

Know the Risks Behind the AI

Take a closer look at the tools behind AI-generated content. Consider the materials used to train the model, understand jurisdictional limits on fair use, evaluate contractual indemnification, and use filters that address potential IP and publicity-right concerns.

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