Digital Policy Alert

How Governments Address Intellectual Property and AI

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In July 2026, a US federal court approved a USD 1.5 billion settlement between Anthropic and authors whose work it had downloaded from piracy websites (Library Genesis and Pirate Library Mirror). The settlement, the largest recorded copyright settlement to date, covered close to 500,000 works, at about USD 3,000 per work.

How intellectual property rights evolve is essential for the business model of AI firms, the creative sector, and AI users. Courts and legislators in many jurisdictions are discussing whether existing intellectual property frameworks are adequate, or whether new rules are needed to address the distinctive features of AI training and AI-driven creation of works. This includes concerns regarding the training of AI models using copyrighted material, the appropriate compensation of creators of AI training material, and ownership rights over AI outputs and prompts.

Domestic Regulation

Intellectual property is not yet a common concern in AI regulation: The DPA has documented 95 domestic policy and enforcement developments on intellectual property and AI since January 2020. The DPA's systematic taxonomy reveals the following trends in AI intellectual property regulation:

- The US is the most active jurisdiction, with 21 federal and 3 state-level developments, followed by the EU (12), the UK (11), and Japan and the Republic of Korea (5 each).
- The current status of developments is spread: 33 developments are in force or adopted, 47 are currently under deliberation and 15 are concluded, rejected, revoked or under investigation.
- Intellectual property is the only concern where enforcement is the most frequent legal form: 41 enforcement cases and inquiries, compared to 29 binding laws, 15 non-binding guidelines and 10 binding orders.

For example, in October 2026, Italy's legislative decree implementing the EU AI Act entered into force, including trade secret protection for data, algorithms, and mathematical methods used to train AI. Further, a bill creating a rebuttable presumption that AI systems have used cultural works protected by copyright was introduced to the Belgian parliament. Beyond legislation, Japan adopted its principle code on intellectual property protection in generative AI in August 2026, which asks generative AI businesses to publish training data sources and to disclose whether certain works were used to rights holders on request. Courts are also moving: on the same day in November 2026, a São Paulo court barred Meta from scraping Brazilian press associations' members' content to train its AI and the Court of Justice of the EU's Advocate General issued an opinion that chatbots reusing press articles in real time may infringe publishers' rights.

Our text-level analysis of 84 rulebooks across 19 jurisdictions reveals that governments address intellectual property using provisions on copyright at the domestic level (10 provisions). These provisions are found in enacted AI rulebooks in China, El Salvador, the EU, Japan, and the US state Arkansas, as well as legislative proposals in Brazil and Mexico.

International Coordination

Our text-level analysis of nine international AI frameworks shows that eight cover intellectual property across 12 provisions, all except the Council of Europe Framework Convention.

International frameworks address different regulatory requirements regarding intellectual property. Five frameworks, the G7 Code of Conduct, the UNESCO Recommendation, the ASEAN Expanded Guide, the Joint Declaration, and the UN General Assembly resolution, refer to copyright, covering the use of copyright-protected content in AI training and the ownership of AI-generated works. Only a single framework, the Joint Declaration, refers to remunerating rights-holders whose content is used for training. None of the frameworks address patents.

Provisions in international frameworks rarely focus on intellectual property or address it in actionable language. Of the 12 provisions, a single provision in the UN General Assembly resolution focuses on intellectual property as the core concern, while 11 only touch upon it tangentially. Only two provisions provide actionable language (in the ASEAN Expanded Guide and the Joint Declaration), and ten address intellectual property in non-actionable language.

Alignment Between Domestic and International Action

On intellectual property, domestic regulations and international frameworks both focus on copyright. It is the only requirement domestic rulebooks use and the most frequent international reference, appearing in five frameworks. One requirement exists only at the international level: the Joint Declaration calls for compensating rights-holders whose content is used for AI training. Patents appear at neither level. Finally, the international language behind this overlap is rarely concrete. Only two provisions are actionable, and only one is mainly about intellectual property.

To understand how governments tackle intellectual property and AI in depth, readers can explore our AI Governance Hub's intellectual property page. It shows the relevant DPA entries and the full-text provisions of domestic AI regulations and international AI frameworks, structured using our taxonomy. The page draws data from the DPA's Activity Tracker, which provides daily updates on digital policy and provides tailored notifications, as well as our full-text analysis tool Clairk.

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