

A Study on the Protection of Designs Created Using Generative AI Under Design Law

Generative AI can continuously generate almost all types of data, including text, images and videos, instantly and in large volumes. The emergence of generative AI is expected to streamline many tasks and change the nature of design creation. On the other hand, the rapid development of generative AI technology has raised numerous intellectual property-related issues.

Discussions have already begun at the relevant ministries and agencies, including the “Study Group on Intellectual Property Rights in the Age of AI.” held by the Intellectual Property Strategy Promotion Bureau of the Cabinet Office. This study group summarized the issues in examination practice at the Japan Patent Office (JPO), and the issues that arise in the process of using AI.

Considering these circumstances, this study aims to provide foundational research for examining the protection of designs created using generative AI under design law, as the use of generative AI in corporate design development is expected to increase further. Specifically, the study investigates and analyzes (1) domestic awareness regarding AI-assisted design creation, (2) insights from international experts on intellectual property protection for AI-generated designs, and (3) domestic trends in the provision of generative AI technology for design creation.