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Review Article

AI-Generated Industrial Designs: Assessment of Fundamental Issues to IP Rights and Pathways to Legal Reforms in Sri Lanka

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ABSTRACT: ***The rapid integration of Artificial Intelligence into industrial design has significantly transformed traditional design paradigms by enhancing creativity, accelerating production timelines, and improving the accuracy and functionality of design outputs. AI systems, capable of autonomously generating novel designs or assisting human designers through data driven insights, challenge conventional notions of authorship and creativity that underpin Intellectual Property law. This transformative shift presents complex legal and regulatory implications, particularly for jurisdictions such as Sri Lanka, where IP law has not yet evolved to adequately accommodate the nuances of AI generated outputs. This paper critically examines the intersection between AI and industrial design through the lens of Sri Lankan IP law, highlighting key legal challenges related to authorship, ownership, and liability. Key point of this discussion is the question of whether AI can be recognized as an inventor or creator under existing legal definitions, and if not, who holds the rights to AI generated designs. Furthermore, the study explores potential legal loopholes and ambiguities in current Sri Lankan legislation, assessing how these gaps may hinder innovation, create enforcement difficulties, or lead to disputes over rights and responsibilities. Drawing upon comparative legal analysis, this paper reviews how other jurisdictions including the European Union, United States, and selected Asian countries are responding to similar challenges. It identifies best practices and emerging legal doctrines that could inform Sri Lanka's approach to regulating AI in industrial design. In addition, this paper discusses the ethical and practical implications of granting IP rights to AI generated content, considering the balance between encouraging technological advancement and preserving the integrity of legal principles. Finally, this study proposes practical solutions and policy recommendations aimed at reforming Sri Lanka's IP legal framework to ensure it is future ready, innovation friendly, and aligned with international standards. Through this comprehensive analysis, the paper contributes to the broader discourse on AI and IP law, advocating for a proactive and adaptive legal infrastructure that supports both innovation and legal clarity in the age of artificial intelligence.***

KEYWORDS: ***Artificial Intelligence, Industrial Design, Intellectual Property, Ownership, Legal Framework, Patent Law, Copyright, Sri Lanka.***

INTRODUCTION

The advent of AI has fundamentally reshaped various sectors, with industrial design being one of the most significantly impacted. The integration of AI technology into the industrial design

process marks a shift from traditional, human centric models to more automated, intelligent systems capable of transforming ideas into tangible outcomes.[1] AI driven tools now support designers by offering enhanced efficiency, optimized product structures, improved functionality, and faster decision making. Through techniques such as machine learning, natural language processing, computer vision, and robotics, AI has empowered designers to address complex challenges, streamline workflows, and foster innovation in ways previously unimaginable.

In this evolving landscape, industrial design defined as the creation of a product's form, structure, or ornamentation for functional and aesthetic purposes has become increasingly reliant on AI systems. These systems are capable of generating intricate design elements, constructing 3D models, and even making iterative modifications based on user feedback and predictive data. Popular generative models like Mid journey, Stable Diffusion, and DALL·E have further accelerated this trend, allowing for the rapid creation of visual content with minimal human input. This synergy between AI and design has elevated both the creative process and the end user value by ensuring functionality, manufacturability, and overall performance[2].However, alongside these advancements, significant legal and ethical concerns have emerged particularly in the realm of IP rights. The use of AI in the creation of industrial designs has exposed critical loopholes in existing legal frameworks. Traditional IP laws, which are built around the notion of human authorship and creativity, are now being tested by the autonomous and semiautonomous nature of AI generated outputs. Issues such as authorship, ownership, originality, and liability have become central to legal debates,[3] especially in jurisdictions like Sri Lanka, where current laws have yet to fully accommodate the implications of AI in creative and industrial processes.

This research paper seeks to explore the fundamental legal issues arising from the intersection of AI and industrial design, with a specific focus on the Sri Lankan IP regime. It aims to analyze the challenges posed by AI generated industrial designs in terms of recognition, protection, and enforcement of IP rights. Furthermore, it draws comparisons with international practices to identify best approaches and proposes practical, context specific solutions that can guide Sri Lanka toward a more adaptive and future ready legal framework. By addressing these critical issues, the study aspires to contribute to the ongoing global discourse on the regulation of AI in creative industries and ensure that innovation is supported without compromising legal clarity and fairness.

LITERATURE REVIEW

The relationship between Artificial Intelligence AI and IP has become a growing area of academic and policy interest over the past decade. Scholars across legal, technological, and ethical domains have explored how AI challenges long established concepts of creativity, authorship, and ownership in IP law. Traditional legal systems, built upon the assumption of

[1] Samangi Wadinambiarachchi, Ryan M Kelly, Saumya Pareek, Qiushi Zhou & Eduardo Velloso, 'The Effects of Generative AI on Design Fixation and Divergent Thinking' (2024) arXiv pre-print https://arxiv.org/abs/2403.11164 accessed 08 October 2025

[2] Mustafa Günay, 'Artificial Intelligence and Originality in Design' (2024) 4 ART/icle: Journal of Art and Design 3 449–469 https://doi.org/10.56590/stdarticle.1548924 accessed 12 October 2025

[3] S T D Sandanayaka, V S Atapattu, C N A Bopage & R Pavithra, 'Legal aspects of Copyrights responding to Artificial Intelligence: A Comparative Analysis of EU and Sri Lanka' (6 November 2024) Sri Lanka Technology Campus Repository https://repo.sltc.ac.lk/items/7bfe39b2-09b0-4d87-b3fa-2f40e68ec882 accessed 14 October 2025

human creativity, now struggle to accommodate the emergence of autonomous or semiautonomous AI systems capable of generating original designs, inventions, and artistic works.

The increasing use of AI in industrial design has reshaped the creative process. Authors such as *Margoni* and *Gervais*[4] highlight how AI technologies particularly those employing machine learning and generative algorithms are transforming design from a purely human driven activity into a collaborative process between humans and machines. Tools such as generative design software and 3D modeling algorithms now assist designers in optimizing shapes, improving ergonomics, and enhancing aesthetics. While these developments boost innovation, they also blur the lines between human and non-human contribution. This raises fundamental questions about who the 'creator' is when an AI system autonomously produces a design that meets industrial standards. A key theme in the literature concerns the legal recognition of AI as an author or inventor. *Abbott* and *Samuelson*[5] note that most jurisdictions, including the European Union, the United States, and Asian countries like Japan and Singapore, restrict IP rights to natural persons. This principle is reflected in international instruments such as the Berne Convention[6] and the TRIPS Agreement,[7] both of which presuppose human creativity as the basis of protection. Scholars argue that extending authorship to AI systems would require redefining core legal terms such as 'author,' 'inventor,' and 'originality.' Others, such as *Yu*[8], propose an intermediate approach that recognizes AI-assisted works under human oversight, maintaining human accountability while still rewarding innovation.

Comparative studies offer valuable insight into how different jurisdictions are adapting to AI related IP challenges. In the European Union, the emphasis remains on human authorship, though the European Parliament has begun exploring frameworks for AI generated creations. The United States Patent and Trademark Office has repeatedly rejected AI inventorship claims, notably in the *DABUS*[9] case, reinforcing the requirement of human inventors. Conversely, countries like Singapore and South Korea[10] are experimenting with flexible policy guidelines to accommodate AI assisted innovation, reflecting a more pragmatic approach toward technological progress. These developments illustrate that while there is no global consensus, legal systems are gradually recognizing the need for reform. Within Sri Lanka, scholarly discussion on AI and IP remains limited. Existing legal provisions, primarily under the Intellectual Property Act No. 36 of 2003, define authorship and ownership[11] strictly in human terms. As *Weerasinghe, Karunaratne point* out, Sri Lanka's IP framework lacks clarity on how

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[4] Thomas Margoni, Martin Kretschmer & Pinar Oruç, *"Copyright Law and the Lifecycle of Machine Learning Models"* (2024) 55 IIC 110–138 (accessed 21 oct 2025)

[5] Abbott, Ryan (ed), *Research Handbook on Intellectual Property and Artificial Intelligence* (Edward Elgar Publishing 2022). templepublications.mu+2ryanabbott.com+2 Samuelson, Pamela, 'Allocating Ownership Rights in Computer-Generated Works' (1986) 47 University of Pittsburgh Law Review 1185 (accessed 21 oct 2025)

[6] Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, last amended 28 September 1979) 828 UNTS 221 (Berne Convention).

[7] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299 (TRIPS Agreement).

[8] Peter K. Yu, 'Artificial Intelligence, Autonomous Creation, and the Future Path of Copyright Law' (2025) 50 BYU L Rev 753. (accessed 21 oct 2025)

[9] *Thaler v Comptroller-General of Patents* [2021] EWHC 972 (Pat)

[10] William Siew, Arlindo Silva, Boyeun Lee, Karen Wee, Jeremy Mok, Joseph Lua & Bina Rai, 'Codesign and AI: AI-assisted clustering of perception patterns of seniors on ageing and technology in Singapore' (2025) 5 *Proceedings of the Design Society* 961.(accessed 24 oct 2025)

[11] Nurbay Irmak, 'Artifacts Without Authors: Generative Artificial Intelligence and the Question of Authorship' (2024) 7 Metaphysics Journal 1 https://doi.org/10.5334/met.160 accessed 18 October 2025

to treat AI generated outputs, particularly in areas like industrial design where creativity and technology intersect. This legal gap may discourage innovation and complicate IP enforcement in AI driven industries. Moreover, the absence of national guidelines on data governance, algorithmic accountability, and AI ethics further amplifies the uncertainty surrounding ownership and liability.

Beyond legal aspects, the ethical implications of granting IP rights to AI generated designs are increasingly discussed in contemporary literature. *Calo* and *Boden* [12] emphasize concerns about fairness, bias in AI training data, and the potential marginalization of human creators. Many scholars advocate for a balanced approach that protects human contribution while fostering technological advancement. This balance is crucial for countries like Sri Lanka, which aim to integrate digital innovation within a developing legal infrastructure. The literature reveals a global consensus that current IP systems are not yet equipped to handle the realities of AI driven creation. While developed jurisdictions are beginning to explore adaptive policies, countries such as Sri Lanka are still in the early stages of engaging with these debates. The reviewed works collectively highlight the need for legal reform, ethical safeguards, and institutional preparedness to ensure that IP protection evolves alongside technological progress.

METHODOLOGY

This study adopts a multifaceted qualitative research methodology to critically examine the intersection of AI and industrial design within the framework of Sri Lankan IP law. The primary method involves a doctrinal analysis of existing legal texts, statutes, case law, and regulatory provisions pertinent to IP law in Sri Lanka. This includes a detailed examination of legislation governing industrial design, patent law, copyright,[13] and related IP rights to identify gaps and ambiguities concerning AI generated outputs.

To contextualize Sri Lanka's legal position, the study conducts a comparative analysis of international legal frameworks and approaches towards AI and IP. The Jurisdictions to be comparison the European Union, the United States, and selected Asian countries with progressive or evolving AI related IP regulations.[14] This comparative review aims to identify best practices, emerging doctrines, and policy trends that may inform and guide Sri Lankan legal reform. A comprehensive review of academic literature, policy papers, legal commentaries, and industry reports is undertaken to understand the broader theoretical and practical implications of AI in industrial design and IP law. This includes exploring ethical considerations, debates on authorship and inventorship,[15] and the socio legal impact of AI generated creations.

[12] Boden M A, *The Creative Mind: Myths and Mechanisms* (2nd edn, Routledge 2003).Calo R, *Artificial Intelligence Policy: A Primer and Roadmap* (2017) 51 UCD Law Rev 399 (accessed 26 oct 2025)

[13] A Zen, I M M Mirza, M Razak & A Soebandi, 'Legal Protection of Copyright on Creative Industrial Work Made by Artificial Intelligence' (2025) 10 KnE Social Sciences 145–152 https://doi.org/10.18502/kss.v10i3.17908 accessed 18 Oct 2025

[14] S T D Sandanayaka, V S Atapattu, C N A Bopage & R Pavithra, 'Legal aspects of Copyrights responding to Artificial Intelligence: A Comparative Analysis of EU and Sri Lanka' (6 November 2024) Sri Lanka Technology Campus Repository https://repo.sltc.ac.lk/items/7bfe39b2-09b0-4d87-b3fa-2f40e68ec882 accessed 08 October 2025

[15] Beenish Moin, 'GENERATIVE AI IN GRAPHIC DESIGN: Creativity, Authorship, and Future Roles' (2025) 6(3) Journal of Media Horizons 1911–1931 https://jmhorizons.com/index.php/journal/article/view/511 accessed 28 Oct 2025

The study evaluates current policy documents, government reports, and regulatory guidelines relevant to technology innovation and IP governance in Sri Lanka.[16] This helps assess the preparedness of existing institutional frameworks to manage AI related IP challenges and identifies areas needing reform or capacity building. Where feasible, semi structured interviews or consultations with key stakeholders such as legal experts, policymakers, AI developers, industrial designers, and IP practitioners in Sri Lanka may be conducted. These qualitative insights aim to capture practical perspectives, real world challenges, and expectations concerning AI and IP law.

Findings from the doctrinal research, comparative analysis, literature review, and stakeholder input are synthesized to develop a coherent set of conclusions and practical recommendations. These proposals focus on legislative amendments, judicial interpretation, regulatory mechanisms, and ethical guidelines to modernize Sri Lanka's IP legal framework in response to AI advancements.

RESULTS AND DISCUSSION

When we discuss ownership and authorship challenges according to Article 5 of the Intellectual Property Act of Sri Lanka,[17] the author or creator of a work is recognized as a natural, physical person.[18] The Act presumes human authorship as the basis of ownership. However, this traditional framework becomes inadequate when applied to AI generated creations, since artificial intelligence lacks legal personhood and, therefore, cannot be identified as an 'author' or inventor. Under Article 32(1),[19] the right to protection for an industrial design belongs to its inventor, while Article 32(2)[20] extends this right to the inventor's successor in title.

Similarly, Article 47(1)[21] grants exclusive rights to the registered owner. Yet, in cases where AI systems generate industrial designs autonomously, identifying an inventor becomes problematic. The ambiguity lies in whether the legal rights should belong to the AI developer, the user who employed the AI, or the institution that owns the system. Furthermore, industrial design creation often involves multiple human and technological contributors, making attribution of ownership even more complex. Current legal definitions fail to accommodate the nonhuman creative input characteristic of AI systems. Thus, while traditional inventors are eligible for protection under patent or design law, AI generated designs remain in a legal grey area, necessitating legislative clarification.

Industrial design law serves to safeguard individual creativity and innovation. However, the integration of AI into design processes introduces new concerns regarding legal individualism

[16] World Intellectual Property Organization (WIPO), *Response to WIPO Consultation on Issue 11 – Designs: Authorship and Ownership* (WIPO, 2020) https://www.wipo.int/documents/d/frontier-technologies/docs-en-artificial-intelligence-call-for-comments-ind_wang.pdf accessed 19 October 2025

[17] Intellectual Property (Amendment) Act, No. 8 of 2021 (Sri Lanka) art 2 (amending section 5 of the Intellectual Property Act, No. 36 of 2003)

[18] Nurbay Irmak, 'Artifacts Without Authors: Generative Artificial Intelligence and the Question of Authorship' (2024) 7 Metaphysics Journal 1 https://doi.org/10.5334/met.160 accessed 18 October 2025

[19] The author of a work shall be the original owner of the economic rights in that work, subject to the provisions of this Act. Intellectual Property (Amendment) Act, No. 8 of 2021 (Sri Lanka) art 2 (amending section 32(1) of the Intellectual Property Act, No. 36 of 2003)

[20] Intellectual Property (Amendment) Act, No. 8 of 2021 (Sri Lanka) art 2 (amending section 32(2) of the Intellectual Property Act, No. 36 of 2003)

[21] Intellectual Property (Amendment) Act, No. 8 of 2021 (Sri Lanka) art 2 (amending section 47(1) of the Intellectual Property Act, No. 36 of 2003)

and data security[22]. Section 31(1) of the SL IP Act provides for international recognition of industrial designs filed abroad, ensuring protection through priority claims.[23] Nonetheless, when an AI system contributes to the creative process, the existing criteria of novelty and originality become difficult to apply. The Patent Act requires that an invention meet universal standards of patentability and be tested for originality within a defined time frame. Yet, AI generated designs challenge this framework, as AI's creative process cannot easily undergo comparative testing. The dynamic and iterative nature of AI design creation makes it difficult to determine the novelty of such outputs using conventional legal methods. Therefore, the current registration and protection mechanisms under industrial design law are inadequate to address the complexity of AI assisted or AI generated designs. Legal reform is necessary to ensure inclusive protection that recognizes diverse forms of innovation beyond purely human creation.

Under the definition of industrial design in the Intellectual Property Act, protection is limited to the aesthetic aspects of a product its shape, configuration, pattern, or ornamentation.[24] Features that are purely functional or technical in nature are explicitly excluded from protection. AI technologies, however, frequently merge aesthetic design with technical functionality, blurring the boundary between art and utility. As AI generated outputs often serve functional purposes through computational interfaces, they risk exclusion from industrial design protection. This raises the question of whether AI driven interfaces and algorithmic outputs can ever qualify as designs under current statutory definitions. Hence, there is an urgent need to reevaluate the scope of industrial design protection to accommodate the hybrid creative nature of AI, where the technical and aesthetic dimensions are intertwined.

The integration of AI in design practice profoundly impacts creativity, innovation, and ethical decision making. While AI can accelerate design processes and enhance efficiency, it also raises concerns regarding bias, transparency, and accountability. Current IP frameworks fail to ensure fairness in the data sets used for AI training and do not address the ethical use of creative data. Moreover, as AI systems increasingly contribute to creative output, there is a risk that human designers may be marginalized.[25] To prevent this, legal reforms should aim to balance human and artificial creativity, safeguard employment, and maintain data integrity. The creation of ethical standards and regulatory oversight mechanisms is essential to ensure transparency and public trust in AI assisted design processes.

Legal Liability and enforcement for AI generated designs remains one of the most pressing legal challenges. In the case of infringement or violation of industrial design rights, it is currently unclear whether the developer of the AI system, the user, or the owner of the AI tool should bear responsibility.[26] The absence of explicit legal provisions leads to ambiguity and enforcement difficulties. Additionally, AI has been used to replicate or modify existing designs

[22] Mustafa Günay, 'Artificial Intelligence and Originality in Design' (2024) 4 ART: Journal of Art and Design 3 449–469 https://doi.org/10.56590/stdarticle.1548924 accessed 18 October 2025

[23] Intellectual Property (Amendment) Act, No. 8 of 2021 (Sri Lanka) art 2 (amending section 47(1) of the Intellectual Property Act, No. 36 of 2003)

[24] H Ö Özsoy, 'AI-Driven Tools for Advancing the Industrial Design Process – A Literature Review' (2025) 13(1) Gazi University Journal of Science Part B: Art Humanities Design and Planning 77–96 accessed 20 Oct 2025

[25] Enrico Bonadio and Luke McDonagh, 'AI and IP: Theory to Policy and Back Again – Policy and Research Recommendations at the Intersection of Artificial Intelligence and Intellectual Property' (2023) *IIC – International Review of Intellectual Property and Competition Law*

[26] Mustafa Günay, 'Artificial Intelligence and Originality in Design' (2024) 4 ART/icle: Journal of Art and Design 3 449–469 https://doi.org/10.56590/stdarticle.1548924 accessed 20 October 2025

in ways that can circumvent traditional enforcement mechanisms, making it harder to detect and prove infringement. The law must therefore evolve to assign clear liability standards for AI related infringements.[27] This includes creating frameworks for accountability and introducing mechanisms for AI generated evidence and automated monitoring systems in IP enforcement.

CONCLUSION

The analysis clearly demonstrates that the integration of AI into industrial design processes has introduced both significant opportunities and complex legal challenges for IP management in Sri Lanka. While AI has enhanced efficiency, creativity, and innovation on a global scale exemplified by developments such as the *Adidas 4D shoes, AI assisted architectural layouts,* and *A320 neo aircraft designs*[28] these advancements also expose the limitations of the current legal framework. The existing IP regime, primarily designed for human creators, remains ill equipped to accommodate the evolving realities of AI generated works.

The findings reveal that issues concerning authorship, ownership, originality, and liability remain unresolved under current Sri Lankan IP law. The lack of legal recognition for AI as a creative agent, coupled with uncertainty in attributing rights among AI developers, users, and owners, creates ambiguity that threatens both innovation and protection. without legal reform, the nation risks falling behind in aligning its IP system[29] with global developments in technology and design. To ensure effective governance and to harness the benefits of AI driven creativity, so that discuss below recommendations.

Legally we can amend the Intellectual Property Act of Sri Lanka to include specific provisions recognizing AI assisted and AI-generated designs, with clear criteria for authorship and ownership. and also Introduce precise legal definitions for key terms such as *AI generated work, AI assisted creation,* and *autonomous creation* to eliminate interpretative ambiguities in enforcement and adjudication.[30] Institutional Strengthening part we can Establish a specialized division within the NIPO to address AI related design registration, dispute resolution, and policy formulation, drawing inspiration from Singapore's NIPO model. Align Sri Lankan IP laws with international treaties such as the Paris Convention and the TRIPS Agreement, ensuring compatibility with global standards and enhancing cross border recognition of AI enabled designs.

Develop regulatory guidelines addressing ethical use of AI, data transparency, and accountability mechanisms to ensure responsible innovation and prevent misuse of AI in industrial design. Promote education, dialogue, and collaboration among policymakers, designers, and legal practitioners to strengthen understanding of AI's impact on IP protection and innovation. Create national repositories and databases for AI generated designs to ensure

[27] Thomas Margoni and Giulia Priora, 'Generative AI in Fashion Design Creation: A Copyright Analysis of AI-Assisted Designs' (2025) 20(10) *Journal of Intellectual Property Law & Practice* 654 https://academic.oup.com/jiplp/article-abstract/20/10/654/8232563 accessed 25 October 2025

[28] Chanhou Lou, 'Develop-Fair Use for Artificial Intelligence: A Sino-U.S. Copyright Law Comparison Based on the Ultraman, Bartz v Anthropic, and Kadrey v Meta Cases' (2025) https://arxiv.org/abs/2509.07365 accessed 18 October 2025

[29] Ruwan Lakmal and Thushara Ranasinghe, 'Intellectual Property Rights in the Era of Artificial Intelligence: Navigating the Challenges and Expanding the Boundaries' (2023) *SLIIT Research Dissemination* 235 https://rda.sliit.lk/bitstream/123456789/3622/1/235-245%20Intellectual%20property.pdf accessed 29 October 2025

[30] Thomas Margoni and Giulia Priora, 'Generative AI in Fashion Design Creation: A Copyright Analysis of AI-Assisted Designs' (2025) 20(10) *Journal of Intellectual Property Law & Practice* 654 https://academic.oup.com/jiplp/article-abstract/20/10/654/8232563 accessed 29 October 2025

transparency, verify originality, and prevent duplication or infringement. By implementing these recommendations, Sri Lanka can move toward a modernized and inclusive IP system that not only protects human creativity but also embraces technological innovation. A forward-looking legal framework will encourage responsible AI integration in industrial design, safeguard the rights of creators, and support the nation's progress toward becoming a competitive and innovation driven economy in the digital age.

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[9] Margoni Thomas, Priora Giulia, 'Generative AI in Fashion Design Creation: A Copyright Analysis of AI-Assisted Designs' (2025) 20(10) Journal of Intellectual Property Law & Practice 654 https://academic.oup.com/jiplp/article-abstract/20/10/654/8232563 accessed 29 October 2025.

[10] Moin Beenish, 'Generative AI in Graphic Design: Creativity, Authorship, and Future Roles' (2025) 6(3) Journal of Media Horizons 1911–1931 https://jmhorizons.com/index.php/journal/article/view/511 accessed 28 October 2025.

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[16] World Intellectual Property Organization (WIPO), Response to WIPO Consultation on Issue 11 – Designs: Authorship and Ownership (WIPO, 2020) https://www.wipo.int/documents/d/frontier-technologies/docs-en-artificial-intelligence-call-for-comments-ind_wang.pdf accessed 19 October 2025.

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[19] Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, last amended 28 September 1979) 828 UNTS 221.