

MINISTRY OF EDUCATION AND TRAINING
HO CHI MINH CITY UNIVERSITY OF LAW

OVERVIEW THE NOVEL CONTRIBUTIONS IN THE THESIS

Dessertation title: Protection of Intellectual Property Rights for Products Generated by Artificial Intelligence

Mayor: Economic Law

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NEW CONTRIBUTIONS OF THE THESIS

The dissertation is an in-depth, comprehensive, and systematic scientific study on the protection of intellectual property (IP) rights for products generated by artificial intelligence (AI). Compared with previously published researches, the major novel contributions of this dissertation are reflected in the following aspects.

First, this dissertation constitutes one of the earliest comprehensive and systematic studies on the theoretical foundations of IP protection for AI-generated products. It enriches and clarifies several issues that remain ambiguous or inconsistently understood in the scholarship on artificial intelligence and AI-generated outputs. The dissertation supplements and develops a system of concepts and theoretical principles on IP protection in the context of digital transformation and proposes a new approach - protecting IP rights in AI-generated products from the perspective of investment protection. This approach does not conflict with the foundational principles of intellectual property; rather, it may be viewed as a reasonable extension of labor theory within the digital technological environment, where investment in intelligent systems constitutes the decisive factor determining the quality and value of the resulting outputs. The flexible integration of existing theories with an investment-protection perspective represents a necessary shift to ensure that the IP system does not fall behind amid the wave of innovation driven by AI.

Second, the dissertation synthesizes the legal experiences of selected representative countries, regions, and international organizations to derive lessons relevant to Viet with a view to ensuring an appropriate balance between encouraging innovation and safeguarding the legitimate rights and interests of the relevant stakeholders in the context of the development of AI.

Third, the dissertation provides an accurate, comprehensive, and thorough assessment of the current state of Viet Nam's IP law relating to AI-generated products and identifies the objective necessity of establishing a distinct legal protection mechanism for such products.

Fourth, the dissertation proposes a concrete framework comprising eight recommendations to improve the legal regime governing IP protection for AI-generated products. These recommendations are grounded in three policy orientations: (i) orientations derived from the international legal context; (ii) orientations based on domestic technological developments; and

(iii) orientations aimed at implementing national policies on science, technology, and innovation. The eight specific recommendations include: (i) adopting a legal sandbox model for IP protection of AI-generated products; (ii) defining principles for IP protection of AI-generated products; (iii) establishing definitions for key concepts including AI, AI-generated products, IP protection of AI-generated products, AI developers, AI users, and AI owners; (iv) adopting rules to ensure the legality of AI-generated products; (v) specifying the subject matter and conditions for protection of AI-generated products; (vi) providing rules on the scope of IP rights over AI-generated products; (vii) prescribing limitations and exceptions applicable to IP protection of AI-generated products; and (viii) determining ownership of AI-generated products.

Fifth, the dissertation establishes both theoretical and empirical foundations for developing a legal framework governing IP protection for AI-generated products in Viet Nam. The research findings not only contribute to advancing IP theory in the digital era but also have significant practical relevance in shaping a transparent legal environment that fosters innovation, ensures fairness, and promotes international integration.

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PhD Student



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