

News

BCLP LAWYERS EXPLORE GENERATIVE AI'S IMPACT ON INTELLECTUAL PROPERTY IN LAW.COM AND THE IP STRATEGIST

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BCLP Partner Matt Minder and Associate Jazmyn Ferguson co-authored a timely article for [Law.com](#) and [The IP Strategist](#), on the rapidly evolving intersection of artificial intelligence (AI) and intellectual property— offering insights for businesses and creators navigating this rapidly changing landscape.

Their article, “Generative AI: Legal Implications for Copyright and Trademark Protection in an Emerging Landscape,” examines the transformative potential of Generative AI (GenAI) tools, which are reshaping industries by producing creative outputs ranging from text and images to audio and video. The authors delve into the legal challenges posed by this technology as courts and legislatures work to address novel questions about IP protections.

Matt and Jazmyn dive deeper into key issues, such as the use of copyrighted works to train AI models, the risks of AI-generated outputs infringing existing IP, and the extent to which AI-generated works can qualify for copyright or trademark protection. They continue on to highlight pivotal cases, such as *The New York Times Company v. OpenAI*, which illustrate the complexities surrounding fair use and the implications of training AI models with copyrighted materials. Additionally, the authors discuss how human involvement may determine whether AI-generated works are eligible for copyright protection— as well as the unique challenges AI poses to trademark law— including the risk of AI-created trademarks infringing existing marks.

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