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# Artificial Intelligence, Intellectual Property and Geopolitics: Innovation in an Age of Disruption

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## Introduction: The Human Role in an AI Economy

A few years ago, the debate about artificial intelligence (AI) centred on whether humans would become obsolete because of the rise of robotics and AI. Today, the conversation has evolved. Generative AI (Gen AI) and emerging agentic systems are not just mimicking human intelligence but, in some cases, surpassing it in speed, scale and autonomy (Yee, Chui & Roberts 2024). This shift raises real concerns about the future of work, with certain roles at risk of becoming archaic.

Rather than replacing human ingenuity, AI technologies are increasingly positioned as strategic and creative amplifiers, tools that empower individuals to focus on critical thinking, innovation and authorship. This reframing has profound implications for intellectual property (IP), especially as global jurisdictions race to define ownership, control and value in an AI-driven economy. Industry projections suggest that AI agents will be involved in most business tasks within the next three years, with effective human–agent collaboration expected to increase human engagement in high-value tasks by 65% (Pounds 2025). These systems not only learn, reason, and adjust based on context and outcomes, but also promise to reshape how organisations balance efficiency with creativity.

This article examines how AI is reshaping global intellectual property frameworks in the United States (US), China, the European Union (EU) and the Caribbean. The purpose is to highlight both the risks and opportunities that small island developing states face in navigating these disruptions, while also considering the environmental implications of AI adoption.

## Global IP Shifts: Rightsholders' Concerns in the US, China and EU

The rise of AI has triggered legal and regulatory shifts across major jurisdictions, each with distinct implications for rightsholders. One issue worth highlighting is the 'Mickey Mouse' problem, which Khai Yi Lo, Tech and IP Lawyer and Partner at Halim Hong & Quek identifies as, "a phenomenon where Gen AI produces outputs that resemble [an] iconic copyrighted character or specific artistic styles with very simple or very minimal input prompts." This training technique is called AI memorisation, where models store and reproduce training data, instead of recognising patterns in the dataset (WIPO 2024).

In the US, the Copyright Office has reaffirmed that works generated solely by AI lack copyright protection unless sufficient human authorship is present (US Copyright Office 2025). Litigation over the use of data to train AI, particularly by artists, authors, publishers and media houses, has placed pressure on platforms to adopt licensing models. A high-profile example is Bartz v. Anthropic, where authors alleged that the company used pirated books from online 'shadow libraries' to train its Claude AI models. Judge Alsup initially declined preliminary approval of Anthropic's proposed US$1.5 billion settlement, citing the need for greater detail on valuation and fairness; however, this has since been granted. The case illustrates both the scale of potential liability facing AI developers and the unresolved legal status of unlicensed training data (Brittain 2025). Yet, even with such lawsuits, fair use remains unsettled, and enforcement costs are high.

In China, the courts have begun articulating platform liability for Gen AI providers, applying leniency at the training stage but stricter scrutiny during content generation and downstream use. China also leads the world in AI patent filings, accounting for over 70% of global applications (Normile 2025). The China National Intellectual Property Administration (CNIPA) has integrated AI-assisted examination tools and issued guidelines for AI-related inventions, reinforcing both innovation and the principle of human inventorship (China National Intellectual Property Administration 2025).

The EU, meanwhile, has taken a protection-forward stance. Text and Data Mining (TDM) exceptions allow unlicensed use unless explicitly opted out, creating tension between innovation and creator rights. The AI Act, which came into force in 2024, introduces a phased, risk-based framework that will apply fully by 2027 (European Commission 2024). These measures offer predictable governance but require careful navigation by Caribbean exporters seeking to access the EU market.

Together, these developments confirm that IP is no longer peripheral; it is central to global competition, platform accountability and creative control when using AI. While these developments reflect the priorities of large jurisdictions, their ripple effects extend far beyond, raising urgent questions for smaller economies, like the Caribbean region.

**Caribbean Implications: Strategic Leverage in the Region**

The Caribbean region faces unique challenges in navigating AI-driven IP disruption. Limited institutional capacity and fragmented enforcement can hinder the protection of rightsholders (Genesis Global 2025). Yet, the region holds immense potential through its cultural assets and creative industries.

Judicial awareness of AI-related legal issues is growing. In *Nexgen Pathology Services Ltd v Darceuil Duncan (2025)*, the court condemned the use of AI-generated citations and stressed the importance of verifying digital evidence (Pollonais, Blanc, de la Bastide & Jacelon 2025). Justice Westmin R.A. James noted that citing fictitious cases, even inadvertently, constitutes a serious breach of professional responsibility and undermines the integrity of legal proceedings (NEXGEN Pathology Services Limited

-v- Darceuil Duncan 2025). This judgement aligns with the Caribbean Court of Justice's Practice Direction No. 1 of 2025, which permits the use of Gen AI for drafting submissions but prohibits its use in affidavits, witness statements or any material reflecting evidence. The directive mandates disclosure of AI use and places full responsibility for accuracy and compliance on the user (Caribbean Court of Justice 2025).

Regional frameworks such as UNESCO's *Recommendation on the Ethics of AI* and the *Caribbean AI Policy Roadmap* provide a foundation for aligning IP protection with cultural sustainability and inclusive development. UNESCO "approaches AI ethics as a systematic normative reflection, based on a holistic, comprehensive, multicultural and evolving framework of interdependent values, principles and actions that can guide societies in dealing responsibly with the known and unknown impacts of AI technologies." It further dictates that, "respect, protection and promotion of human dignity and rights – as established by international law, including international human rights law, is essential throughout the life cycle of AI systems" (UNESCO 2021).

This guidance is especially relevant in light of the existential challenges identified by Sir Shridath Ramphal, former Guyana Government Minister, UWI Chancellor & three-term Secretary General of the Commonwealth, who has warned that climate change, crime, food security and governance challenges now threaten the viability of Caribbean society and can herald its decline, "as a 'perfect storm' of problems gathers on the horizon (UNESCO Office in Kingston 2024).

Even so, opportunities to use AI remain. The region can strengthen its position by leveraging cultural IP for licensing and export, coordinating regional Test Data Management (TDM) frameworks, and building creative datasets with clear consent and provenance. Courts, too, can help normalise authorship standards and AI disclosures. Whereas Anguilla's control of the .ai domain has generated over US$32 million in registration fees, 20% of the government's revenue (Chan 2024).

These regional realities directly lead to the question of how AI is shaping the creative industries, which carry both cultural weight and economic potential.

**Creative Industries: Risks and Rewards in the Age of AI**

Recent research highlights a shift from basic AI tools to more advanced systems, often called agentic AI, capable of independent and collaborative decision-making with other systems and managing complex tasks using memory and decision-making (Sapkota, Roumeliotis & Karkee 2025). These systems are increasingly used in creative workflows, legal drafting and cultural preservation. Small language models (SLMs) are also emerging as the preferred backbone for agentic systems due to their efficiency, lower environmental impact and suitability for repetitive, specialised tasks (Belcak et al. 2025). For small economies, this provides a pathway to scalable AI adoption without the resource burden of large models.

In the creative industries, there is both opportunity and concern. In music, film and animation, AI enables rapid editing, localisation and remastering, but raises concerns about IP infringement and unclear authorship. Documenting human input, watermarking content and negotiating licensing for training data are vital safeguards. In publishing and journalism, AI simplifies translation and editing, yet its use poses copyright risks and introduces shifts in writing style. Opt-out registries and collective licensing through Collective Management Organisations (CMOs) could give creators greater control (Lord 2025). In fashion and advertising, generative tools accelerate ideation and personalisation but risk brand dilution or misuse of prompts, underscoring the need for style governance and indemnity clauses. Similarly, in tourism and cultural heritage, AI enhances campaigns and immersive experiences, though cultural misappropriation and dataset misuse remain pressing issues. Good governance, supported by community engagement, is essential. Finally, in education and upskilling, AI offers accessible curriculum development and creative tools; however, institutions must address academic integrity and authorship confusion by implementing clear policies and creative-tech credentials.

Beyond issues of authorship and ownership, the rise of AI also forces us to confront another pressing issue: its environmental footprint.

**Environmental Impact: AI, Land and Freshwater**

AI's infrastructure, particularly data centres, places strain on land use, water and energy resources. Training large models requires significant water for cooling and electricity, which contributes to carbon emissions and strains the energy grid. (Yañez-Barnuevo 2025). For Small Island Developing States (SIDS) in the Caribbean, these risks are magnified. Water supplies are scarce; ecosystems are fragile, and energy systems are often vulnerable or reliant on imports.

The following recommendations are drawn from UNESCO's Ethics of AI and the Caribbean AI Roadmap, as well as an analysis of the issues discussed earlier in this article. Mitigating these risks requires the development of policy frameworks. Governments should mandate environmental impact assessments for AI infrastructure, incentivise the use of renewable-powered and water-efficient data centres and reward models that consume less electricity and water. Additionally, environmental metrics must be integrated into AI policy frameworks so that sustainability becomes a core principle, not an afterthought. According to the Organisation for Economic Co-operation and Development (OECD) Digital Economy Papers (2022), "a number of indicators and measurement tools can help quantify the direct environmental impacts from AI compute, as well as the indirect environmental impacts from AI applications."

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**Conclusion**

The shifts underway in the US, China and the EU highlight just how unsettled the global intellectual property landscape has become due to the emergence of AI. From questions of fair use and licensing in the US to platform liability and patent dominance in China and the EU's risk-based regulatory model, the world's largest jurisdictions are testing different approaches with implications that extend far beyond their borders. With AI driving global IP reform, the Caribbean region must position itself not just as a passive observer but as a strategic participant. The rise of generative and agentic AI underscores the value of human creativity, authorship and cultural identity. By aligning legal frameworks with global standards, investing in sustainable infrastructure and asserting control over its creative assets, the region can turn disruption into an opportunity and ensure that innovation remains anchored in human agency. This commitment must also extend to environmental stewardship, recognising that the future of innovation depends not only on data and design, but on the responsible use of land, water and energy.

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