

Evolving Trademark Ecosystems in the Age of Generative AI

Reshaping Business Strategy and Global Legal Frameworks

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Agenda

Main encompassing questions

- 01 Is an AI-generated trademark legally valid and protectable?

- 02 What impacts does AI have on trademark branding strategies?

- 03 What challenges are there in AI-generated logos?

- 04 What's next for AI in global trademark systems?

01 Current Trends in Generative AI

02 Key Challenges

03 Stakeholders' Responsibilities

04 Regulatory Developments

05 Future Outlook

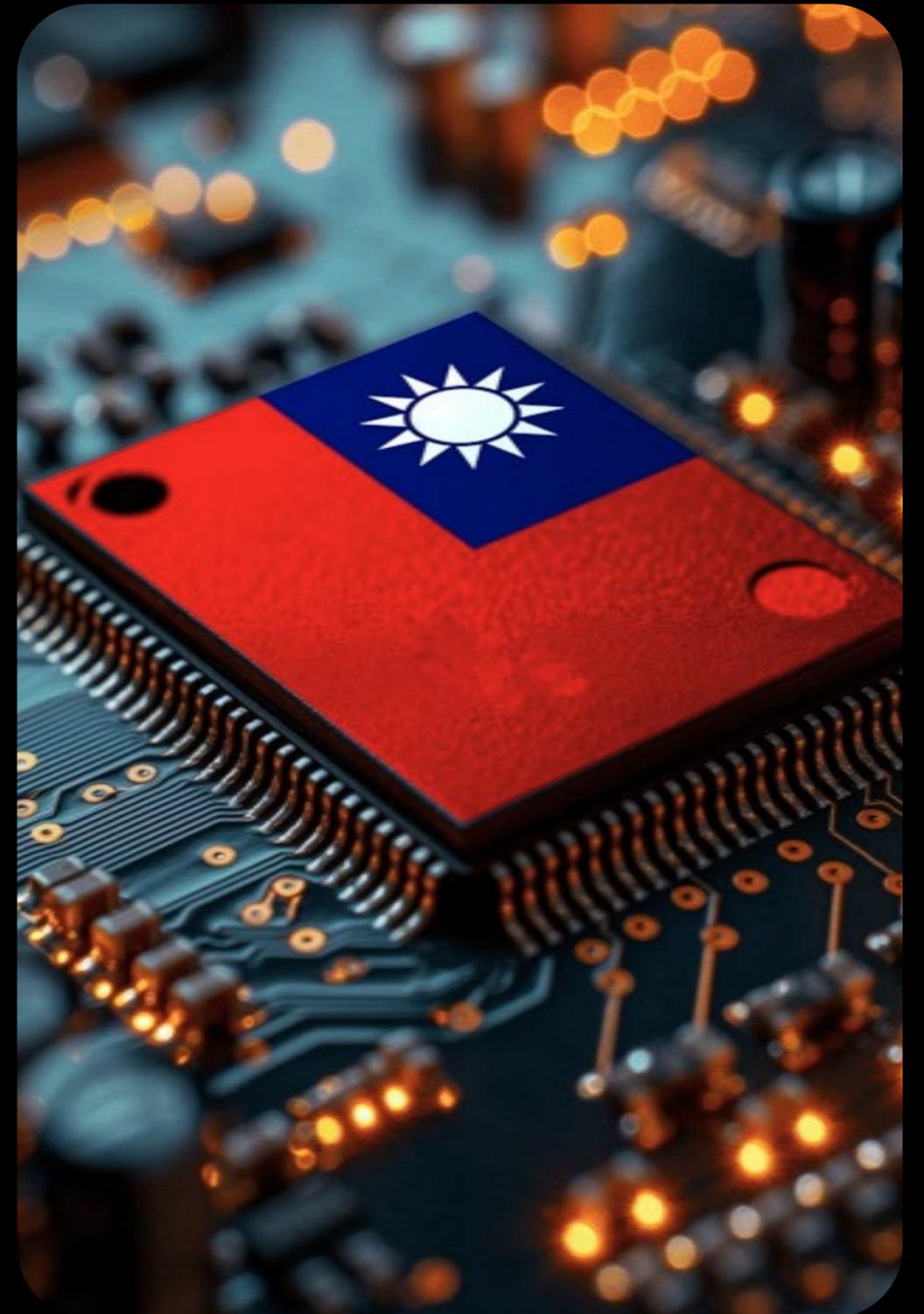
About Louis

- Established in 1972.
 - Louis International Patent Office
 - Louis & Charles Attorneys at Law
 - Louis Management
- Having branches in Taiwan (Taipei, Hsinchu, and Taichung), Japan, China, Thailand, Vietnam
- Languages: Chinese, English, Japanese,



Taiwan: AI & Tech Powerhouse

- TSMC produces over 90% of advanced chips
- Semiconductors account for 15.1% of patents
- TIPO expedited trademark examination programs
- Ranked among the top global IP and innovation leaders
- NVIDIA's 2nd headquarters and AI research hub in Taipei
- Ranked 16th globally in AI development



Gen AI & Trademark

A trademark is a distinctive sign capable of graphical representation that identifies and distinguishes goods or services.

Trademark consists of: words, devices, symbols, colors, three-dimensional shapes, motions, sounds, or any combination thereof.

Gen AI works for brand: it autonomously generates brand names, logos, slogans, and even completes brand identities tailored to specific market segments.

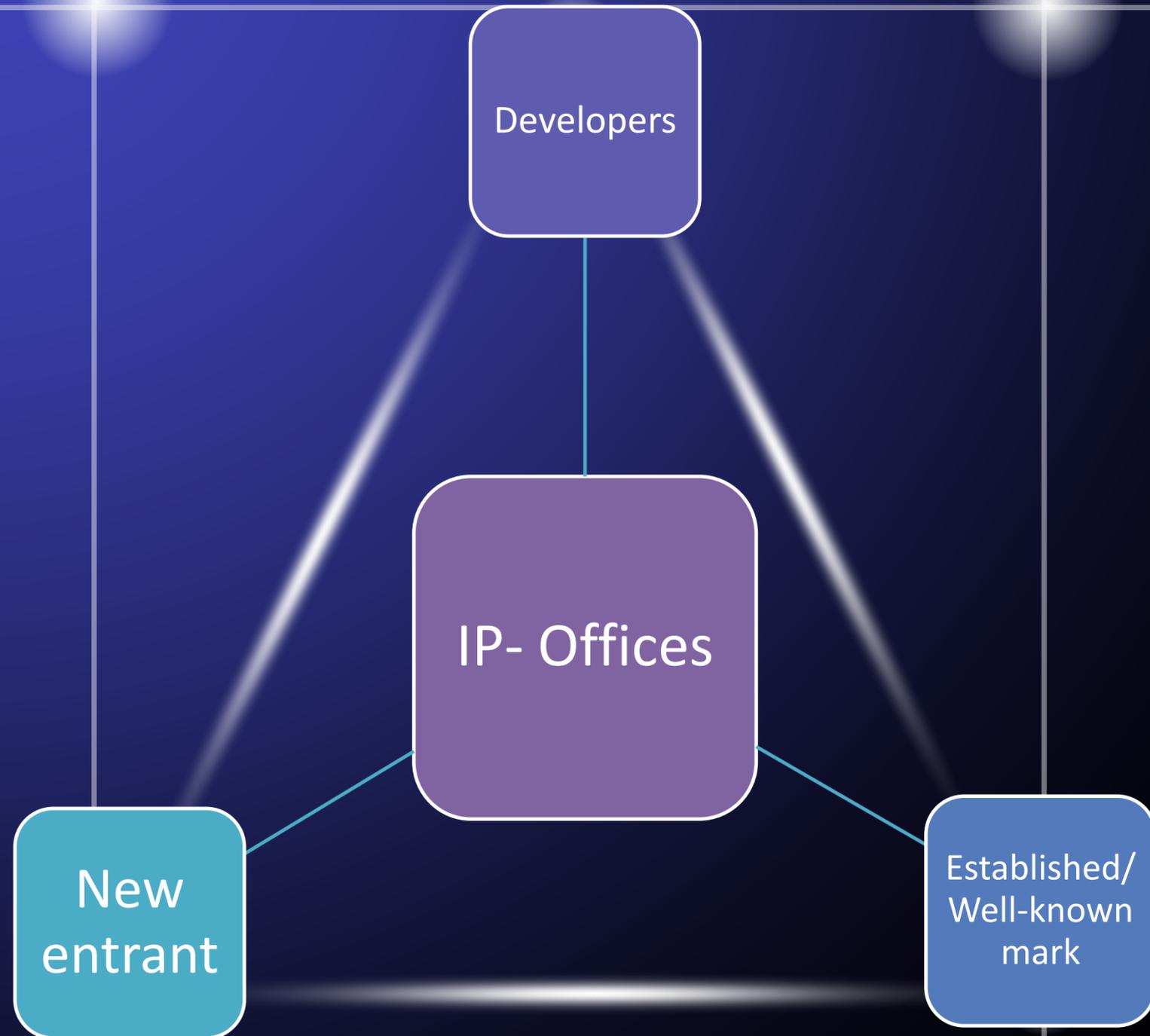
Biggest dilemma in this interface:

- ownership/authorship & liability
 - reproduce copyrighted elements from training data
 - unintentional infringement
-

Segments:

- Startups / early-stage companies 55–65%
- SMEs (cost-sensitive branding) 35–45%
- Overall businesses ~40%
- Professional branding agencies 25–30%

Key Stakeholders AI & Trademarks



1. AI Tools & Users

- Trained on billions of marks
- High adoption: used by 91% of mid-market firms

2. Established & Well-known Trademark Owners

- Increased monitoring of costs and dilution risks

3. New Entrants & Potential Infringers

- AI enables mass generation of similar mark
- Raises cost of brand protection and compliance

4. Government & IP Authorities

- Gradual adoption of AI tools

Example: WIPO AI-based trademark search systems

Key Stakeholders in AI & Trademarks

Developers

- Deploy defensive prompts to minimize infringement risks.
- Mandate human oversight:
- Always run comprehensive clearance searches
- Clear contractual ownership of AI-generated content

Brand Owners (well-known & new entry)

- Deploy AI-based monitoring tools
- Register early and broadly
- Maintain prompt records, edits, and decision trails to demonstrate good-faith use.

Governments & IP Offices

- Search system has been updated
- Should employ more AI experts
- Need to closely monitor the Madrid protocol

E.G: Japan Patent Office held an "AI x Trademark" graphic retrieval competition to find "similar".

E-Commerce Platforms: AI Enforcement & Market Power

Should an e-commerce platform
bear joint liability?

RISK 1: Counterfeit

Counterfeit products are a common threat for famous trademarks

Amazon Project zero

RISK 2: Over-Enforcement

- Restricting lawful competition and market entry
- strengthen their monopoly

Key consideration

- Transaction model
- Degree of platform involvement
- Preventive measures
- Due diligence compliance

Challenges

Trademark infringement, dilution, unfair competition.....



01. Trademark Infringement

Getty Images (US) Inc. v. Stability AI Inc

- Replicated Getty's watermarks: false designation of origin

Advance Local Media LLC v. Cohere Inc.

- reproducing trademarks in outputs and misattributing content

02. Trademark Dilution

Advance Local Media LLC v. Cohere Inc.

- Publishers claimed dilution by blurring and tarnishment from AI reproducing marks in unrelated or harmful contexts, such as misattributed content. The court allowed claims to proceed, emphasizing reputational injury to famous marks

03. Trademark genericide

"GOOGLE" claimed to be generic for search engines due to verb use (e.g., "Google it"). The court affirmed ruling the verb use alone doesn't prove genericide.

Trademark is territorial & AI is borderless

Unified standards for rapid clearance searches and priority protections will be a key factor in future trademark systems.



Opposed in India-
Sun TV (Gemini tv 1995)
Network Limited: Google argued that its fall within entirely different industries, with no overlap in customers or trade channels.

Blocked in: China & Vietnam

Local squatters registered identical mark within weeks of public launch, preventing CTMO/VNIPO registration despite global use



Zynthara
Midjourney/DALL-E



- Rejected by the USPTO: the term GPT- is considered descriptive not distinctive brand
- Opposed in India
FLAXXI AI Private Limited the prior adopter and user of the mark "CHATGPT."

Blocked in: Indonesia & Thailand

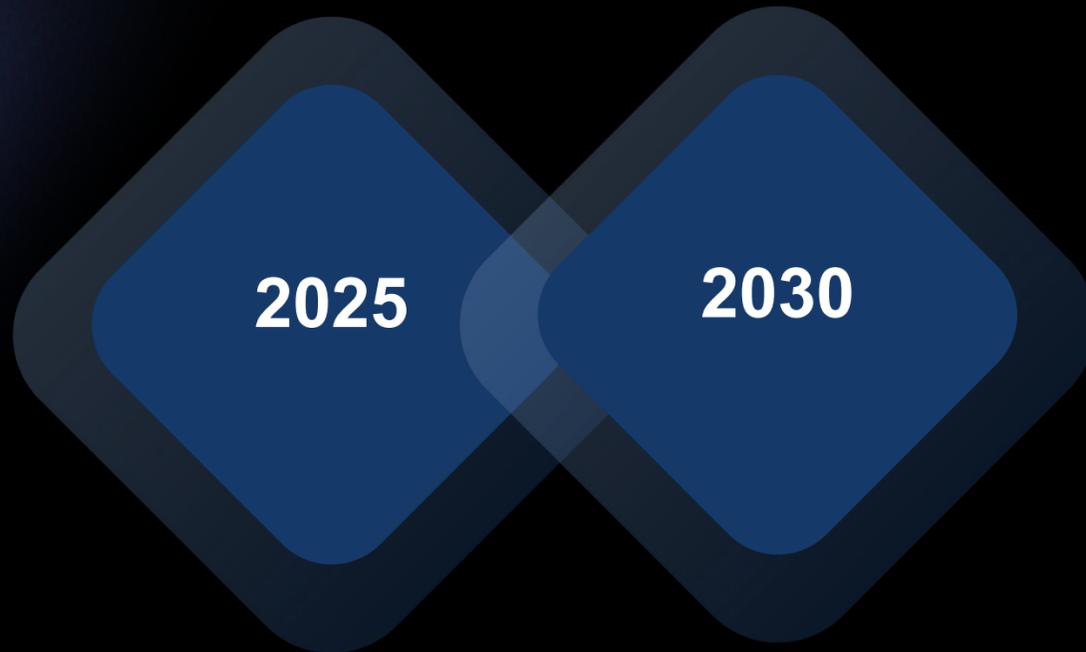
Local company registered the mark first after spotting Shopify launch, blocking ASEAN expansion



LuminaWear
Looka AI

Economic Impact by 2030

Global counterfeiting and brand misuse now cost businesses over hundreds of billions of dollars annually, & AI is accelerating this trend.



Most effected sectors: luxury goods, pharmaceuticals, electronics, cosmetics, toys, and sports

Counterfeit Trade Value

\$500 billion+ Vs \$1.79 trillion
2025. 2030

Job Losses

4.2-5.4 million

EU Industry Sales Losses

€16 billion+

What Next?

USPTO's AI vision & mission

Five focus areas:

- Advance the development of IP policies that promote inclusive AI innovation and creativity.
- Build best-in-class AI capabilities by investing in computational infrastructure, data resources, and business-driven product development.
- Promote responsible use of AI within the USPTO and across the broader innovation ecosystem.
- Develop AI expertise within the USPTO's workforce.
- Collaborate with other U.S. government agencies, international partners, and the public on shared AI priorities.

Regulatory Signals

As AI evolves rapidly, further guidelines on authorship, transparency, and automated TM examination are imminent worldwide

01 Singapore 2026 GenAI as "most significant force" reshaping authorship/IP.

02 EU AI Act: Mandates transparency for AI outputs potentially infringing TMs

03 India DPIIT Paper: Addresses GenAI + copyright/ TM regulatory gaps

04 KIPO, TIPO deployed Comprehensive image check

Key Takeaways

AI-Trademarks 2026

Human oversight : AI for creativity, not for responsibility

Transparency: Maintain prompt records, edits, and creative trails

AI tools (WIP&TIPO-IPOS): Efficiency

Pre-clearance: Infringement shield

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Thank You