

International Journal of Law Research, Education and Social Sciences

Open Access Journal – Copyright © 2026 – ISSN 3048-7501
Editor-in-Chief – Prof. (Dr.) Vageshwari Deswal; Publisher – Sakshi Batham



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Speed v Legal Process Gap: Trademark Enforcement in the Age of Generative AI

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Received 19 March 2026; Accepted 20 April 2026; Published 24 April 2026

Out of nowhere, fresh tech shifts how companies build their look - smart machines churn out endless logos, marks, and visuals in seconds. When that happens, the systems guarding these identities inch ahead, stuck in old routines. When duplicate images clog the web, fairness follows slowly, like someone plodding through heavy drifts. The faster the speed is, the broader the gap becomes - rules gasping behind breakthrough speed. India's trademark system is struggling with a timing mismatch in the age of AI. While AI enables near-instantaneous infringements, legal enforcement- relying on slower processes like take-down notices and court rulings- lags behind this real-time abuse. Furthermore, AI doesn't just copy; it blurs ownership and complicates traditional legal concepts like consumer confusion and liability. Still, progress races ahead while rules drag their feet, exposing weak spots in brand safeguards. Systems need fresh thinking instead of quick fixes, blending better technology so updates go deeper than before. Laws should shift entirely rather than repeat past patterns.

Keywords: *duplicate images, liability, tech shifts.*

INTRODUCTION

Funny how suddenly logos matter so much in telling items apart. A familiar name - one that lingers - used to quietly boost business reach. Rules stepped in once fakes started showing up, sometimes by design. Yet lately, learning algorithms changed everything; signs now emerge, travel fast, warp oddly, none of it planned.¹

Suddenly, algorithms define brand visuals - spitting out logos, icons, and marks faster than ever before. Built on oceans of outdated samples, they repeat patterns caught during training, occasionally regurgitating trademarked designs by accident. Outputs often trace back to worn-out templates buried in data memory, so duplication sneaks in quietly. In the past, people acted as a bottleneck on imitation; current software ignores that barrier completely, operating nonstop and clueless. Previous guidelines didn't anticipate this kind of endless generation.²

These days, rules rely on outdated ways designed to stay balanced while making space for real input from people involved. First signs of misuse show up, after that notices get sent, legal steps start later, decisions come even further down the line - every piece lands well behind the actual events. While systems inch forward, innovation races ahead. This gap forms a split between the process and the momentum. A hurdle in timing shifts everything about trademark moves later on. Right where rules drag behind, this part sits. Not waiting for permission, progress races - law lags.

AI SHIFTS HOW TRADEMARK CONFLICTS EMERGE

Suddenly, artificial intelligence changed the way trademark violations happen. Before, people or companies would copy a brand on purpose, spending time and planning each move. That kind of mimicry needed attention and intent. Now, machines create logos, names, and designs in moments - no human hand guiding every step. These systems spin out countless versions automatically, unaware of rules or rights. Mistakes appear not from greed but from speed. What once took days now finishes before anyone notices. Invisibility replaces strategy. Accidents multiply where control used to be.

¹ Trade Marks Act 1999

² Information Technology Act 2000

Output flows without thinking. Recognition fades into background noise. Creation runs ahead of caution.³

Production has shifted dramatically because machines now generate huge numbers of designs in moments. Since so many come out at once, some naturally look like protected logos. Even if none match exactly, flooding the space raises the chances that something will appear too similar. What used to pop up occasionally now happens constantly across platforms. Over time, repeated likenesses make brand identities feel less distinct. Shoppers start struggling to tell one company apart from another.⁴

One big change? Machines miss context when making designs. Humans check if a logo might break trademark rules or mix things up - artificial brains do not. Instead, they copy what they have seen before, pulling pieces from old examples floating in their training pool. Those past samples sometimes include protected brands, so fresh results can look too much like someone else's work. Copying isn't the goal, just an accident built into the process.⁵

Over time, artificial intelligence shifts how violations unfold. Running nonstop, these systems spin out fresh versions without pause. What once was a single breach now stretches into something persistent. Removing one copied version does little when more have already appeared - or soon will. Old legal tools struggle to contain what never truly stops.

What happens when machines start copying? Trademark breaches speed up, losing their old rhythm of deliberate steps. Sudden waves of imitation appear, harder to pin down than before. Blurred lines replace clear wrongdoing, muddying who did what and how it spread. Chasing violations becomes heavier work, layered with confusion. Protection itself shifts shape - no longer just about logos or names but constant alertness in fast-moving spaces.

³ Pallabi Gogoi, 'The Rise of AI-Generated Trademarks: Infringement Implications and Future Directions' (2025) 5 Annual International Journal on Analysis of Contemporary Legal Affairs <<https://zenodo.org/records/15521451>> accessed 10 March 2026

⁴ Harsh Kumar and Dr Susanta Kumar Shadangi, 'AI as a Valuable Instrument in Trademark Enforcement in India' (2025) 8(2) International Journal of Law Management & Humanities <<https://ijlmh.com/wp-content/uploads/AI-as-a-Valuable-Instrument-in-Trademark-Enforcement-in-India.pdf>> accessed 10 March 2026

⁵ Vanshika Dabriwal, 'EXPLORING THE IMPACT OF ARTIFICIAL INTELLIGENCE ON TRADE MARK AND COPYRIGHT: CHALLENGES AND OPPORTUNITIES' (2024) 4(3) Indian Journal of Integrated Research in Law <<https://ijirl.com/wp-content/uploads/2024/05/EXPLORING-THE-IMPACT-OF-ARTIFICIAL-INTELLIGENCE-ON-TRADE-MARK-AND-COPYRIGHT-CHALLENGES-AND-OPPORTUNITIES.pdf>> accessed 10 March 2026

THE STRUCTURE OF POLICE WORK

A lone objection can spark something much bigger - disputes about who owns which name. One company using a symbol similar to another's usually gets a written notice demanding a change. This process comes from rules set in 1999, built on fairness and evidence. If talks fail once that letter arrives, the path shifts toward courts. Orders to halt activity or money for damage may come next.

One by one, the details unfold under judicial eyes, testing whether mix-ups seem probable. Similarity between names or symbols stands out when examined piece by piece. Because hesitation sometimes protects more than haste, time matters in weighing who suffers most while waiting. When outcomes might break what can't later be fixed, temporary orders carry extra weight. Slowing progress often comes hand in hand with caution - yet avoiding abuse of legal tools weighs as heavily as fair outcomes. Time spent guarding against errors drags pace, true, but skipping steps risks more. When disputes arise, legal actions often walk beside digital removal requests. Brand holders might request content deletion via site mechanisms instead. Still, replies arrive after damage shows itself already. Removals cover little ground because one post vanishes, yet others appear just as quickly.

THE SPEED VS LEGAL PROCESS GAP

Outrunning courtroom timelines, artificial intelligence produces copycat brand visuals in moments. While algorithms push out look-alike logos nonstop, lawyers still move through step-by-step routines that take months. One second it's generated; the next it spreads across apps faster than anyone can challenge it. By the time a case reaches review, the copied design may already be everywhere online. Enforcement crawls while imitation sprints - timing tilts heavily toward those bypassing rules.⁶

This problem grows harder to manage over time. Because trademark rules handle one situation at a time, they struggle when faced with AI producing endless slight changes all at once. One after another, these copies appear faster than anyone can respond. Even while some get flagged,

⁶ Atanu Biswas, 'A case of established law lagging behind new tech' *The Hindu* (20 January 2024) <<https://www.thehindu.com/opinion/op-ed/a-case-of-established-law-lagging-behind-new-tech/article67757016.ece>> accessed 10 March 2026

others already take their place. Efforts to stop them fall short simply because of how fast things move.⁷

When courts block one trademark, that does not stop AI from making fresh versions. The slow pace of legal help means damage often spreads before any order arrives. Even after a ruling, copies keep showing up under slight disguises. Relief comes too late to undo what's already shared widely online. Old judgments struggle to keep up with the speed of content generated by AI. What stands out isn't just slow courts - it's how the system itself lags behind these technological shifts. Laws creep while violations sprint, enforcement lags. In times shaped by AI, this imbalance becomes very hard to ignore.

OLD LEGAL RULES UNDER SCRUTINY

Suddenly, fake digital stuff is messing with how brands want to represent themselves. What stands out? People or consumers might start confusing one logo for another. Courts normally check if average shoppers are misguided by similar signs. But here's the twist - machines keep churning out near - identical versions, creating doubt piece by piece. This slow buildup isn't about a single copy because it reshapes the whole sense of what feels deceptive.⁸

Think about this: ownership gets fuzzy when artificial intelligence makes something new. Blame doesn't land easily on only one party. The user pours data in, but still can't always predict the result. On the other hand, the creator of the system rarely touches individual outcomes. Because of this gap, holding anyone responsible feels unclear. Brand safeguards often get stuck in a mess as enforcement tries to move forward.

Slowly, repeated exposure to similar marks can dull a brand's sharp edge - more so as artificial intelligence mixes things up. Mistaken identity does not always happen; still, constant repetition wears down distinctiveness over the years. Courts usually act only after clear breaches occur. Because of this gap, weakened impact tends to go unchallenged until it's too late.

⁷ Paramita Nandy Gupta, 'PROTECTION OF TRADEMARKS IN THE AGE OF ARTIFICIAL INTELLIGENCE' (*De Penning & De Penning*, 27 January 2025) <<https://depenning.com/blog/protection-of-trademarks-in-the-age-of-artificial-intelligence/>> accessed 10 March 2026

⁸ *Cadila Health Care Ltd v Cadila Pharmaceuticals Ltd* (2001) 5 SCC 73

INADEQUATE MODERN LEGAL SYSTEMS

Right now, laws meant to protect trademarks struggle when facing issues brought on by artificial intelligence. One big problem? They wait until damage happens before doing anything at all. Since AI moves fast - creating and sharing material in moments - the system's slow pace falls behind quickly. When a brand finally spots misuse and tries to respond legally, chances are high the content has already travelled far online. Stopping it later through court orders or removal requests often changes little once that point is reached.⁹

One big problem? How AI-made content spreads worldwide without pause. It slips past national lines in moments, ignoring legal boundaries. Yet trademark rules stick to single countries, each doing things its own way. Some places act fast on violations - others barely react at all. Patchwork laws leave holes where brands get lost or copied freely. Chasing consistency feels shaky when borders blur under digital speed. Enforcement wobbles between strictness and silence across continents.¹⁰

What makes it worse is how big AI's reach really is. While old-fashioned violations usually come from clear, single actions, artificial intelligence churns out loads of nearly identical versions all at once. Yet courts work one case at a time, needing effort, attention, and careful review per situation. Chasing down each copied version turns into something barely doable. When enforcement picks its battles, only the loudest ones get heard. Quiet violations slip through because attention lands on showy examples. Fewer consequences mean less fear of getting caught. Infringers keep moving where the light doesn't shine.

Few realise how cracks in the system stem from old designs. Built long ago for simpler times, today's setup falters under AI's rapid spread, vast output, and border-crossing presence - leaving trademarks harder to uphold. Despite intentions, enforcement lags behind reality.

⁹ 'AI-Generated Trade Marks: Registration Hurdles And Enforcement Strategies' (*Mondaq*, 18 July 2025) <<https://www.mondaq.com/india/trademark/1652622/ai-generated-trade-marks-registration-hurdles-and-enforcement-strategies>> accessed 10 March 2026

¹⁰ Oliver Fairhurst and Victoria Owrid, 'Trade mark liability in the age of Generative AI' (*Lexology*, 06 March 2026) <<https://www.lexology.com/library/detail.aspx?g=224a8389-cd9a-4794-bb89-7ec51d428d3a>> accessed 10 March 2026

BRIDGING THE GAP

Moving fast with artificial intelligence while laws lag means stepping outside usual courtroom answers. Since tech moves quicker than rule books update, using tech to fix tech issues makes sense. Rather than waiting for slow court actions, smart programs watching online spaces catch violations sooner. They spot copied styles, notice repeats others miss, raise alerts the moment something suspicious shows up. Instead of waiting for problems to exceed, stops happen sooner. Alerts pop up fast, so brand holders do not sit around stuck in slow court routines. Action comes quicker now because machines figure out trouble right away. Less fallout happens when the response moves at speed. Damage stays small when caught ahead of time.¹¹

Right now, making courts work faster matters just as much. Delays in procedures tend to clog up the system, which affects enforcement - particularly where digital change happens rapidly. Cutting through red tape, setting up dedicated tech-savvy IP panels in courts, while pushing for quicker rulings, can shrink how long it takes to act after spotting a violation. With judges who grasp technology more clearly, their handling of conflicts tied to AI becomes sharper and more relevant. Together, swift action plus deeper understanding might finally align progress with oversight.¹²

Digital spaces shape how fake creations move online. Because tech firms host so much artificial material, they hold influence over what spreads. Instead of waiting for reports, asking these sites to scan uploads could stop misuse early. Responsibility moves slightly away from brands and judges when systems check content before it goes live. If filters block suspicious results or spot matches with known marks, fewer violations slip through. Prevention grows stronger when tools act ahead of harm.

Still, better tech and processes won't fix everything if laws stay unchanged. Old rules need reshaping to handle what artificial intelligence brings into play. Questions around who is responsible matter more now, especially when AI produces copied work without someone meaning to do so. Training data needs oversight too, making sure it doesn't quietly push systems

¹¹ Kumar (n 4)

¹² Akanksha Dua and Urvi Singh, 'Generative AI And Trademarks: The Need For Legislative Intervention' (*Mondaq*, 21 July 2025) <<https://www.mondaq.com/india/trademark/1653332/generative-ai-and-trademarks-the-need-for-legislative-intervention>> accessed 10 March 2026

to mimic registered brand symbols. Prevention could become central instead of waiting - stepping in early, well before damage shows up.

Starting fresh means mixing new ideas with clear rules. When tech moves fast, laws must shift too - yet still hold on to justice and fair treatment. Tools powered by technology can make legal work easier, especially when paired with clearer roles for those involved. Outdated rulebooks need changes so that systems can fit today's world more closely.

CONCLUSION

Suddenly, generative AI shook up trademark rules instead of just adding small tweaks. Suddenly, tools that create, tweak, and spread material live made old legal routines feel slow and out of step. Hard to ignore - the speed of technology now overshadows how laws are enforced in real-life. That mismatch? It isn't random. It shows the current setup came from times when copying was simpler, narrower, and more manageable.¹³

This problem isn't just about accidental mix-ups. What lies below is a shift in how trademarks function when rules change continuously. When things keep changing, old legal ideas lose their grip. Instead of seeing violations as one-time acts, the system must adapt - because what used to fit now bends too far. Nowhere fixed, violations slip through online corners again and again. If this change stays unnoticed, marks might slowly lose their grip on the signalling source and confidence.

Fixing this problem isn't about small changes. It is about rethinking the relationship between law and technology. Updating laws does help, but it alone won't get far. Smoother workflows matter too. Real progress comes when technology becomes part of enforcement, not just an ad. What counts is weaving digital tools right into how rules are applied. When systems watch for violations as they happen, spotting issues fast, justice stays on pace with events. These tools lend support to rules already in place, cutting down lag that weakens action today. Fairness holds steady, even while responses speed up, because procedures still matter just as much.

Even now, how organisations function ought to shift. Because courts, watchdogs, and online spaces face new pressures from constant connection, their actions must reflect today's pace. Not

¹³ Biswas (n 6)

tossing out old rules - just reshaping them so they still work. What makes trademark law matter isn't logos alone, but the faith people place in them. To keep that power while machines learn, the framework around it must bend without breaking.

One day, trademark rules might fall behind unless they match how fast technology changes. Problems won't wait - fixing them after the incident doesn't work anymore. Change needs foresight, systems built ahead of time to handle what's coming in the future. When courts lag far behind breakthroughs, it emphasises how the old way has to shift. Closing that distance isn't just stronger penalties - it's making sure laws still matter when progress races without a stop.¹⁴

¹⁴ Dua (n 12)