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Ownership Disputes over Logos Generated by Artificial Intelligence from the Perspective of Indonesian Copyright and Trademark Law

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Abstract. The use of artificial intelligence to create logos has become increasingly common in digital business practice, especially among start-ups, micro and small enterprises, content creators, and marketplace sellers that need visual identity quickly and at low cost. Legal problems arise when an AI-generated logo is claimed by more than one party, registered as a trademark, used commercially, or alleged to resemble an earlier logo. This article examines ownership disputes over AI-generated logos from the perspective of Indonesian copyright and trademark law. The research uses a normative juridical method with statutory, conceptual, and comparative approaches. The analysis shows that Indonesian copyright law remains centered on human authorship, while trademark law focuses on distinctiveness, good faith, registration, and use of signs in trade. Therefore, disputes over AI-generated logos cannot be resolved through a single legal regime. Copyright protection depends on the existence of sufficient human creative contribution in designing, selecting, modifying, and finalizing the logo, whereas trademark protection depends on distinctiveness, absence of similarity with prior marks, good faith, and commercial use. This article proposes a layered dispute-resolution model that evaluates human contribution, AI service contracts, the origin of prompts and outputs, similarity risks, trademark examination, and evidence of commercial use.

Keywords: artificial intelligence, logo, copyright, trademark, ownership, Indonesia

INTRODUCTION

The urgency of discussing ownership of logos generated by artificial intelligence has increased because a logo is a valuable business identity asset. A logo is not merely a decorative image; it is a sign that links consumers to the commercial origin of goods or services. In the digital economy, logos appear on applications, online stores, social media accounts, packaging, advertisements, payment pages, and transaction documents. When a logo is created with AI, the design process becomes faster and cheaper, but the legal questions become more complex: who owns the logo, whether the logo is protected by copyright, and whether it can be registered as a trademark.

This issue is urgent because business actors often use AI logo generators without understanding their legal limits. A user may enter a prompt, select one of several outputs, adjust colors or typography, and then use the result as a commercial brand identity. Disputes may arise in several forms. A user may dispute the ownership of the output with the AI service provider. Two users may obtain similar logos from the same system. The owner of an earlier logo may argue that the AI-generated logo copies or is substantially similar to its logo. A logo that lacks

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sufficient human creative contribution may also face difficulty when claimed as a copyrighted work.

The global state of the art shows that intellectual property law is still searching for a balance between AI innovation and traditional principles of legal ownership. WIPO has treated artificial intelligence and intellectual property as a major policy issue because AI affects creation, ownership, infringement, and licensing. In the United States, the U.S. Copyright Office has emphasized that copyright protection requires human authorship and that material generated solely by AI cannot be claimed as a copyrighted work without sufficient human creative contribution. Thaler v. Perlmutter reinforces the view that an AI system cannot be treated as an author under U.S. copyright law. By contrast, the United Kingdom recognizes a statutory concept of computer-generated works, although this approach has not been widely adopted.

Prior studies provide important foundations for this discussion. Pamela Samuelson examined how ownership rights in computer-generated works might be allocated. Ginsburg and Budiardjo emphasized the continuing importance of human authorship in the age of machine-generated outputs. Guadamuz showed that AI disrupts traditional assumptions about creativity and authorship. Gervais explored whether machines could be treated as authors and identified the normative limits of such an approach. These studies are essential, but most of them focus on artwork, text, music, or AI-generated creative output in general. Fewer studies examine AI-generated logos as objects located at the intersection of copyright and trademark law.

In the Indonesian context, the research and regulatory gap is more specific. The Copyright Law defines an author as a person or several persons who individually or jointly produce a creation based on the ability of thought, imagination, dexterity, skill, or expertise. This formulation points toward human authorship. Meanwhile, the Trademark and Geographical Indications Law regulates signs that can be graphically represented and used to distinguish goods or services. Trademark law does not primarily ask whether a logo was created by a human or by AI; it asks whether the sign is distinctive, filed in good faith, not confusingly similar to earlier marks, and used in trade. This difference creates a distinctive type of dispute.

Another gap concerns evidence and contracts. In practice, AI-generated logos are often produced through a combination of prompts, templates, generative models, manual editing, and platform terms of service. There is no clear Indonesian standard on how much human contribution is required for an AI-assisted logo to be treated as a copyrighted work. There is also no specific guidance on how the Directorate General of Intellectual Property or courts should assess copyright claims over AI-generated logos when the same logo is also filed as a trademark. As a result, parties claiming ownership may face uncertainty in proving authorship, filing rights, licensing, and remedies.

Based on this urgency, state of the art, and gap, this article examines ownership disputes over logos generated by artificial intelligence from the perspective of Indonesian copyright and trademark law. The article argues that dispute resolution must be layered: first, by assessing whether there is sufficient human creative contribution for copyright protection; second, by examining whether the logo satisfies the distinctiveness and registration requirements of trademark law; third, by reviewing AI service contracts and the origin of the output; and fourth, by determining proportionate remedies, including recognition of rights, trademark cancellation, damages, or redesign.

METHODS

This research uses a normative juridical method. The statutory approach examines the Indonesian Copyright Law, the Trademark and Geographical Indications Law, the Electronic Information and Transactions Law, regulations on electronic system operation, and Indonesian AI ethics policy. The conceptual approach explains the concepts of author, work, authorship, originality, logo, trademark, distinctiveness, substantial similarity, good faith, ownership of AI outputs, and commercial use.

The comparative approach reviews developments from WIPO, the United States, the United Kingdom, the European Union, and academic literature on artificial intelligence and intellectual property. Primary legal materials include statutes, cases, and policy documents. Secondary legal materials include books, journal articles, institutional reports, and official guidelines. The analysis is prescriptive: it formulates a dispute-resolution model that can be applied within Indonesian law.

RESULT AND DISCUSSION

1. Logos as objects between copyright and trademark law

A logo has a dual legal character. From the perspective of copyright, it may be treated as a drawing, graphic design, visual composition, or artistic expression produced through creativity. From the perspective of trademark law, it is a sign used to distinguish goods or services in trade. This distinction is crucial because copyright protection arises from creation, while trademark protection generally depends on registration, distinctiveness, good faith, and commercial use.

In disputes over AI-generated logos, parties often conflate these two regimes. A party that registers a logo as a trademark may assume that it automatically owns the copyright. Conversely, a party that wrote a prompt or selected an AI output may assume that it automatically has the right to register the output as a trademark. These assumptions are legally incomplete. Copyright protects creative expression; trademark law protects signs that function as commercial identifiers.

Disputes over AI-generated logos should therefore begin with a mapping of rights. The first question is whether the logo is a copyrightable work. The second is who can be treated as the author or copyright holder if human creative contribution exists. The third is whether the logo can function as a valid trademark. The fourth is whether its use infringes the rights of another party. These questions may produce different answers.

2. Copyright in AI-generated logos and the requirement of human contribution

Indonesian copyright law is built on the idea of a human author. The definition of author refers to the ability of thought, imagination, dexterity, skill, or expertise. This formulation is difficult to apply to AI as a legal subject because AI lacks legal personality, legal intention, and legal responsibility. For that reason, AI should not be treated as an author.

This does not mean that every logo involving AI is automatically outside copyright protection. The central issue is human contribution. If a person merely enters a simple prompt and accepts the output without selection or modification, the copyright claim is weak. If a person develops a

concept, determines composition, selects elements, directs iterations, changes shapes, adjusts colors, arranges typography, and finalizes the logo creatively, the human contribution becomes stronger.

The better legal test is not whether AI was used, but whether a human controlled and expressed creative choices in the final logo. A fully automatic AI output should not receive full copyright protection. By contrast, a logo using AI as a creative tool may be protected to the extent that the claimed elements result from human creative choices.

In evidentiary practice, a party claiming copyright should be able to show the creative process. Relevant evidence may include prompts, initial sketches, working files, revision history, design layers, manual modifications, contracts, and documentation of output selection. Without such evidence, ownership claims may be difficult to distinguish from mere use of automatic output.

3. AI-generated logos under Indonesian trademark law

Trademark law has a different focus from copyright law. The main question is not who created the logo, but whether the sign distinguishes goods or services and satisfies legal requirements for registration. An AI-generated logo may be registered as a trademark if it is distinctive, is not contrary to law, morality, religion, public order, or decency, is not misleading, and is not substantially similar to an earlier registered mark or a well-known mark.

A logo that is weak as a copyright object may still function as a strong trademark if it is distinctive and used consistently in trade. Conversely, a logo that is copyrightable may fail as a trademark if it is generic, descriptive, or too similar to another mark. This distinction matters because ownership disputes may involve different legal positions under copyright and trademark law.

AI use increases the risk of substantial similarity. A generative model may produce a design similar to an existing logo because of training data, common visual patterns, or prompts that imitate a particular style. A trademark applicant must still conduct clearance searches before using a logo. The fact that a logo was generated by AI cannot serve as an automatic defense against claims of similarity to earlier marks.

Good faith is also important in trademark law. If a person uses AI to generate a logo through prompts deliberately directed at a famous mark or a competitor's logo, the trademark filing may be legally vulnerable. AI does not erase human intention behind the prompt, output selection, and commercial use.

4. Typology of ownership disputes over AI-generated logos

The first type of dispute is between an AI user and the AI service provider. Many platforms regulate ownership, licenses, commercial-use restrictions, and user responsibilities through terms of service. If users do not read or understand these terms, they may assume that they have full ownership of a logo, even though their rights may be limited by platform licenses or usage restrictions.

The second type is a dispute among employers, designers, and clients. An AI-generated logo may be produced by an employee, freelancer, design studio, or branding consultant. If the contract does not regulate AI use, ownership of working files, copyright, moral rights,

trademark filing rights, and warranties against third-party claims, disputes may arise after the logo is commercially used.

The third type involves two AI users who obtain similar logos. Generative models may produce similar outputs for similar prompts. In such cases, legal analysis must distinguish between similarity of general ideas, similarity of style, and similarity of protected expression or signs that create a likelihood of confusion.

The fourth type involves earlier logo or trademark owners. If an AI-generated logo is substantially similar to a registered logo, a well-known mark, or another party's graphic work, the user may face trademark cancellation, trademark infringement, copyright infringement, or damages claims. The fact that the logo was created with AI is not an independent justification.

5. Prior studies and the position of this article

Prior studies on AI and copyright provide important theoretical foundations. Samuelson discussed allocation of rights in computer-generated works. Ginsburg and Budiardjo defended the continuing importance of human authorship. Guadamuz and Gervais expanded the debate on how AI may disrupt copyright doctrine. Abbott placed AI within a broader challenge to legal systems. However, these studies generally address authorship and copyrightability of AI-generated works in general.

Studies on trademarks and AI remain less developed than studies on copyright. Yet a logo used as a trademark raises different questions. Trademark law asks whether a logo functions as a sign of origin, whether it is distinctive, whether it is similar to earlier marks, and whether registration was made in good faith. Copyright analysis alone cannot resolve these issues.

This article fills that gap by treating AI-generated logos as hybrid legal objects. A logo may be debated as a work, but it may also function as a trademark. An analysis based only on copyright risks ignoring commercial distinctiveness, while an analysis based only on trademark law risks ignoring human creative contribution and authorship. The position of this article is that AI-generated logo disputes require a layered model.

6. A dispute-resolution model

The first layer is the examination of human contribution. Courts or relevant authorities should evaluate whether the claimant made sufficient creative choices. Evidence of the creative process should be central. If human contribution is minimal, copyright claims should be rejected or limited to elements genuinely created by humans.

The second layer is trademark examination. A logo should be assessed for distinctiveness, substantial similarity, likelihood of confusion, and good faith. If an AI-generated logo resembles an earlier mark, registration may be refused or cancelled. If it is distinctive and used consistently in trade, trademark protection may be available even when the design process involved AI.

The third layer is contractual examination. Many disputes can be prevented if contracts expressly regulate AI use, ownership of outputs, platform licenses, originality warranties, responsibility for third-party claims, and rights to file the logo as a trademark. Such clauses are especially important in employment and design-service relationships.

The fourth layer is infringement-risk examination. Users of AI-generated logos should conduct trademark searches, image searches, and similarity assessments before commercial use. Failure to do so increases legal risk. In a dispute, evidence of early clearance searches may help show good faith.

7. Directions for Indonesian legal development

Indonesia does not need to recognize AI as an author. A more appropriate approach is to clarify that copyright protection for AI-assisted outputs depends on human creative contribution. The Directorate General of Intellectual Property may issue guidelines requiring applicants to disclose AI use and identify which parts are claimed as human-created expression.

In trademark law, examination guidelines should address AI-generated logos, especially substantial similarity, good faith, and the risk of generic visual outputs. Such guidance need not prohibit AI-generated logos. Its function is to ensure that AI is not used to imitate well-known marks or create consumer confusion.

Business actors should also implement internal governance. AI use in logo creation should be documented. Companies should keep prompts, intermediate outputs, revision files, selection notes, platform terms, and evidence of trademark searches. This documentation will help prove ownership, good faith, and the scope of rights if disputes arise.

Table 1. Dispute-resolution model for ownership of AI-generated logos under Indonesian law

Dispute issue	Legal question	Resolution model
Copyright claim over an AI-generated logo	Is there sufficient human creative contribution?	Assess prompts, selection, editing, finalization, and evidence of the creative process.
Trademark filing	Is the logo distinctive and not similar to earlier marks?	Conduct trademark clearance, substantial-similarity analysis, and good-faith assessment.
Dispute with AI platform	Do the terms of service grant commercial rights over the output?	Review contracts, platform licenses, and output-use restrictions.
Client-designer dispute	Who owns the output and the right to file the trademark?	Use written contracts on AI use, assignment, licenses, and infringement warranties.
Third-party infringement allegation	Does the AI logo imitate an earlier logo or mark?	Compare visual expression, dominant elements, goods/services classes, and likelihood of confusion.

CONCLUSION

Ownership disputes over logos generated by artificial intelligence cannot be resolved through a single legal regime. From the perspective of copyright law, the central issue is whether there is sufficient human creative contribution for the logo to be treated as a protected work. AI should not be positioned as an author, but humans who use AI as a creative tool may obtain protection over elements that result from their creative choices. From the perspective of trademark law, the central issue is whether the logo is distinctive, not substantially similar to earlier marks, filed in good faith, and used in trade. Thus, an AI-generated logo may be weak as a copyright object but strong as a trademark, or the opposite. Indonesia needs a layered dispute-resolution model that examines human contribution, AI service contracts, evidence of the creative process, trademark clearance, similarity risks, and commercial use. The Directorate General of Intellectual Property should also develop specific guidance so that copyright recordation and trademark registration involving AI can be assessed more transparently and consistently.

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