

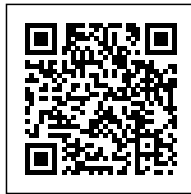
# THE DIGITAL UNIVERSE

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by mercedes galán

Currently, the legal landscape faces new challenges arising from the intersection between generative artificial intelligence (GII) and the metaverse, especially with regard to intangible asset protection and brand defence. This complex web of emerging technologies presents crucial legal implications that require a proactive and evolutionary approach by legal experts and brands. Last December, La Pedrera in Barcelona hosted the first European forum on brand defence organised by ANDEMA, where the topic was discussed at length.

## AI and Intellectual Property Rights

The increasing use of AI algorithms in the creation of content and brands raises questions about the attribution of intellectual property rights. Defining authorship and originality in an environment where creativity is driven by machines becomes a challenge, demanding legislative updates and innovative jurisprudence. As **David Gómez**, partner at Baylos, points out, "We must not forget that AI creates content based on previous training, and sometimes, it lies and creates so-called 'hallucinations'. The challenge is to create procedures to detect them, thus avoiding future problems". In this sense, as **Laura Urquizu**, partner and CEO of Red Points, points out, with regard to transparency, "the new European directive sheds some light by making it compulsory to refer to whether the content is made with AI. But even so, we need to identify and map it to know how we can mitigate the risks and react".

## Metaverse and Brand Identity Protection

The metaverse, an interactive virtual space, introduces new forms of interaction and commerce. The reproduction of brands and intangible assets within these digital worlds raises questions about brand identity protection, but are we ready? Many voices are calling for caution. As **Alejandro Martínez**, lawyer in charge of the Innovation Department at Grup MediaPro, points out, "the wave has grown, but we are still not ready as a society or with the technology. I find it difficult to have a meeting with an avatar to talk about a serious contract". **Laura Urquizu** also considers that there is still a long way to go, "investment is required and, as investment has slowed down, there has been a standstill. But as soon as it is reactivated, it will come back with a vengeance". **Franciso Pérez Bes**, partner at Ecix, sees this virtual world as still immature on a technological level: "6G will certainly allow a leap in quality, but on a legal level, the European legislator is still studying how to regulate this world".

## **Implementation and Enforcement Challenges**

Effective implementation of legal measures in this complex landscape is an additional challenge. Monitoring brand infringement in virtual worlds and identifying AI-generated intellectual property violations pose logistical and compliance challenges that require a continuous review of existing legal frameworks. **Susana Fernández**, IP Head at Inditex, stresses the importance of being cautious with the subject "at Inditex we have created an internal platform for all departments, so that they can use it prudently and experiment. The idea is for it to be transversal, for all teams, and coordinated. As there are currently no clear protocols on its use, we have opted to have an internal tool, where everything stays there".

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