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Aspects of Ownership Rights of Data and the Global Distribution of Wealth Generated by Artificial Intelligence

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ABSTRACT

Artificial intelligence (AI) systems now shape core aspects of everyday life and the global economy. They learn from huge volumes of data, generate new data through use, and produce outputs that themselves can be monetised. Yet the law does not treat "data" as a single object that someone simply owns. Instead, control over data sits at the intersection of intellectual property, data protection, trade secrecy, contract and sector-specific rules. This article makes three main claims. First, "data generated by AI" is not one thing but a bundle of very different kinds of data, each treated differently under existing legal regimes. Second, taken together, current rules tend to concentrate control and value in the hands of a small group of powerful firms and countries, reinforcing what many scholars describe as "data colonialism". Third, if the world is serious about reducing the global inequality that AI may deepen, we need both clearer domestic rules on data rights and international mechanisms for sharing some of the wealth created by AI. The article concludes by sketching elements of a fairer governance model: stronger user and community rights in data, targeted data-sharing obligations, a global AI fund and data framework, and closer links between AI governance, competition law, taxation and environmental justice.

Keywords: *Artificial intelligence, Data generated by AI, Ownership, Property, Intellectual Property, De facto Ownership*

1.0 INTRODUCTION

Data is essential at every phase of contemporary AI systems, encompassing training, fine-tuning, deployment, and continuous enhancement. This is particularly applicable to extensive machine learning and generative models. In the AI economy, a critical source of economic power is the management of data, which can gather, utilise, conceal, or disseminate it. A limited number of firms, particularly in affluent nations, dominate access to advanced models, cloud computing, and critical datasets. [1]

[1] OECD, *Artificial Intelligence in Society* (OECD 2019) 17–24.

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International organisations have indicated that AI is poised to exacerbate the disparity between affluent and impoverished nations unless governmental intervention occurs.[2]

The concept of "ownership" of data might be ambiguous. Most legal regimes do not recognise a clear, universal property interest in "raw data." The law relies on several interconnected systems, including:

- Copyright and associated rights.
- Database and trade secret safeguards.
- Data protection and privacy regulations for personal information.
- Contractual stipulations and platform policies; and
- Emerging "data access" and "data sharing" requirements, such as those outlined in the EU Data Act.[3]

This article connects two discussions that individuals and scholars frequently maintain as distinct.

1. Doctrinal debates on the ownership of data generated by AI; and
2. The broader enquiries of how AI alters global inequity and perpetuates existing patterns of extraction and reliance.[4]

The essential premise is clear: those who govern AI-related data significantly influence the beneficiaries of AI. Currently, the regulations predominantly benefit individuals possessing existing infrastructure, resources, and negotiating leverage.

To situate this article in the proper context, this paper is divided into Section One elucidates the definition of "data generated by AI." Section two is governed by property, intellectual property, and data protection laws. Section four discusses outputs generated by artificial intelligence. Section five links data governance to the concept of data colonialism and the worldwide dissemination of AI-generated wealth. Section five examines emerging international regulations concerning artificial intelligence and the distribution of advantages. Section six delineates prospective improvements at both national and international tiers, and Section seven presents a conclusion.

2.0 What is the Meaning of "Data Generated by AI"?

The expression "AI-generated data" is appealing, although it conceals numerous issues. In reality, various working parts are involved. These include

1. **Training data:** This refers to the existing information utilised for model training. It may encompass text, photos, music, sensor data, etc.

[2] World Trade Organisation, *World Trade Report 2024: Artificial Intelligence, Trade and Development* (WTO 2024).

[3] Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules for fair access to and use of data (Data Act) [2023] OJ L20/1.

[4] Carys E Gray, 'More than Extraction: Rethinking Data's Colonial Political Economy' (2023) 17 *International Political Sociology* olad007.

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2. **Input data:** comprises information transmitted to the system by individuals or devices, including prompts, uploaded files, and real-time sensor data.
3. **System and usage data:** logs and telemetry generated by the system during operation, including clicks, queries, error reports, and performance measurements.
4. **Derived or inferred data:** embeddings, profiles, scores, and patterns that the system deduces from other data.
5. **Output data:** the information or selections generated by the system, including responses, images, recommendations, risk assessments, and classifications.

   Each category may contain personal or non-personal data. Certain data will be safeguarded by copyright, trade secrets, or database rights, whilst other data will not be protected. Training data may encompass copyrighted materials sourced from the internet, proprietary company information, and personal data obtained from social media or public databases. [5] Contractual agreements and technical oversight are the primary methods for safeguarding usage data and logs. Inferred data presents significant challenges: it is produced through processing, yet it often becomes an essential asset for future monetisation and repurposing[6].

This is significant because legal discussions and policy proposals frequently refer to "data" as a singular entity. The legal status of AI-related data is ambiguous, as are the rights to govern and derive benefit from it.

3.0 Does Anyone Own AI-Generated Data?

3.1 Property Rights and Intellectual Property

The law often does not regard data in the same manner as tangible assets such as land or vehicles, which are considered personal property. Legislators have been reluctant to create a complete, exclusive property right in data, partially due to concerns that it will hinder innovation and result in significant transaction costs.[7] "Ownership-like" control is derived from specific categories of intellectual property legislation, such as:

- **Copyright:** safeguards original creations of writing, excluding facts or unprocessed data. If a work is the author's original intellectual production, it is safeguarded under EU and UK legislation.[8] Courts have often stated that "mere data" or basic compilations lacking originality do not possess copyright protection.[9]

[5] Nicolò Lucchi, *Generative AI and Copyright* (European Parliamentary Research Service 2025).
[6] ibid.
[7] OECD (n 2) ch 4.
[8] Case C-5/08 *Infopaq International A/S v Danske Dagblades Forening* EU:C:2009:465 [33]–[37].
[9] Case C-604/10 *Football Dataco Ltd v Yahoo! UK Ltd* EU: C:2012:115.

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- **Database rights:** In the EU, database rights safeguard substantial investments made in acquiring, verifying, or presenting the contents of a database, but do not extend to the facts themselves.[10]
- **Trade secret laws and regulations:** safeguard information, such as specific datasets, model parameters, and algorithms that is confidential, commercially valuable, and maintained in a reasonable manner of secrecy.[11]

The practical implication is that most of the data utilised by AI, such as usage logs, interaction histories, and certain inferred facts, lacks straightforward property protection. Businesses depend on contractual and technical obstacles, such as access control, APIs, and encryption, to maintain control.

3.2 Personal Data and Data Protection Rights

Data protection legislation, such as the GDPR and other statutes in other jurisdictions, is applicable when the data pertains to an identifiable individual or may be associated with a specific individual. These regulations grant individuals the authority to access, modify, and, in certain instances, eliminate personal data. They also grant individuals the authority to refuse specific utilizations of their data and, in certain instances, to transfer their data to alternative services.[12]

These do not constitute stringent "ownership" rights; however, they confer individuals with certain legal authority about the utilisation of their private information. The right to data portability enables individuals to access and utilise specific data from various providers. In reality, it typically encompasses only the data that a user voluntarily provides, together with certain data obtained from their use of a service.[13]

Many of the most valuable AI-related assets, such as profiles, scores, and risk projections derived from that data, exist in a nebulous legal framework. Individuals may struggle to access, comprehend, or challenge these results, despite their significant implications for their life (such as in credit rating, employment opportunities, or insurance acquisition).[14]

[10] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, arts 7–10.
[11] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets).
[12] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), arts 12–23.
[13] GDPR, art 20; Data Act (n 4) arts 4–5.
[14] World Bank, *Global Trends in AI Governance: Evolving Country Approaches* (World Bank 2024).

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3.3 Ownership, Platform Power, and "De Facto" Ownership

Contracts and platform design perform a lot of the work because general property rights in data are limited. Terms of service and API licenses frequently do the following:

- Bestow extensive rights upon service providers to gather and repurpose not only user inputs but also logs and outputs.
- Restrict the manner in which users can repurpose outputs or disseminate models; and
- Renounce any responsibility to share value or enhancements with users.[15]

Most individual users and small businesses can't really negotiate these terms; they have to either agree to them or lose access to the service. In this way, big AI companies often hold AI-related data without having to formally claim it. They control access, set the rules, and take most of the gains that accrue therefrom.[16]

The EU Data Act and related efforts strive to fix this by, for example, providing people more rights to access data from connected devices and making sure that data-sharing agreements don't have unfair conditions. These efforts are still constrained in terms of where they may be used and how far they can go.

4 Who owns AI-Generated Outputs?

Generative AI brings up a different but related question: who owns what the model generates? In many countries and jurisdictions, the answer right now depends on whether or not there is a Human Author. For example, the US Copyright Office has said that:

- Works with AI-generated content can be protected, but only if a human has added enough creative content;[17] and
- Content that is only generated by machines, without any human creative input, is not eligible for copyright protection.[18]

US courts have agreed with this perspective, even in cases involving AI-generated artworks[19].

The laws of the EU and the UK are pretty similar: Outputs that authors create using AI models can be copyrighted if they utilise them as a tool and have creative control over the results. But if the AI makes things on its own in response to cues,

[15] OECD (n 2) 115–22.

[16] Couldry and Mejias (n 1).

[17] Data Act (n 4) ch IV.

[18] US Copyright Office, 'Copyright Registration Guidance: Works Containing AI-Generated Material' (2023) 88 Fed Reg 16190.

[19] *Thaler v Perlmutter* (DCCir, 2025) (summarised in 'US appeals court rejects copyrights for AI-generated art lacking "human" creator' (Reuters, 18 March 2025).

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without any creative input from a person, it's not clear if it will be protected[20]. This is a double-edged sword when it comes to how wealth is spread around because:

- On one hand, the lack of copyright on outputs made only by AI could mean that anyone can use them for free, which could, in theory, lead to more equal access.
- Additionally, providers can still use contracts, technical protection, and trade secrets to control how outputs are used and stop others from competing with them.[21] Conversely, if robust copyright were acknowledged in AI-generated outputs and predominantly possessed by developers and consumers in affluent nations, this might exacerbate worldwide disparities in access to culture, information, and digital resources.[22]

So, the law is seeking to find a balance between over-enclosure (locking up too much knowledge behind exclusive rights) and under-protection (taking away incentives and hurting human inventors). That balance has a direct effect on who makes money from materials generated by AI.

5 Data Control and the Global Distribution of AI Wealth

5.1 The Concentration of AI Infrastructures

Artificial intelligence is not an independent entity. The foundation rests upon a distinctly uneven global framework encompassing semiconductor fabrication, data centres, undersea cables, cloud platforms, and research expertise.

The latest findings from the WTO indicate that artificial intelligence has the potential to enhance global trade and productivity. However, it is likely that the advantages will predominantly accrue to countries that already possess substantial digital infrastructure and services.[23]

The findings from the World Bank's research indicate a concerning trend: in the absence of proactive policies, numerous low- and middle-income countries may remain confined to low-value positions, supplying raw materials, data, and labour while receiving merely a fraction of the value generated by AI. [24]

The environmental and labour-related costs associated with AI are not distributed equitably. Data centres are frequently established in locations where energy costs are low and regulatory frameworks are more lenient. The extraction of

[20] Lucchi (n 6).
[21] Cooley LLP, 'Copyright Ownership of Generative AI Outputs Varies Around the World' (Cooley, 2024).
[22] ibid; see also Lucchi (n 6).
[23] WTO (n 3).
[24] WTO (n 3).

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rare earth minerals, the production of chips, and the disposal of e-waste all carry significant health and environmental implications, disproportionately affecting specific communities, particularly in the Global South[25]. The foundation of AI lies in existing disparities, and the ability to manage data—particularly on a large scale, exacerbates these disparities.

5.2 Digital Disparity and Data Exploitation

Academics engaged in critical theory employ the concept of "data colonialism"[26] to describe the ongoing practices of digital platforms and AI systems that incessantly extract and commodify human existence as data, drawing parallels to historical forms of colonial exploitation.[27] This viewpoint suggests that the matter transcends simple privacy or personal consent, involving a broader economic context in which:

- Individuals' everyday actions are converted into data;
- This data is consolidated within a select few corporations, and
- The resulting wealth is allocated in expected patterns, often straying from the communities that generated it.[28]

Recent research on the "colonial political economy of data" highlights the structuring of global data infrastructures—such as cloud platforms, AI laboratories, and content moderation and labelling workforces, in ways that sustain historical power dynamics[29].

International organisations such as UNESCO have begun to focus on these matters. It has been argued that unilateral approaches to data acquisition and AI development can undermine digital sovereignty and exacerbate existing disparities[30]. When viewed from this perspective, the existing regulations concerning data and AI outputs extend beyond merely safeguarding individual rights. A select group of individuals, primarily situated in the Global North, play a pivotal role in constructing a worldwide framework that allows them to extract data from diverse regions and transform it into exclusive models and services.

[25] 'Data Colonialism in AI' (Sustainability Directory, 2025).
[26] Nick Couldry and Ulises A Mejias, *The Costs of Connection: How Data is Colonizing Human Life and Appropriating It for Capitalism* (Stanford University Press, 2019).
[27] Couldry and Mejias (n 1).
[28] Nick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.
[29] Nick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.
[30] U.N.Nick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.

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6 Emerging Norms on AI, Data and Benefit-Sharing

Emerging global frameworks are starting to address the concepts of fairness and benefit-sharing in artificial intelligence, despite the persistence of certain structural challenges. The principles established by the OECD in 2019 assert that artificial intelligence systems ought to foster inclusive growth, sustainable development, and overall well-being. Furthermore, these systems must uphold human rights, democratic values, and the rule of law.[31]

The extensive research conducted by the OECD on the governance of artificial intelligence underscores the necessity for regulations that ensure AI does not exacerbate inequality and that its advancements are advantageous for all members of society [32] . The 2021 UNESCO Recommendation on the Ethics of Artificial Intelligence advances the discourse by asserting that AI governance must be characterised by fairness, non-discrimination, transparency, and accountability. The text establishes a distinct link between artificial intelligence and the Sustainable Development Goals, emphasising the necessity for nations to implement measures that ensure the advantages of AI are not concentrated among a select few.[33]

The proposed Global Digital Compact at the UN level seeks to establish common guidelines for a digital future that prioritises the well-being of individuals. These regulations would encompass commitments to safeguard data, deliver digital public resources, and bridge digital disparities.[34] An advisory body on artificial intelligence at the United Nations has proposed the establishment of global instruments, such as an AI governance forum and financial mechanisms, aimed at enhancing capacity and ensuring equitable access to the advantages of AI for all.[35]

However, in many instances, these instruments function as soft law. They articulate what is significant and what ought to transpire, yet they do not alter the ownership of AI-related data or facilitate the movement of funds.

7 Advancing a Fairer Framework for Data and AI-Derived Wealth

This section presents various concepts aimed at establishing a more equitable framework. While it may not provide a comprehensive strategy, it does highlight areas both domestically and internationally where significant improvements could be achieved.

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[31] U. N. Nick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.

[32] OECD, 'OECD Principles on Artificial Intelligence' (2019).

[33] OECD (n 2).

[34] UNESCO, 'Recommendation on the Ethics of Artificial Intelligence' (2021).

[35] UN Secretary-General, 'A Global Digital Compact – An Open, Free and Secure Digital Future for All' (Policy Brief, 2023).

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7.1 Strengthening Domestic Data Rights

At the national level, various measures can be implemented by countries without necessarily granting universal property rights to all data. For instance, they can facilitate access to and transfer of data by incorporating not only the information that users willingly share but also a broader spectrum of observed and, when suitable, inferred data, while ensuring safeguards for genuine trade secrets.[36]

- Advocate for the establishment of collective and community data governance frameworks, such as data trusts, cooperatives, or public-interest intermediaries, which can effectively negotiate on behalf of groups whose data is utilised in the training or operation of AI systems.[37]
- The issue of inequitable contract provisions in data-related agreements is particularly concerning, especially when standard terms grant AI providers extensive reuse rights, thereby complicating users' ability to manage their data effectively.[38]

Such measures may not entirely transform the global AI economy; however, they could empower individuals and organisations to exert greater influence over the utilisation of data that holds significant value for them.

7.2 Responsibilities Regarding Data Sharing and Competitive Practices

In certain markets, the challenge of obtaining data poses a significant barrier to competition. Certain organisations might maintain dominance over extensive, proprietary datasets, leveraging this advantage to remain at the forefront. Regulatory bodies and legislators have the capacity to implement measures such as:

- Mandating specific data-sharing or interoperability standards when necessary to foster competition or facilitate beneficial innovation.
- Examining mergers and data-sharing arrangements to assess their impact on AI markets; and • providing users with resources to simplify the process of transitioning to alternative services.[39]

The EU Data Act takes significant steps in this domain by enabling users of connected products to access and share the data generated by these devices.[40]

Other institutions might adopt similar approaches, tailoring them to suit their specific requirements.

[36] 'UN advisory body makes seven recommendations for governing AI' (Reuters, 19 September 2024).
[37] Data Act (n 4) arts 4–5.
[38] Payal Arora, 'Creative Data Justice: A Decolonial and Indigenous Approach to AI-enabled Technologies' (2024) *Information, Communication & Society*.
[39] Data Act (n 4) ch IV
[40] OECD (n 2) ch 4.

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7.3 Global Benefit-Sharing and Capacity-Building

Given the global nature of AI, alterations in a single nation are insufficient. There exists a persuasive case for the creation of international frameworks that mirror, in the digital sphere, specific principles already utilised in the realms of environmental and health governance.

One proposal is to establish a worldwide fund dedicated to artificial intelligence and data, supported by contributions from major AI corporations and affluent nations. This may be grounded in profits associated with artificial intelligence or the utilisation of computers.[41]

A fund of this nature could support:

• The development of digital infrastructure in low- and middle-income nations.
• Initiatives focused on open, local, and public-interest AI projects.
• The enhancement of training and research capabilities in the Global South.

One potential approach is to establish an international framework for AI data that would define essential standards for equity, transparency, and equitable distribution of advantages in AI initiatives that operate across national boundaries, particularly those involving sensitive information or significantly impacting local populations. Both concepts present significant challenges and are likely to encounter political obstacles.[42]

However, without a framework for global redistribution and capacity-building, the structural inequalities previously discussed are poised to exacerbate significantly.

7.4 Linking AI to Tax, Environment and Justice

Ultimately, any meaningful initiative aimed at addressing the global distribution of wealth through AI must incorporate considerations of tax equity and environmental justice.

- Numerous companies that heavily utilise artificial intelligence implement intricate tax structures, enabling them to generate profits in jurisdictions with lower tax rates while simultaneously deriving value from users and employees globally. Current international tax reforms may be adjusted to ensure that income generated from AI is taxed more equitably in the jurisdictions where value is genuinely created.
- The environmental implications of artificial intelligence are significant, encompassing energy consumption, water requirements for cooling systems, the production of hardware, and the generation of electronic waste. Residents

[41] Data Act (n 4) chs II–III.
[42] World Bank (n 15); UN Secretary-General (n 34).

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of these regions ought to have a meaningful voice in the formulation of AI policy and could potentially receive compensation or additional support.[43]

Discussions surrounding the ownership of AI-generated data must also encompass the financial contributors to AI development, the parties assuming the associated risks, and the decision-makers regarding its application.

8 CONCLUSION

This article argues that the concept of "ownership rights" regarding data generated by AI is both more limited and more politically charged than it might initially appear. The legal framework does not regard all data as a singular entity owned by an individual, and it is likely appropriate that it does not. Rather, it allocates powers and responsibilities across various domains such as trade secrets, contracts, data protection, intellectual property, and regulations that pertain exclusively to specific sectors.

However, these doctrinal nuances hold significant importance as they contribute to substantial variations among nations. In truth, a limited group of corporations and nations possess most of the data associated with artificial intelligence and the wealth it generates. This trend has prompted scholars and practitioners to examine AI and data governance from the perspectives of digital asymmetry and data colonialism.

To ensure that artificial intelligence contributes to a more equitable world rather than exacerbating existing disparities, it is essential to:

- Empower users and communities with greater control over data associated with AI.
- Implement specific measures for data-sharing and fostering competition.
- Establish global frameworks for benefit-sharing and capacity-building; and
- Connect AI governance to broader initiatives aimed at achieving fairer taxation and environmental protection.

This does not require a straightforward, absolute property right in data. It requires an openness to view data and AI not merely as neutral tools, but as platforms for political choices concerning the allocation of wealth, power, and risk, both within societies and on a global scale.

[43] World Bank (n 15); UN Secretary-General (n 34).

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21. Lucchi (n 6).

22. Cooley LLP, 'Copyright Ownership of Generative AI Outputs Varies Around the World' (Cooley, 2024).
23. ibid; see also Lucchi (n 6).
24. WTO (n 3).
25. WTO (n 3).
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29. Gray (n 5).
30. UNNick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.
31. UNNick Couldry, 'Making Data Colonialism Liveable: How Might Data's Social Order Be Regulated?' (2019) 8(2) *Internet Policy Review*.
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39. Data Act (n 4) ch IV.
40. OECD (n 2) ch 4.
41. Data Act (n 4) chs II–III.
42. World Bank (n 15); UN Secretary-General (n 34).
43. World Bank (n 15); UN Secretary-General (n 34).
44. 'Data Colonialism in AI' (n 26).