

The Hidden Ownership Question in Enterprise AI: Value, Control and Accountability

By Eddy So and Kennis Cheung

"The hidden ownership question in enterprise AI is not answered simply by asking who owns or controls the data. It is who captures the value created from it."

Artificial intelligence ("AI") has become a standing item on many board agendas.

Most discussions focus on productivity, automation, competitive advantage and risk. Organisations are investing heavily in AI-enabled capabilities, from internal knowledge platforms and workflow automation to customer-facing applications.

Most management teams can explain what they hope to gain from those investments. Far fewer have considered how the resulting value may ultimately be distributed.

Many organisations continue to assume that retaining rights in and control over their data means retaining the value generated from it.

Enterprise AI is beginning to challenge that assumption.

Ownership No Longer Determines Value

Competitive advantage has long been linked to the control of information, customer relationships and institutional knowledge. Businesses that control valuable information, customer relationships and institutional knowledge generally control the value associated with them.

Enterprise AI changes the equation.

AI systems create value from more than information alone. Model architecture, implementation expertise, proprietary workflows, user feedback and ongoing refinement may all contribute to the eventual value of a system.

An organisation may supply the information that makes an AI system valuable, while another party controls access to the underlying AI model or service, operates critical infrastructure or benefits from future improvements. Retaining rights in the underlying information may provide only part of the answer. Value, control and future benefits may also depend on how the system is designed, operated and improved over time.

Two organisations may deploy AI using similarly valuable information and yet achieve very different commercial outcomes. One may retain the benefit of customer-specific workflows, adaptations and institutional knowledge. Another may permit lessons learned, feedback or improvements to be incorporated into services offered more broadly.

Both organisations may retain their existing rights in and control over the information they contribute. What differs is how that information may be used and where future value accrues.

That does not mean one approach is inherently preferable. In some circumstances, wider sharing of improvements may provide access to more capable technology at lower cost. The key point is that organisations should understand how value is likely to be created and distributed throughout the life of the project.

AI procurement is therefore becoming as much a question of economic rights as technology capability.

Control May Matter More Than Formal Ownership

Enterprise AI also separates ownership from control in ways that many organisations are only beginning to appreciate.

A business may retain rights in and control over its data, workflows and internal knowledge resources while remaining heavily dependent on technology it does not control. Consider an organisation that has spent several years building an internal knowledge platform around a third-party AI model. The organisation may control the information, prompt libraries, workflows and knowledge resources supporting the platform. Yet if the pricing, functionality or access arrangements relating to the

underlying model change materially, it may discover that control of the information assets, workflows and knowledge resources does not necessarily guarantee continued control of the capability itself.

This becomes particularly relevant where business-critical capabilities are built around third-party AI models. Over time, knowledge systems, automation tools and customer-facing services may become deeply embedded within business operations.

The organisation may own much of what has been built around the system. Yet continued operation may depend on access to technology controlled by someone else.

Changes in pricing, service availability, functionality or commercial strategy can therefore create risks that rights in the underlying information alone may not address.

For some organisations, resilience, portability and operational flexibility may ultimately be as important as ownership of the data itself. The ability to switch providers, adopt alternative models or deployment approaches, and preserve business continuity during change may become a source of competitive advantage in its own right.

The Accountability Gap

Ownership, value and accountability do not necessarily sit in the same place.

One provider may control access to the underlying model or service. Another may operate key elements of the infrastructure. A vendor or systems integrator may benefit from future improvements or project-specific learnings.

When problems arise, however, customers, regulators and stakeholders are unlikely to focus on those distinctions. Their attention is more likely to fall on the organisation that deployed the system and relied on its outputs.

As a result, the party benefiting from a particular allocation of rights may not be the same party bearing the greatest operational, regulatory or reputational risk. This can create a significant asymmetry between those who benefit from AI-enabled value creation and those who bear the resulting governance, operational or regulatory responsibilities. Organisations evaluating AI projects should therefore consider governance, oversight and operational control alongside ownership and commercial rights. A favourable allocation of value may offer limited protection if the organisation lacks sufficient visibility into how a system operates, evolves or performs in practice.

The Board Agenda

In more conventional asset-based models, ownership and control were often more closely aligned than they

are in complex AI ecosystems. Businesses that owned critical assets generally controlled them and bore responsibility for their operation.

Artificial intelligence is increasingly separating those concepts.

An organisation may contribute the data, expertise and institutional knowledge that make a system valuable. Another party may own the model. A third may control critical infrastructure. Future improvements may benefit participants well beyond the organisation itself. Yet accountability for outcomes may remain largely with the organisation deploying the technology.

Boards and senior management increasingly need to understand how value, control and accountability are distributed across their AI ecosystem. These issues are closely connected, but they do not necessarily lead to the same answer.

The hidden ownership question in enterprise AI is not answered simply by asking who owns or controls the data.

It is who captures the value created from it.

Increasingly, answering that question also requires understanding who controls the capability through which that value is generated and who remains accountable for its consequences.

Organisations that understand those distinctions are likely to be better positioned to realise the benefits of AI while retaining control over the assets, relationships and responsibilities that matter most.

How We Can Help

AI investments increasingly raise questions that sit at the intersection of technology, procurement, intellectual property, governance and risk management.

Our experience in governance, regulatory risk and disputes enables us to assist organisations considering the legal and operational implications of enterprise AI adoption. We can assist with questions concerning governance frameworks, accountability, technology dependencies and the allocation of responsibility across AI arrangements.

If your organisation is developing, procuring or deploying AI capabilities, an early review can help clarify where value resides, who controls critical dependencies and whether existing arrangements align with your strategic objectives.

We would be pleased to discuss how these issues may affect your organisation's AI strategy, technology procurement and governance framework.

About the Authors

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Together, Eddy and Kennis bring perspectives from governance, technology risk, intellectual property and

technology contracting to issues arising from enterprise AI adoption and deployment.



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