

## DRAFT ISSUES PAPER ON INTELLECTUAL PROPERTY POLICY AND ARTIFICIAL INTELLIGENCE

Regarding Issue 6: Authorship and ownership:

- First, we would like to acknowledge that AI generates a debate regarding the core objectives of copyright protection, with two declared objectives (which may be seen as contradictory): protection of creations (moral and economic rights of authors) and instrument favoring the availability of new works. The balance between both objectives becomes critical.
- Second, it is assumed that the concept of "author" is related to human creations, but this is not explicit and has been mainly driven due to judicial and legal evolution and procedures. The concept of "author" itself has evolved throughout time, as new scenarios have risen, and the emergence of AI facilitates a moment in which we can examine the concept of author and, if necessary, look for a consensual international definition.
- Third, there is no reference to the protection of "derivative works" (for example translations made by AI). AI not only imposes a challenge to new creations, but also encourage us to consider the arrangements that must be made to existing ones.
- Fourth, no differences is made on the attribution of economic and moral rights to AI. We think that the *sui generis* protection approach could tackle this problem by both recognizing the "moral" right embodied by the AI, and the administration of economic rights.

We raise these topics in order to contribute to a complete examination of the relation between AI and IP protection.

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