IFLA Statement – Session 1, 2nd WIPO Conversation on AI and IP

Your Excellency, Dr Gurry,

I am intervening on behalf of the International Federation of Library Associations and Institutions, which represents over 2.5 million libraries globally, including over 80 000 academic and research libraries which are at the heart of the research infrastructure of any country.

They are also at the forefront of efforts to promote legal frameworks, that ensure that innovation is both effective and equitable.

To address the questions raised in this session, I would therefore like to make the following points.

Concerning the question of copyrights in AI-produced works themselves, we would be cautious about considering new rights. AI is a rapidly growing sector, suggesting no particular lack of incentives to innovate, where this is possible. It is also developing, with major human input still required. Premature legislation risks not being future proofed, as the UK IPO has highlighted, and brings with it the risk of being at best irrelevant, or at worst harmful. In line with the upcoming Creative Commons statement, we would hope to see AI as far as possible feed the public domain.

Concerning the questions around Issue 9: deep fakes, we would again advise caution. Copyright is a very blunt tool, and one that cannot take into account other – and potentially better adapted – aspects of law.

Finally, concerning issue 10, on the specific point of bias, we are highly aware of examples of applications of AI which have fallen foul of the principle of garbage-in, garbage-out. The optimal answer to this, we believe, is to maximise the amount of content available for training. I will talk more about how this may be done in Session 3. Thank you.

IFLA Statement – Session 3, 2nd WIPO Conversation on AI and IP

Your Excellency, Dr Gurry,

IFLA seeks to represent our members on access to knowledge, education and research issues. At the university level our members are active in supporting AI, working with data scientists, and managing where research data is stored.

I would like to address Issue 8. As a starting point, we believe that individual data points such as weights and hyperparameters, as statements of fact, should not be subject to copyright.

One of the most recent AI exceptions, Article 3 of the EU's Digital Single Market Directive underlines the principle that when it comes both to research and machine learning, once a copyright work has been legitimately accessed, the right to read should be the right to mine,.

Any reproduction needed for this is a result of technological necessity, and so should not represent copyright infringement.

Attempting to make such reproductions subject to copyright is a dangerous path. As was highlighted by the Lisbon Council, the lack of clear permission for text and data mining simply depressed demand, with only a few bigger commercial players active in the field, excluding libraries and SMEs.

This underlines the weakness of the argument that subjecting reproductions in the context of machine learning to copyright will bring much benefit to rightholders.

Furthermore limiting the information AI models can train on will increase the chances of machine learning bias. The issue of limitations and exceptions and bias are inextricably linked.

We would therefore suggest, as a priority for future WIPO work, further exploration of the merits of action to ensure that legitimately accessed works can be used for text and data mining and machine learning, for example through a cross-border, enforceable exception.

We finally want to draw attention to the risks of over-confidence in tools based on artificial intelligence as a means of detecting copyright infringement.

While AI-powered tools may be increasingly good at identifying works, those promoting them acknowledge clearly that they lack a sense of humour, or at least the ability to identify parody, critique or satire.