

WIPO Conversation on IP and Frontier Technologies – Sharing Session on 22 September

How are Member States and IP Offices supporting and fostering innovation in the AI field? The example of Switzerland

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Overview

- Swiss approach: Favorable framework conditions for AI innovation
- Multilateral exchange and the key role of WIPO
- What does Swiss IPI do on IP & AI?



Switzerland's approach to the promotion of innovation: bottom-up

- No specific industrial, economic or technological policies
 - Limited exceptions, e.g. innovation fund for start-ups in areas of decarbonization and digitalization
- No specific AI Act on innovation in this area
- Instead: ensure favorable framework conditions for industry, innovation and new technologies
 - Leave it up to the private sector in which area it wishes to invest



Favorable framework conditions for the private sector to innovate

- Political stability
- Reliable and predictable legal and fiscal framework
 - Trade agreements with main economic partners
 - Engagement in multilateral rule making
- High quality research centers
- Educated and well trained workforce
- High quality infrastructure
- Environmental protection

How to set favorable framework conditions for AI innovation?

- Intense exchange within Swiss government agencies
- And with the scientific community, private sector and civil society
- Interdepartmental working group to conduct hearings with Swiss and international specialists, from industry, academia and other governments
- Guidelines on the use of artificial intelligence within the Federal Administration
- <https://www.sbf.admin.ch/sbf/en/home/eri-policy/eri-21-24/cross-cutting-themes/digitalisation-eri/artificial-intelligence.html>



Guidelines on the use of artificial intelligence within the Federal Administration

- Seven guidelines. Three seem particularly relevant in our context:
 - Regulation of AI in line with bottom-up approach, i.e. technology-neutral. Choice of specific AI technology is up to the private sector. Regulation aims to favor research and education. Essential: innovation through IP protection.
 - Transparency, traceability and explainability of the use of data to ensure trustworthy AI
 - Actively shape global AI governance
 - The importance of multilateral exchange



Multilateral exchange on AI is needed (1)

- The role of IP rights is to attract investment in new technologies.
- But various interfaces between IP and AI are not clear.
- Example AI inventorship:
 - Application needs to refer to a natural person inventor
 - Increasing contributions by AI to the inventive process; is there still a sufficient contribution by a natural person to be named as an inventor?



Multilateral exchange on AI is needed (2)

- Example AI inventorship:
 - We may face legal uncertainty to what extent AI technologies can be protected
 - Further legal uncertainty through divergent national approaches
 - Impact on investors: is this worth investing in?
 - But also on competitors: do I need a license for use or further development?



The key role of WIPO

- Switzerland sees WIPO in a central role to promote exchange among Member States
- Sharing of experiences, objectives and concerns is necessary to develop a common understanding of the AI – IP interface
- WIPO's global membership is essential
 - We need an inclusive exchange involving technological leaders, followers and less advanced economies

Swiss IPI: share knowledge on IP-AI

- Feed IP expertise into national and international debates on AI
- Coordinate knowledge sharing, networking and coherence in IPI initiatives
- In cooperation with Zurich University, IPI promotes an international network of IP & AI experts in the Zurich AI-IP Group.
 - Contacts with academia and business
 - Develop a better understanding of the use of AI and its impact on creative and inventive processes
 - <https://www.cipco.uzh.ch/en/events/IP-AI.html>



Swiss IPI: facilitate sharing of non-personal data in private sector

- Objective: enable increased development and use of AI
- Various studies on legal and economic issues surrounding non-personal data
- Standardized model agreements, e.g. on data transfer and data exchange, including IP clauses
 - <https://www.ige.ch/en/intellectual-property/ip-and-society/data-processing-and-data-security>

Thank You

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