

Mr. President, members of the WIPO Frontier Technology AI and Copyright Assembly. This is my second time making an intervention to this assembly. The first time, was in my capacity in a previous role, where I spoke on behalf of CISAC, the International Confederation of Societies of Authors and Composers. Today, I speak on behalf of my law firm, William Fry LLP, one of Ireland's top ranked law firms, and internationally recognised specialists in AI law.

The reason William Fry has chosen to make an intervention today, is to address certain trends we are seeing working closely with clients in the area of AI and copyright. The majority of AI work we are doing with clients at the moment is in relation to copyright. One of the main issues we are seeing are those caused by text and data mining (TDM) exceptions and copyright issues in training data and machine learning.

When I last spoke to this assembly, it was before the explosion we have witnessed in the last eight months, caused in no small part by the widespread adoption of generative pretrained transformer technology. The shocking rapidity with which enterprise and consumers have adopted this technology has in some cases left existing legal frameworks straining with the load of this new technological burden.

Across different jurisdictions, we witness a mosaic of legal frameworks, ranging from permissive to restrictive, governing the utilisation of TDM. This fragmented legal landscape is a crucible of uncertainties, a ground rife with potential legal disputes, which some see as inhibiting international commerce and research from leveraging the full potential of AI technologies, but which is seen by others as damaging and prejudicing the rights of our creative communities.

In 2018, Japan's copyright law was amended to allow users to analyse copyright works for machine learning purposes provided that the rights of the rightholder were not unduly prejudiced. In Singapore, Section 244 Copyright Act 2021 allows for the reproduction of copyrighted works for "*computational data analysis*" and for the transmission to someone for the results to be verified. In the EU, since 2019, Article 4 of the Copyright in the Digital Single Market Directive allows for commercial TDM provided that the rightholder has not expressly reserved their rights against it. Fair use is a flexible doctrine in the US and could accommodate new technologies such as TDM which were not considered during drafting.

This disjointed international tapestry of legal approaches to TDM makes it difficult for commercial organisations to innovate, and for rightsholders to adequately protect and/or receive remuneration for their works. As a law firm working at the coal face of AI technologies with some of the biggest internet platforms and with major entertainment organisations, we see TDM as perhaps the most pressing issue requiring international cooperation and analysis from WIPO.

Thank you for your time.