



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE

**Comments by the Ministry of Justice of the Republic of Estonia on the WIPO Draft
Issues Paper on Intellectual Property (IP) and Artificial Intelligence (AI)
(WIPO/IP/AI/2/GE/20/1)**

Estonia welcomes WIPO's initiative to create an open, international and cross-sector discussion on IP policies in relation to the impacts of AI.

Estonia concurs with the comments and observations submitted to WIPO by the European Union and will thus refrain from duplicating the feedback provided therein.

However, we would like to raise one additional matter. WIPO's draft paper well establishes that the advent of AI may bring about significant socio-economical developments and possibly challenge some of the objectives and rationales of the IP regime. However, an additional challenge also stems from the fact that AI's impact may significantly evolve in time. For example, in short or medium term, granting copyright protection to the output of AI may have a positive economic and cultural effect. In contrast, the long term economic rationale in protecting the output created by an AI-based algorithm may possibly reverse, if algorithms are eventually capable of creating thousands of copyrighted works each second and the value of such creation diminishes. Saying that, reliably estimating the actual impact that AI will have on the creative sector, especially in medium and long term, may not be feasible, rendering its adequate regulation a very challenging task.

Consequently, successfully steering the impacts of AI-based technologies may require a considerably more flexible and swift regulatory approach than we are currently seeing on the international level. The necessity of regulating AI in a flexible manner may require reforming the existing legislative procedures and may challenge principles such as legal certainty as well as demand further capacity for swift transnational co-operation on IP matters.

Therefore, we propose that in addition to questions concerning the substance of regulation, it is necessary to inquire **whether we also need to re-assess, and develop, the regulatory procedures in order to effectively tackle the impact of AI.**

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