

QUESTIONNAIRE ON ARTIFICIAL INTELLIGENCE POLICIES

BACKGROUND

Artificial Intelligence (AI) has become a strategic priority for many governments across the globe. In addition, data are a critical component of AI since AI applications rely upon machine learning techniques that use data for training and validation.

As well as AI capacity building, education and regulatory measures, there is a question whether the established intellectual property (IP) system should be modified to in response to AI developments. WIPO has been requested by Member States to provide a forum for discussion of AI and IP Policy, which also includes data. WIPO has therefore started an open conversation on AI/data and IP, including a draft issues paper¹, and is planning to continue the conversation in Geneva on May 11-12, 2020.

REQUEST FOR INFORMATION

In order to aid this discussion, WIPO is seeking to collate country/regional information regarding strategies, frameworks and legislation of relevance to AI/data and IP.

This questionnaire aims at taking stock of the different national and regional landscapes of legislation and instruments applicable to AI/data and IP.

A summary of the answers provided in this questionnaire will be used to create a publicly available resource to facilitate information sharing. Personal information provided, such as contact details of individual persons, will not be made publically available but may be used solely by the Division of AI Policy to share the results of the questionnaire and to gather further information in the future.

Please send the completed questionnaire, including null responses, to ai2ip@wipo.int.

¹ https://www.wipo.int/about-ip/en/artificial_intelligence/call_for_comments/index.html

NATIONAL AI STRATEGIES

1. Does your country have a national/regional AI strategy in place?

- No
- Yes
- Draft/proposed only
- Do not know

2. If so, does the AI strategy identified in Q1 consider IP?

- No
- Yes
- Draft/proposed only
- Do not know

3. Please provide details of the AI strategy identified in Q1 (name, short description, year, URL, responsible organization name and, if relevant, its relation to IP).

The Ministry of economic development (www.mise.gov.it) is the competent national authority. A working group with external experts from the private sector was set up in 2018 to this aim. There was a public consultation in 2019 and currently the AI strategy is being drafted by the Ministry.

<https://www.mise.gov.it/index.php/it/intelligenza-artificiale-call>

AI AND IP LEGISLATIVE MEASURES

4. Does your country have any measures/provisions in its IP framework that were specifically enacted for AI (an example would be a modification of copyright law for computer d cogenerated works)?

- No
- Yes
- Draft/proposed only
- Do not know

5. Please provide details of the relevant legislative measures/provisions identified in Q4 (name, section, short description, year and URL).

6. Is there any case law relevant to AI and IP in your country/region?

- No
- Yes
- Do not know

7. Please provide details of the decision(s) relating to Q6 (name, short description of subject matter, year and URL).

EXAMINATION GUIDELINES

8. Has your country's IP office (or other IP registration body) amended its examination guidelines and procedures due to AI-related inventions or works?

- No
- Yes
- Draft/proposed only
- Do not know

9. Please provide details of the relevant guidelines and sections identified in Q8 (name, short description, year and URL)

DATA RIGHTS

10. Does your country/region have any legislative measures/provisions for database rights?

- No
- Yes - enacted law
- Draft/proposed law only
- Do not know

11. Please provide details of the relevant legislative measures/provisions identified in [Q10](#) (name, short description, year and URL).

The databases are protected by copyright law (law n. 633/1941, amended by Legislative Decree 6 May 1999 n. 169 implementing Directive 96/9 /EC relating to the legal protection of databases) whether as creative works of a creative fruit of man's work, and as good (without the character of creativity) produced thanks to significant investments in financial, time or labor terms.
In the first case there will be copyright protection and the creator of the collection is the owner of all the exclusive faculties provided by law 633/41; in the second case, however, to the maker of the database will be recognized, on the only European Union territory, the ownership of a so called sui generis right, other than copyright and related rights, aimed for protecting the work done and the investments made.

<https://www.camera.it/parlam/leggi/deleghe/testi/99169dl.htm>

12. Does your country recognize any rights or ownership in data?

- No
- Yes
- Draft/proposed only
- Do not know

13. Please provide details of the relevant legislative measures/provisions identified in [Q12](#) (name, short description, year and URL).

There are some types of data for which the italian intellectual property system provides protection if they constitute new and original works and therefore, in this case, the regulation applies in copyright matter (law 633/1941).

<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1941-04-22;633>

14. Does any AI strategy identified in Q1 or other strategy consider data and any creation of a *sui generis* right for data and/or databases?

- No
- Yes
- Draft/proposed only
- Do not know

15. Please provide details of the data strategy identified in [Q14](#) (name, short description, year, URL and responsible organization name).

OTHER AI AND IP RELATED INFORMATION

16. Please provide details of any other related processes related to AI/data and IP undertaken in your county/region, for example, public consultation processes, guidance notes for legislative interpretation, policy guidance, communications, working groups, etc. (name, short description, year and URL).

Representatives of the Italian Patent Office participate in working groups that at European/international level discuss about the technical and legal impact of the AI developments on patenting procedures (European Patent Office, EU Commission)

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