

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 publically 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.

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 UK's AI strategy is set out in two documents as follows:

- The **AI and Data Grand Challenge**, to put the UK at the forefront of the AI and data revolution. This is one of four Grand Challenges to put the UK at the forefront of the industries of the future set out in the UK's Industrial Strategy. The UK's Industrial Strategy was published in November 2017.
URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730043/industrial-strategy-white-paper-print-readyv4-version.pdf, see pages 36 to 41 for the AI and Data Grand Challenge.
- The **AI Sector Deal**, a £0.95bn package of commitments from Government and Industry to establish the UK as the go-to destination for AI across the world. It takes forward key recommendations from the independent report "*Growing the artificial intelligence industry in the UK*", by Professor Dame Wendy Hall and Jérôme Pesenti and will support AI firms to grow in the UK and to help drive adoption of the technology in the wider economy. The AI Sector Deal was published in April 2018.
URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/702810/180425_BEIS_AI_Sector_Deal_4_.pdf.

This report considers improving the transfer of intellectual property, recommending that universities should ensure that the primary objective of their approach to commercialisation of research in AI is the exploitation of intellectual property (IP), not just its protection.

The Office for Artificial Intelligence, a joint Department for Business, Energy and Industrial Strategy and Department for Digital, Culture, Media and Sport unit, is responsible for overseeing implementation of the AI and Data Grand Challenge and AI Sector Deal. The UK IPO is responsible for AI in IP policy.

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 generated 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).

Part 1, Chapter 1 of [The Copyright, Designs and Patents Act 1988](#) sets out the subsistence, ownership and duration of copyright protection in the UK; Articles 9(3) and 12(7) refer specifically to computer-generated works.

<https://www.gov.uk/government/publications/copyright-acts-and-related-laws>

Section 2(4) of the [Registered Designs Act 1949](#) sets out that:

“In the case of a design generated by computer in such that there is no human author, the person by whom the arrangements necessary for the creation of the design are made shall be taken to be the author.”

Section 214(2) of the [Copyright, Designs and Patents Act 1988](#) contains similar provisions in relation to UK unregistered design right.

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).

Intellectual Property Office Hearing Officer Decision, *Whether the requirements of section 7 and 13 [of the Patents Act 1977] concerning the naming of inventor and the right to apply for a patent have been satisfied in respect of GB1816909.4 and*

GB1818161.0 [applications in which the inventor was stated as being an artificial intelligence machine called "DABUS"], December 2019.

<https://www.ipo.gov.uk/p-challenge-decision-results/o74119.pdf>

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)

Section 3.05, *Formalities Manual*, Intellectual Property Office, 2020

<https://www.gov.uk/government/publications/patents-formalities-manual>

UK Manual of Patent Practice which explains Intellectual Property Office's practice under the Patents Act 1977

(<https://www.gov.uk/government/publications/patentsmanual-of-patent-practice>) will be updated on 1 April, 2020. This will include specific guidance on AI as inventor and on eligible subject matter. Sections 1, 7 and 13 will be updated.

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 Copyright and Rights in Databases Regulations 1997 implement the Database Directive into UK law. They amend the Copyright, Designs and Patents Act 1988 with respect to databases, and provide for the sui generis database right.

<https://www.legislation.gov.uk/ukxi/1997/3032/contents/made>

Part 1, Chapter 1 of The Copyright, Designs and Patents Act 1988 sets out the subsistence, ownership and duration of copyright protection in the UK; Articles 3 and 3A refer specifically to the protection of databases.

<https://www.gov.uk/government/publications/copyright-acts-and-related-laws>

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).

Data right as a literary work can be covered by copyright.

People's data itself is used and that is protected (e.g. GDPR). However, we do not have any further information on rights or ownership of data at the current time.

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).

This information is not available at the current time.

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).

Public consultation and seminars on AI and IP under consideration.