Intellectual property rights for the development of artificial intelligence technologies

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The Committee on Legal Affairs adopted the own-initiative report by Stéphane SÉJOURNÉ (Renew Europe, FR) on intellectual property rights for the development of artificial intelligence

Technologies.

Artificial Intelligence (AI)

Artificial intelligence is an area scientific research whose origins date back to the mid-20th century. The potential of this technology, in terms of innovation, is enormous, and it is important that the European Union adopt an operational legal framework for the development of European AI and public policies that are commensurate with the issues at stake, particularly with reference to the training of people in Europe and financial support for applied and fundamental research. This framework must necessarily include thinking about intellectual property rights (IPRs) to encourage and protect innovation and creativity in this area.

The definition of AI is still a matter for debate, but legal certainty is likely to stimulate the necessary investment in this area in the EU. A form of legislative flexibility should therefore be promoted to take account of the multifaceted reality of AI and create a framework that is future-proof (catering for further technological progress).

Recent developments in artificial intelligence (AI) and similar emerging technologies represent a significant technological advance that is generating opportunities and challenges for Union citizens, businesses, public administrations, creators and the defence sector.

EU global leadership in AI

The Union's global leadership in AI calls for an effective intellectual property system which is fit for the digital age, enabling innovators to bring new products to the market. Members called for strong safeguards to protect the Union’s patent system against abuse, which is detrimental to innovative AI developers. They stressed that a human-centred approach to AI that is compliant with ethical principles and human rights is needed if the technology is to remain a tool that serves people and the common good.

AI technologies may render the traceability of IPRs and their application to AI-generated output difficult, thus preventing human creators whose original work is used to power such technologies from being fairly remunerated.

The report further addressed copyright, protection of trade secrets and the distinction between IPR for the development of AI technologies and IPR potentially granted on creations generated by AI.

Members also highlighted the increasing need for AI and related technologies in remote or biometric recognition technologies, such as tracing apps in the transport and tourism sector, as a new way of dealing with COVID-19 and possible future sanitary and public health crises, while keeping sight of the need to protect fundamental rights, privacy and personal data.

The Commission was called on to provide balanced and innovation-driven protection of intellectual property, for the benefit of European AI developers, to strengthen the international competitiveness of European companies, including against possible abusive litigation tactics, and to ensure maximum legal certainty for users, notably in international negotiations, in particular as regards the ongoing discussions on AI and data revolution under the auspices of WIPO.

Investment in AI

Members are fully aware that progress in AI will have to be paired with public investment in infrastructure, training in digital skills and major improvements in connectivity and interoperability. In this regard, they stressed the importance of secure and sustainable 5G networks for the full deployment of AI technologies but, more importantly, of necessary work on the level of infrastructure and security thereof throughout the Union.