Intellectual property rights for the development of artificial intelligence technologies

2020/2015(INI) - 20/10/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 612 votes to 66, with 12 abstentions, a resolution on intellectual property rights (IPR) for the development of artificial intelligence (AI) technologies.

Protecting IPRs in the context of the development of AI technologies

While taking note of the Commission's White Paper on Artificial Intelligence and the European Data Strategy, Parliament stressed that the protection of IPR in the context of the development of AI and related technologies has not been addressed by the Commission.

Parliament stressed that the development, deployment and use of AI-related technologies and the growth of the global data economy require addressing important technical, social, economic, ethical and legal issues in different policy areas, including IPRs and their impact on these policy areas.

Efficient patent system

The resolution stated that the EU, as a world leader in AI, needs an effective intellectual property rights (IPR) system and safeguards in the EU patent system that protect innovative developers. It stressed the importance of ensuring a high level of IPR protection, legal certainty and confidence building to encourage investment in these technologies and to ensure that they are sustainable and used by consumers over the long term.

Parliament suggested assessing in particular the impact and implications of AI and related technologies under the current system of patent law, trademark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information (‘trade secrets’) against their unlawful acquisition, use and disclosure.

Patent protection

Members stressed that creating a framework for creativity and innovation by encouraging the use of AI technologies by creators should not be at the expense of the interests of human creators or the Union’s ethical principles. They considered it essential in this respect to distinguish between AI-assisted human creations and AI-generated creations. They specified that AI should not be endowed with legal personality, which could have negative effects on the motivation of human creators.

Members therefore recommended that rights should only be granted to natural or legal persons who have created the work legally and only if the copyright owner has given permission for the use of copyrighted content.

The resolution also stressed that AI or related technologies used for the registration procedure to grant IPRs and for the determination of liability for infringements of IPRs cannot be a substitute for human review carried out on a case-by-case basis, in order to ensure the quality and fairness of decisions.

Parliament requested further clarification as regards data protection under copyright law and the potential trademark and industrial design protection for works generated autonomously through AI applications. It

also highlighted the IPR issues arising from the creation of deep fakes based on misleading, manipulated or simply low-quality data.

Strengthening the competitiveness of European businesses

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.

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.