Basic information

2020/2015(INI) INI - Own-initiative procedure	Procedure completed
Intellectual property rights for the development of artificial intelligence technologies **Subject** 3.30.06 Information and communication technologies, digital technologies 3.40.06 Electronics, electrotechnical industries, ICT, robotics 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	SÉJOURNÉ Stéphane (Renew)	16/01/2020
	Shadow rapporteur HALICKI Andrzej (EPP) WÖLKEN Tiemo (S&D) BREYER Patrick (Greens /EFA) DZHAMBAZKI Angel (ECR) REGIMENTI Luisa (ID) MAUREL Emmanuel (GUE /NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
IMCO Internal Market and Consumer Protection	BIELAN Adam (ECR)	28/02/2020
TRAN Transport and Tourism	DELI Andor (EPP)	15/01/2020
CULT Culture and Education	VERHEYEN Sabine (EPP)	18/11/2019
AFCO Constitutional Affairs	The committee decided not to give an opinion.	

Key events

Date	Event	Reference	Summary
16/01/2020	Committee referral announced in Parliament		
01/10/2020	Vote in committee		
02/10/2020	Committee report tabled for plenary	A9-0176/2020	Summary
19/10/2020	Results of vote in Parliament		
19/10/2020	Debate in Parliament		
20/10/2020	Decision by Parliament	T9-0277/2020	Summary
20/10/2020	Results of vote in Parliament		
20/10/2020	End of procedure in Parliament		
21/10/2020	Results of vote in Parliament		
22/10/2020	Results of vote in Parliament		
23/10/2020	Results of vote in Parliament		

Technical information	
Procedure reference	2020/2015(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/02279

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE650.527	24/04/2020	
Amendments tabled in committee		PE652.449	27/05/2020	
Committee opinion	IMCO	PE648.600	08/07/2020	
Committee opinion	TRAN	PE648.605	13/07/2020	
Committee opinion	CULT	PE648.351	03/09/2020	
Committee report tabled for plenary, single reading		A9-0176/2020	02/10/2020	Summary
Text adopted by Parliament, single reading		T9-0277/2020	20/10/2020	Summary

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.

Intellectual property rights for the development of artificial intelligence technologies

2020/2015(INI) - 02/10/2020 - Committee report tabled for plenary, single reading

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.