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WIPO on Artificial Intelligence

With the introduction of Artificial Intelligence (AI) in today's world, there are various questions that arise when the legal aspect comes into play. The legalities are further strained when the matters are a matter of Intellectual Property Rights.

The World Intellectual Property Organization (WIPO) has been conducting a series of sessions on the intersection of Artificial Intelligence and Intellectual Property (IP). First three sessions, held in 2019-2020, focused on “AI and IP Policy” and discussion on questions of AI for IP system. The Sixth Session of the WIPO Conversation on “Frontier technologies – AI Inventions” was held on September 21-22, 2022. The session focused on the challenges presented by AI inventions to the current patent system, the market trends, and how IP offices can support AI innovation.

In addition, the Eighth WIPO Conversation on “Generative AI's Impact on IP” was held on September 20-21, 2023. The session focused on emerging trends in generative AI, how generative AI and large language models foster AI-driven creativity, how machine-learning models are trained, the ownership and authorship of any works generated using AI and its impact on intellectual property (IP) rights.

OUTLINE OF SESSIONS

First Session: The first session of the WIPO Conversation on IP and AI was held in September 2019. The session aimed to discuss the impact of AI on IP policy. The session was attended by representatives of the commercial, research, and non-governmental sectors, as well as member states. The discussed issues were:

- What impact does AI have on the IP system and IP policy?
- AI and patents: are the current patent law and patentability guidelines appropriate for protecting and using AI-related Inventions?
- Socio-economic and ethical impacts of AI on the IP system: public policy interpretations.
- Will AI change human creativity and its protection as copyright and related rights?
- Data Policy and AI: Data Protection and Free Flow of Data for Developing and Utilizing Technologies, and its Implication on the IP System.
- AI and IPO Administration: What is the impact of AI on examination of IP applications?

After the session, the WIPO Secretariat developed a draft list of issues to provide the basis for a shared understanding of the main questions that need to be discussed or addressed relating to IP policy and AI. Following a public consultation in which close to 260 submissions were received, WIPO published a revised Issues Paper in May 2020.

Second Session: The second session of the WIPO conversation on IP and AI was held virtually from July 7 to 9, 2020. The session was attended by speakers who commented on WIPO's Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence. The paper discusses the intersection of AI with IP policy and the impact of AI on the creation, production, and distribution of economic and cultural goods and services.



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The paper also highlights the use of AI in IP administration and the development of AI capacity and AI regulatory measures by governments across the globe.

Third Session: The agenda of the session focused on questions of definitions related to AI, how AI will impact the trademark area or patents, how policy can help bridge the capacity gap in AI, and the policy implications of the use of AI in IP administration. Issues discussed:

- Definitions (AI and AI related terms).
- IP protection for AI-generated and AI-assisted works and inventions and related topics.
- AI inventions: Patentability, Disclosure and guidelines.
- Data: Copyright in training data, further rights in data and trade secrets.
- Impact on Trademarks.
- Capacity building and Accountability.

Sixth Session: The sixth session, titled “Frontier technologies – AI Inventions,” focused on the full range of AI inventions and the challenges they present to the current IP system. The session aimed to provide better protection and embrace the full value of patents by having timely, transparent, and accessible standards for patent granting that market players can fully rely on. The session also aimed to understand the uncertainties faced by innovators and for IP Offices to consider how to best support AI innovation. The session connected the views and stories from innovators and IP professionals to what is happening in the IP Offices around the world and aimed at sharing information and building awareness around patent examination practices, tools, and guidelines for AI inventions.

Eighth Session: The session aimed to bring together all stakeholders to discuss the impact of generative AI on intellectual property rights and to establish best practices for the protection of creative works in the digital age. The agenda of the two-day event focused on emerging trends in generative AI, how generative AI and large language models foster AI-driven creativity, how machine-learning models are trained, the ownership and authorship of any works generated using AI and its impact on intellectual property rights, and the rapidly evolving landscape of creativity and innovation.

More information / details on the above can be found on the official website of WIPO, here: https://www.wipo.int/about-ip/en/artificial_intelligence/policy.html.

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