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AI and copyright

(a history repeats itself...(??))

Adéla Faladová
Copyright Department
Ministry of Culture of the Czech Republic

Leaning into AI...

- **Opportunities** (e.g. see anotation)

AI came here to stay. Publishers leaning into AI will be able to produce, manage and distribute content more efficiently while enhancing audience engagement through personalisation. Additionally, as AI tools assist with fact-checking and trend analysis, they help ensure accuracy and timely reporting, positioning media organisations to thrive in an increasingly digital and data-driven landscape.

- *And challenges...*

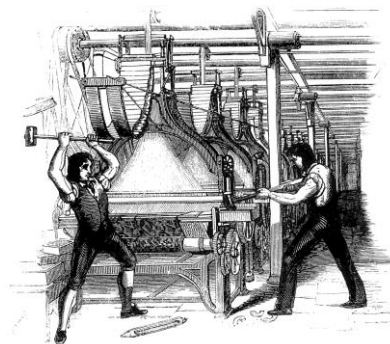
1st industrial revolution

- fear of machines...
- manual professions

X

4th industrial revolution

- concerns about AI...
- creative professions/white collars
(*autors, performers, journalists, interpreters/translators, SW developers*)
- academia (*academic publishing; plagiarism...*)
- **Studies on impact of AI on Labor Market, on Creativity...**



<https://www.history.com/news/industrial-revolution-luddites-workers>

<https://www.theguardian.com/business/picture/2015/nov/12/kipper-williams-on-robots-taking-british-jobs#img-51>

For copyright – **nothing new...**

New technologies = new challenges for ©

- letterpress printing (*origin of copyright*)
- reproduction/private copying – MC, VHC, CD... (*levies*)
- Digital reproduction + internet (*WIPO treaties 1996*)
- **AI... (???)**

Discussions and negotiations on AI-related matters...

- at international, regional and national levels...



OSN: 2024 – final report [Governing AI for Humanity](#)

OECD

- [OECD.AI Policy Observatory](#)
- [Catalogue of Tools & Metrics for Trustworthy AI](#)
- [AI Incidents Monitor \(AIM\)](#)
- [database of national AI policies](#)
- [OECD.AI Newsletter](#)



Council of Europe – Committee on AI



✓ Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

(1st international convention on AI)

+ guidelines;

e.g. Guidelines on responsible implementation of AI in journalism

+ discussion on integration of AI in culture, creativity, culture heritage...

Up to now

- most of AI regulation not related to IPR
- (e.g. AI Act: safety, privacy, cybersecurity, democracy, fundamental rights...)

however: 69% of respondents (CISCO 2024 Privacy Benchmark Study)
concerned ...

GenAI could hurt company's legal rights and IPR

Čeho se nejvíce obávají uživatelé generativní AI	
ohrožení duševního vlastnictví	69 %
sdílení citlivých informací s veřejností/konkurencí	68 %
může poskytnout nesprávné výsledky	68 %
může škodit lidstvu	63 %
nahradí jiné zaměstnance	61 %
nahradí moji vlastní práci	58 %

Zdroj: Cisco 2024 Privacy Benchmark Study
HN, 27.2.2024

Questions on AI and ©

1. Authorship (*of AIGC – exclusively/with AI*)
2. Protection of AIGC (*©? / related rights / sui generis / none*)
3. Legality of use of ©protected content for training and providing of AI (*TDM exception / fair use*)
4. Opt-out (*how?*)
5. Licensing of use for (AI) training and providing (*individual / CMOs*)

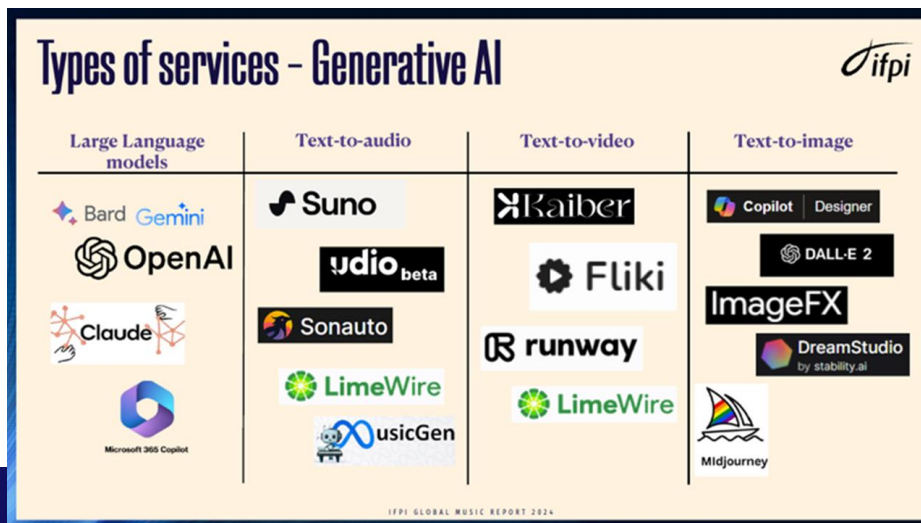
EU

- **DSM directive (EU) 2019/790**
- Art. 3, Art. 4 – TDM exceptions
- (in CZ: Art. 39c and Art. 39d of the Copyright Act)
- *Commission's proposal for a directive – of 2016 (!)*
- *Directive adopted in 2019*
- *Deadline for MSs' implementation in 2021*

What was it intended for?

Exg. [Artificial intelligence in the context of cultural heritage and museums \(European Parliament, 2023\)](#)

- for restoration (visual art, architecture...)
- for completing ancient texts
- for deciphering ancient scripts and languages
- ...



- 2022:

World Intellectual Property Organization



WIPO Conversation on Intellectual Property (IP) and Frontier Technologies

5th and 6th November 2024 (10.):

AI Output: To protect, or not to protect – that is the IP question

- + Standing Committee on Copyright and Related Rights (SCCR)
 - *info session on opportunities and challenges of AI for ©*

EU - AI Act

- **some safeguards for IP RHs**
(*respect for EU©law; transparency, Code of practice...*)

+ **obligations/tasks**
for European AI Office ; Member States...
for **stakeholders (!)**



Next steps?

Implementation of the AI Act

- *Important: **cooperation** of AI Office, MSs, EUIPO + all relevant stakeholders...*

i.a. on self-regulation(s)

+ on ©

- discussion(s) at ©WP

(HU PRESquestionnaire/background paper)

- discussion(s) in WIPO...





Thank you for your attention

adela.faladova@mk.gov.cz