QUESTIONNAIRE ON ARTIFICIAL INTELLIGENCE POLICIES

BACKGROUND

Artificial Intelligence (AI) has become a strategic priority for many governments across the globe. In addition, data are a critical component of AI since AI applications rely upon machine learning techniques that use data for training and validation.

As well as AI capacity building, education and regulatory measures, there is a question whether the established intellectual property (IP) system should be modified to in response to AI developments. WIPO has been requested by Member States to provide a forum for discussion of AI and IP Policy, which also includes data. WIPO has therefore started an open conversation on AI/data and IP, including a draft issues paper[1], and is planning to continue the conversation in Geneva on May 11-12, 2020.

REQUEST FOR INFORMATION

In order to aid this discussion, WIPO is seeking to collate country/regional information regarding strategies, frameworks and legislation of relevance to AI/data and IP.

This questionnaire aims at taking stock of the different national and regional landscapes of legislation and instruments applicable to AI/data and IP.

A summary of the answers provided in this questionnaire will be used to create a publically available resource to facilitate information sharing. Personal information provided, such as contact details of individual persons, will not be made publically available but may be used solely by the Division of AI Policy to share the results of the questionnaire and to gather further information in the future.

Please send the completed questionnaire, including null responses, to ai2ip@wipo.int.

---

[1] https://www.wipo.int/about-ip/en/artificial_intelligence/call_for_comments/index.html

NATIONAL AI STRATEGIES

1.   Does your country have a national/regional AI strategy in place?

☐   No
☐   Yes
☐   ***Draft/proposed only***
☐   Do not know

2.   If so, does the AI strategy identified in Q1 consider IP?

☐   No
☐   Yes
☐   ***Draft/proposed only***
☐   Do not know

3.   Please provide details of the AI strategy identified in Q1 (name, short description, year, URL, responsible organization name and, if relevant, its relation to IP).

Austria is currently intensively working on a federal AI strategy under the working title "**Artificial Intelligence Mission Austria 2030**". Under the **Co-Chairmanship** of the **Ministry for Climate Protection, Environment, Energy, Mobility, Innovation and Technology** as well as the **Ministry for Digital and Economic Affairs** it is jointly developed by several ministries. Based on extensive expert work performed in 2019, the strategy will - now under the new Government - swiftly be adopted as Austrian AI Strategy this year. As a first step an interim report on results was published last year:

https://www.bundeskanzleramt.gv.at/dam/jcr:094fa5af-1acc-4238-8d7e-e27351005d45/15_13_bei_NB.pdf

Besides the work on the national AI strategy, there is the so-called **E-Justice Strategy** in place with elements of AI. It was developed in accordance with the European E-Justice Strategy. The strategy identifies potential use cases for AI in the justice area and shows also the limits by strategic guidelines. Currently, the Ministry for Justice uses AI for the anonymization process of judgements and structuring of files. Furthermore, AI based systems are used for data analysis and structuring in the field of investigation proceedings and criminal proceedings.

AI AND IP LEGISLATIVE MEASURES

4.   Does your country have any measures/provisions in its IP framework that were specifically enacted for AI (an example would be a modification of copyright law for computer generated works)?

☐   ***No (we nevertheless would like to draw your attention to the European Commission activities, esp. to the Whitepaper on AI: all further national legislation will have to be in line with European law)***
☐   Yes

☐   Draft/proposed only

☐   Do not know

5.   Please provide details of the relevant legislative measures/provisions identified in Q4 (name, section, short description, year and URL).

6.   Is there any case law relevant to AI and IP in your country/region?

☐   ***No***
☐   Yes
☐   Do not know

7.   Please provide details of the decision(s) relating to Q6 (name, short description of subject matter, year and URL).

<div style="border:1px solid black; min-height:180px;"></div>

EXAMINATION GUIDELINES

8.   Has your country's IP office (or other IP registration body) amended its examination guidelines and procedures due to AI-related inventions or works?

☐   ***No***
☐   Yes
☐   Draft/proposed only
☐   Do not know

9.   Please provide details of the relevant guidelines and sections identified in Q8 (name, short description, year and URL)

<div style="border:1px solid black; min-height:120px;"></div>

DATA RIGHTS

10.   Does your country/region have any legislative measures/provisions for database rights?

☐   No
☐   ***Yes - enacted law***
☐   Draft/proposed law only
☐   Do not know

11.	Please provide details of the relevant legislative measures/provisions identified in Q10 (name, short description, year and URL).

Austria has implemented Directive 96/9/EC.

12.	Does your country recognize any rights or ownership in data?

☐	No
☐	Yes
☐	Draft/proposed only
☐	Do not know
☐	***cf. answer to question 11***

13.	Please provide details of the relevant legislative measures/provisions identified in Q12 (name, short description, year and URL).

e.g. Copyright law (§§ 40a – 40f, §90b, §§ 76c – 76e)

https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001848

14.	Does any AI strategy identified in Q1 or other strategy consider data and any creation of a *sui generis* right for data and/or databases?

☐	No
☐	Yes
☐	Draft/proposed only
☐	***Do not know***

15.	Please provide details of the data strategy identified in Q14 (name, short description, year, URL and responsible organization name).

OTHER AI AND IP RELATED INFORMATION

16.   Please provide details of any other related processes related to AI/data and IP undertaken in your county/region, for example, public consultation processes, guidance notes for legislative interpretation, policy guidance, communications, working groups, etc. (name, short description, year and URL).

There are no concrete measures in Austria planned concerning AI and copyright; however, the topic is part of legal discours.

[End of document]