WIPO Questionnaire on Artificial Intelligence Policies

National AI strategies

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

Draft/proposed only.

2. <u>If so, does the AI strategy identified in Q1 consider IP?</u>

Draft/proposed only.

3. N.A.

AI and IP legislative measures

4. <u>Does your country have any measures/provisions in its IP framework that were specifically enacted for AI […]?</u>

No.

5. N.A.

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

Do not know.

7. N.A.

Examination guidelines

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

No.

9. N.A.

Data rights

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

Yes.

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

Belgian law regarding database protection originates from directive 96/6/EC, which introduces on the one hand copyright protection for databases and on the other hand a sui generis right for makers of databases.

Belgium transposed directive 96/6/EC in the Code of economic law (CEL). Provisions XI.186 CEL et seq. concern copyright protection of databases. Only if the selection or arrangement of the contents of the database constitute the author's own intellectual creation, the database shall benefit from copyright protection. The contents of the database are not protected by this regime, but may be protected by general copyright law or otherwise.

The sui generis protection regime is transposed in title 7 ("Databases") of Book XI of the CEL (provisions XI.305 CEL et seq.). Key condition is a substantial investment in the obtaining, verification or presentation of the contents of the database.

Date: Directive 96/6/EC has been transposed into Belgian law in 1998. Since 2014, all relevant provisions (copyright protection and sui generis right) are now incorporated in Book XI of the Code of economic law.

The relevant legislation can be found here:
DUTCH:
https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2013022819&table_name=wet
FRENCH:
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2013022819

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

Yes.

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

The relevant provisions regarding sui generis protection of databases allow the maker of the database to authorise or forbid certain uses of the contents of the databases by third parties. However, not all uses by third parties are subject to the authorisation of the maker of the database.

Only if a third party wants to use a substantial part of the database, the maker of the database must grant its permission. The maker of the database cannot forbid non-substantial uses. However, repeated use of non-substantial parts are considered as substantial.

Relevant provision: art. XI.307 CEL jo. Art. XI.310-314 CEL.

Date: Directive 96/6/EC has been transposed into Belgian law in 1998. Since 2014, all relevant provisions (copyright protection and sui generis right) are now incorporated in Book XI of the Code of economic law.

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https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2013022819&table_name=wet
FRENCH:
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2013022819

14. <u>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?</u>

Draft/proposed only.

15. N.A.

Other AI and IP related information

16. N.A.

Your country's contact office for AI (if any)

With regard to AI and IP, please see the contact details on the first page.