



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 paper¹, 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 publicly available resource to facilitate information sharing. Personal information provided, such as contact details of individual persons, will not be made publicly 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).

The draft of IA strategy is still in process, and will be published by the end of 2020. The Ministry of Science, Technology, Innovations and Communications is the responsible for the document. It was recently launched a public consultation, as part of the process of developing a National AI Strategy, which received more than 900 contributions.

It was available for contribution at:
<http://participa.br/profile/estrategia-brasileira-de-inteligencia-artificial>

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
 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).

In fact, it doesn't exist yet, however our AI Strategy is being built to address these issues, there is a possibility and opportunity to add these propositions.

What exist is Law n° 9.279, of May 14th, 1996, that regulates industrial property rights and obligations.

http://www.planalto.gov.br/ccivil_03/leis/l9279.htm

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).

Law nº 12.965, of April 23rd, 2014, which establishes principles, guarantees, rights and duties for using the Internet in Brazil.

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12965.htm

Law nº 9.610, of February 19th, 1998, which amends, updates and consolidates copyright legislation and takes other measures.

http://www.planalto.gov.br/ccivil_03/leis/L9610.htm

Law nº 9.279, of May 14th, 1996, which regulates industrial property rights and obligations.

http://www.planalto.gov.br/ccivil_03/leis/l9279.htm

Law nº 5.648, of December 11st, 1970, which creates the National Institute of Industrial Property and makes other provisions.

http://www.planalto.gov.br/ccivil_03/Leis/L5648.htm

Other legislations

<http://www.inpi.gov.br/sobre/legislacao-1>

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)

INPI and CAS announce collaboration to use artificial intelligence in patent examination

<http://www.inpi.gov.br/noticias/inpi-e-cas-anunciam-colaboracao-para-usar-inteligencia-artificial-no-exame-de-patentes>

INPI takes topic on protection of inventions from the use of AI for debate

<http://www.inpi.gov.br/noticias/inpi-leva-tema-sobre-protecao-de-invencoes-a-partir-do-uso-da-inteligencia-artificial-para-debate>

Event discusses challenges of new technologies and IP in the Judiciary

<http://www.inpi.gov.br/noticias/evento-discute-desafios-das-novas-tecnologias-e-pi-no-judiciario>

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).

Law n° 13.709, of August 14th, 2018, which establishes the General Law on Protection of Personal Data (LGPD).

http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13709compilado.htm

Law n° 12.527, of November 18th, 2011, which regulates access to information.

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm

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

- No
 Yes
 Draft/proposed only
 Do not know

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

Law n° 13.709, of August 14th, 2018, which establishes the General Law on Protection of Personal Data (LGPD).

http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13709compilado.htm

Law n° 12.527, of November 18th, 2011, which regulates access to information.

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12527.htm

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 is an official group responsible for the elaboration of our IP Nacional Strategy and themes related to IP. Its called GIPI (Inter-ministerial Group for Intellectual Property) of which the Ministry of Science, Technology, Innovation and Communication is also a member. The group is available for contacting at: gipi@mdic.gov.br