



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 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).

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).

With respect to copyright law, there is not yet any consideration, meaning any tailor – made provisions for AI.

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).

To the extent known, and with regard solely to copyright, there is not yet any case law in the area.

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)

The competent authority for the protection of inventions and industrial designs is the Hellenic Industrial Property Organization (Organismos Biomixanikis Idioktisias (OBI) - https://www.obi.gr/OBI/OBI_EN/TopMenu_EN/Home_EN/tabid/71/Default.aspx).

The Hellenic Copyright Organization (Organismos Pneumatikis Idioktisias (OPI)) deals exclusively with copyright and related – rights issues – <https://www.opi.gr/en/opi/about-opi>, and there are not, under applicable law, any examination or registration or other procedures in place.

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).

The Greek Copyright Act, Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (Official Government Gazette A' 25/1993 - Entry into force: 04.03.1993) provides for tailor – made provisions with respect to rights on databases. More precisely, according to Art. 2(2a) databases may attract copyright by reason of the original selection or arrangement of their contents (i.e. provided that they may be qualified as the author's intellectual creation on these grounds). It is clearly stated though that this copyright protection does not extend to the contents of a database and is without prejudice to any

rights subsisting in those contents per se. Moreover, the law provides for a definition for databases, determining that a database is a “collection of independent works, data or other, materials arranged in a systematic or methodical way and individually accessible by electronic or other means”.

Furthermore, Art, 45A provides for the sui generis right of the maker of a database; under paragraph 1 of the aforementioned provision, the maker of a database has the right to prevent extraction and/or re-utilization of the whole or of a substantial part of the content of a database, being further determined on either qualitative and/or quantitative terms, provided that the acquisition, control or display of the content of a database demonstrate substantial qualitative or quantitative investment. According to the definition provided therein, the maker of a database shall be either the individual or a legal entity which takes the initiative and bears the risk of investment, while the database contractor shall not be considered as a “maker” within the meaning of the law (please see more at the following link: <https://www.opi.gr/en/library/law-2121-1993> (in English)).

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).

Greek law grants certain rights to data subjects (i.e. individuals), while also imposing specific obligations to the persons keeping and processing personal data (i.e. personal data controllers). The law applicable is the Law No. 4624/2019 (Official Government Gazette A’/137/29.08.2019), while the General Data Protection Regulation (EU GDPR) is profoundly also applicable. The competent authority is the Hellenic Data Protection Authority (HDPa) (please see more at: https://www.dpa.gr/portal/page?_pageid=33,40911&_dad=portal&_schema=PORTAL).

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).

With regard to copyright – where our competence applies, there are not yet any processes related to AI.

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