

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.

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).

Strategy on AI Development of the Republic of Serbia 2020 – 2025 (“Official Gazette” of the RS 96/2019) was adopted on 26 December 2019 with the aim to establish goals and measures for AI development and implementation that should result with economic development, improvement of public services and scientific professional capacities and upgrading of skills needed for future jobs. Implementation of the Strategy should also secure that AI in the Republic of Serbia is developing and being implemented in safe and ethical way in accordance with international standards. The Ministry of Education, Science and Technological Development is responsible for its implementation. Within the Strategy, the IPO is obliged to provide every 3 months information about patent applications in the AI field.

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).

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).

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)

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 Law on Copyright and Related Rights ("Official Gazette of the RS" 104/09 and 99/11 and 119/12, decision of Constitutional Court - 29/16 and 66/19) defines copyright protection for author of database and related right for database producer.

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

- X 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).

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 country/region, for example, public consultation processes, guidance notes for legislative interpretation, policy guidance, communications, working groups, etc. (name, short description, year and URL).

YOUR COUNTRY'S CONTACT OFFICE FOR AI (IF ANY)

Three-year Action Plans of the Strategy on AI Development are to be drafted later. The first one is to be made 90 days after the adoption of the Strategy.

Within its international cooperation, IPO participates in AI related activities in the WIPO and the European Patent Organization (EPO) in their administrative bodies and trainings, and is involved in the recent development of patent examination in AI field.

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