



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/caN_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).

Name: National program for support of development and uptake of AI in Republic of Slovenia
Short description: The Ministry of Public Administration is participating in the EU related AI activities and has taken steps to prepare the national artificial intelligence strategy in late 2018 in line with EU strategic approach Coordinated Plan on Artificial Intelligence (COM(2018) 795 final). The first draft strategy was prepared within the multi-stakeholders working group by July 2019, but because of reorganization of the Ministry of Public Administration, including responsibilities for Information Society, the finalization of the strategy has been postponed for couple of months and it yet needs to be adopted by the Slovenian government. Plan is to adopt the strategy by mid 2020 and based on adopted strategy

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).

Name: Copyright and Related Rights Act (Official Gazette of Republic of Slovenia, nos. 16/07 – official consolidated text, 68/08, 110/13, 56/15, 63/16 – ZKUASP and 59/19; hereinafter: CRRA)
<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO403>;

Short description:

- Copyright for original databases: CRRA grants copyright for collections which are defined as "works or of other material, such as encyclopaedias, anthologies, databases, collections of documents, etc., which, by virtue of selection, coordination or arrangement of their contents, are individual intellectual creations, shall be deemed independent works." (Article 8 (1)). Databases are

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).

The Law on Personal Data Protection (Official Gazette of RS, Nos. 94/07 - official consolidated text)
<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3906/>

Personal right and rights relating to personality (among them is the ownership of personal data)

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).

Data economy framework is currently to be developed at the EU level, based on data strategy of the new European Commission (A European strategy for data, Feb 2020). NpAI references this area in its strategic goals and proposes a Targeted Research Project to provide a proposal for appropriate framework for non-personal data to be used as a base for further work in this area.

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).

Slovenia as an EU Member State is obliged to implement the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC which has two new exceptions for the text and data mining in Articles 3 and 4. These two new exceptions will provide legal basis for text and data mining and big data analytics, which are essential processes for machine learning and AI.

[End of document]