

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).

The Twelfth National Economic and Social Development Plan (2017-2021)

The plan highlights the substantial reform by accelerating the development of science, technology research and development (R&D) to increase the country's competitiveness. It emphasizes the promotion of R&D as well as modifying technology. Production of goods and services will be developed by using advanced and integrated technologies including Artificial Intelligence (AI), embedded technology, creative cultural and high value-added service industry.

(https://www.nesdc.go.th/nesdb_en/ewt_dl_link.php?nid=4345)

Organization name: Office of the National Economic and Social Development Council

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).

N/A

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).

N/A

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)

N/A

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).

According to the Copyright Act B.E. 2537 of Thailand, compilation and composition of data is protected as copyright work under the following provision:

Copyright Act B.E. 2537 (1994) Section 12

Copyright in the work which is a compilation or a composition of copyright works by virtue of this Act done with the consent of the owners of copyright or a compilation or a composition of data or the materials which are readable or conveyable by a machine or other apparatus, vests upon the person who makes the compilation or the composition provided that he has done so by means of selection or arrangement in the manner which is not an imitation of the work of another person but without prejudice to the owners of copyright in the works or data or other materials created by the original authors which are compiled or composed.

(<https://www.ipthailand.go.th/th/dip-law-2/item/copyright-act-b-e-2537-1994.html>)

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).

According to the Copyright Act B.E. 2537 (1994) data is not protected as copyright work, only a compilation or a composition of data is subjected to copyright protection. However, some type of data, such as trade secrets, personal data and computer data could be protected by other laws.

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).

N/A

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).

1. **Thailand's National Electronics and Computer Technology Center (NECTEC)** is a national technology center under the National Science and Technology Development Agency (NSTDA), Ministry of Higher Education, Science, Research and Innovation. NECTEC is a statutory government organization with its main responsibilities of under taking, supporting and promoting the research and development of electronics and computer technologies. NECTEC also provides linkage between research communities and industries through the established industrial clusters and programs. (<https://www.nectec.or.th/en/>)

2. **The Digital Government Development Agency (DGA)** is a public organization that provides services and supports to all government agencies with regard to digital government transformation. (<https://www.dga.or.th/en/index.php>)

3. **Artificial Intelligence Association of Thailand (AIAT)** is the voluntary research community in Artificial Intelligence fields of study in Thailand and the largest nonprofit support of Artificial Intelligence's research in Thailand. The association is committed to accelerating the global and local progress of new Artificial Intelligence innovation, implementation, and development. (<https://aiat.or.th/english/>)

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