WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

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 paper[i], 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

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[i] https://www.wipo.int/about-ip/en/artificialintelligence/call_for_comments/index.html

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: Draft of National Strategy on Industrial Revolution 4.0 to 2030

- Short description:

(i) The orientation of application and development of technologies of Industry Revolution 4.0 for the 2021-2030 period includes: Application of technology of Industry Revolution 4.0 for building e-Government towards digital Government for state management smarter, faster, more transparent and efficient, more efficient; Bring high satisfaction to people and businesses.

(ii) Apply the technology of Industry Revolution 4.0 to upgrade and transform the current production and business system to optimize resource allocation, develop production and business faster, reduce costs, find gain more domestic and international markets, improve the productivity of businesses in particular and the whole economy in general.

- Year: 2019-2020

- URL: http://baochinhphu.vn/Chinh-sach-moi/Du-thao-Chien-luoc-quoc-gia-ve-Cach-mang-cong-nghiep-40-den-nam-2030/371464.vgp

- Ministry of Planning and Investment

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).

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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)

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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: LAW ON INTELLECTUAL PROPERTY (Article 14.1.m)

- Short description: Computer programs and data compilations are types of works eligible for copyright protection.

- Year: 2005

- URL: http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&mode=detail&document_id=30015

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).

> - Name: LAW ON INTELLECTUAL PROPERTY (Article 22.2)
>
> - Short description: A compilation of data means a set of data selected or arranged in a creative manner and expressed in electronic form or other forms.
> The protection of copyright to compilations of data does not cover, and is not prejudicial to copyright to those very data.
>
> - Year: 2005
>
> - URL:
> http://www.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&mode=detail&document_id=30015

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).

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