

WIPO IP Moot Court Competition

Video Submission Requirements

The video must, at the least, contain the following elements:

Introduction

- **Team Introduction**

Each team will consist of two members. Teams are encouraged to reflect gender balance. Each member should briefly introduce themselves and their role (e.g., first or second oralist, researcher etc).

- **Issue Overview**

Provide a concise description of the legal issue being argued. The issue of this year's call features the following theme:

“Does the use of Generative AI, trained using datasets that contain materials classified as cultural heritage artefacts to create NFTs, infringe on the copyright of original creators?”

- **Teams are encouraged to explore both sides of the issue.**

Legal Framework

- Identify the primary legal framework relevant to the issue at hand. This may include:

- **Copyright Law**

Key national and international laws or other relevant frameworks including any that address issues of cultural heritage protection.

- **Key Case Law**

Reference must be made to important cases concerning cultural heritage, derivative works and copyright infringement.

- **International Treaties**

Mention any relevant treaties, including WIPO treaties such as the **Berne Convention**

- **Persuasive Authorities**

Refer to opinions from scholarly articles, expert reports, high-level academic research and international committees that have made pronouncements on the above topics.

- Discuss how NFTs, cultural heritage and Generative AI fit into this legal framework, specifically whether these technologies create new works or infringe on existing copyrights.

Substantive Legal Arguments

Argument 1

Copyright Infringement, cultural heritage and NFTs

- Argue whether NFTs created using works generated by Generative AI, which itself was trained using cultural heritage databases, infringe copyright law. Consider whether minting an NFT is a reproduction or adaptation of a copyrighted work.
- Discuss the rights implicated and the extent to which Generative AI bypasses traditional copyright protections.
- Evaluate whether the content generated by AI can be classified as a derivative work that infringes the original creator's rights.

Argument 2

Copyright exceptions and Generative AI

- Explore whether the use of copyrighted works by Generative AI to create NFTs qualifies for protection under your national copyright exceptions.
- Consider whether persons with disabilities have access to new and emerging technologies such as Generative AI for learning purposes.

Counterarguments and Responses

- Briefly address potential counterarguments to your position. For example, if you are arguing for copyright infringement, consider the opposing argument that Generative AI creates entirely new works. Also be sure to rebut claims that AI-generated NFTs harm the market for the original work.

Conclusion

- Summarise the key points of your arguments, reiterating your position on whether the use of Generative AI, trained using material constituting cultural heritage to create NFTs, constitutes copyright infringement or falls under fair use.
- End with a closing appeal, restating what your team believes to be key for legal determinations on this subject.

Additional Considerations

- **Presentation**

It is recommended that teams avoid reading directly from a script. Teams should instead present in a natural, professional manner that demonstrates their command of the legal arguments.

- **Organization and Time Management**

Teams are encouraged to structure their presentations efficiently, balancing the depth of analysis with the time constraints, but they will not be provided with explicit time allocations for each section.

- **Professionalism**

Teams should adhere to the appropriate standards of courtroom decorum, including formal language and presentation style.

Evaluation Criteria

1. **Clarity and Structure of Argument** (20%)

Did the team present a logical, well-organized argument?

2. **Understanding of Legal Issues** (30%)

Did the team demonstrate a solid grasp of copyright law, NFTs, and Generative AI?

3. **Persuasiveness** (20%)

How well did the team convince the judges of their position?

4. **Use of Legal Precedents and Principles** (20%)

Did the team cite relevant laws and cases appropriately?

5. **Professionalism and Presentation** (10%)

Was the team professional and polished in its delivery?

For more information, contact the WIPO Youth Engagement Office at youth@wipo.int