



Intellectual  
Property  
Office

# AI and Copyright: What Next? 9 July 2021

Artificial intelligence and intellectual property - update

Margaret Haig, Head of Copyright Operations

**IPO** | Making life better through IP

Intellectual Property Office is an operating name of the Patent Office

1

 Intellectual Property Office

## Call for views on AI and IP: intro

- Last year, the UK's Intellectual Property Office asked whether IP framework still fit for purpose in relation to AI. In relation to copyright:
  - Should AI-generated creations be protected by copyright?
  - Does copyright (and/or patents) adequately protect AI software?
  - Is copyright a barrier to machine learning?
- We also asked whether AI-generated inventions should be protected by patents, as well as impacts on trade marks, designs and trade secrets.

**IPO** | Making life better through IP

Intellectual Property Office is an operating name of the Patent Office

2

## Call for views on AI and IP: responses

- 92 responses. Government response published March this year.
- A range of positions with two poles:
  - positivity and enthusiasm where intelligent computers can support humans in research, creativity and invention
  - concern for the removal of humanity from the creative process
- General agreement that existing liability rules can be relied on to manage infringement by AI.
- Question of ownership of copyright separate from subsistence. Consensus that AI should not own copyright.

[https://www.gov.uk/government/consultations/artificial-intelligence-and-intellectual-property-call-for-views/government-response-to-call-for-views-on-artificial-intelligence-and-intellectual-property -](https://www.gov.uk/government/consultations/artificial-intelligence-and-intellectual-property-call-for-views/government-response-to-call-for-views-on-artificial-intelligence-and-intellectual-property)

3

## Call for views on AI and IP: principles

- Government ambition to be a leader in AI technology. Any measures we implement:
  - encourage innovation in AI technology and promote its use for the public good;
  - preserve the central role of IP in promoting human creativity and innovation;
  - Are based on the best available economic evidence.
- IPO will collaborate with experts to build a robust evidence base, take a lead on the international stage, and communicate with AI developers and users, as well as owners and users of IP, to promote understanding.

4

## Call for views on AI and IP: next steps in copyright

- We have committed to consult on some areas of copyright in Autumn 2021:
  - Review the ways in which copyright owners license their works for use with AI, and consult on measures to make this easier, including **improved licensing or copyright exceptions**, to support innovation and research.
  - Consult on whether to **limit copyright in original works to human creations** (including AI-assisted creations).
  - Consult on whether or not to **replace the existing protection for computer-generated works with a related right**, with scope and duration reflecting investment in such works.
- Separately, we will consider whether action should be taken to reduce confusion between human and AI works, and the risk of false attribution.

5

## Rembrandt: poster boy for AI?

1. Rijksmuseum project using AI neural networks to help recreate lost images in the style of the artist which were cut off *The Night Watch* by Rembrandt. These were previously only known by an old copy (see two militia men on left of image).  
<https://www.rijksmuseum.nl/en/stories/operation-night-watch/story/missing-pieces> -
2. The “Next Rembrandt” project – used AI techniques including analysis of all Rembrandt’s paintings and facial recognition to create new artwork. <https://www.nextrembrandt.com/>



6

## Other applications?

- GitHub “Copilot” – virtual assistant for coding <https://copilot.github.com/>
- Sony’s “Flow Machines” software – creates new music by learning from existing music. Released tracks in the style of The Beatles and J S Bach <https://www.sonycsi.co.jp/tokyo/2811/>
- Writing novels and poetry
- Composing film soundtracks
- Audio recognition of live music
- Creating 3D characters for video games
- etc.

7

Please stay involved!

[copyrightconsultation@ipo.gov.uk](mailto:copyrightconsultation@ipo.gov.uk)

8