



Intellectual  
Property  
Office

# AI and Copyright: What Next? 9 July 2021

Artificial intelligence and intellectual property - update

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Intellectual Property Office is an operating name of the Patent Office

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 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.

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## 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)

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## 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.

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## 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.

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## 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/>



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## 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.

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Please stay involved!

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