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WIPO CONVERSATION ON INTELLECTUAL PROPERTY (IP) AND FRONTIER TECHNOLOGIES

Ninth Session
Geneva, March 13 and 14, 2024

PROGRAM

prepared by the International Bureau of WIPO

Wednesday, March 13, 2024

10.00 – 10.15

Opening

Mr. Daren Tang, Director General, World Intellectual Property Organization (WIPO)

H. E. Prof. Muhammad M. O. Kah, Ambassador and Permanent Representative of The Gambia to the UN Office at Geneva, World Trade Organisation (WTO), and other offices in Geneva

10.15 – 11.00

Panel 1: Walking in each other's shoes – bringing together the different views

This high-level panel brings together diverse perspectives in the evolving landscape of AI, creativity, and intellectual property. It will illuminate the complexities and potential tensions arising at the intersection of AI development, artistic creation, and the new balance they seek.

Moderator:

Mr. Ken-Ichiro Natsume, Assistant Director General, Infrastructure and Platforms Sector, WIPO

Speakers:

Mr. Tinodiwa Zambe Makoni, Creative Director, Cross Caption Comix, Zimbabwe

Ms. Emily Jones, Associate Professor of Public Policy, Blavatnik School of Government, University of Oxford, United Kingdom

Mr. Geoff Taylor, Executive Vice-President for Artificial Intelligence, Sony Music Entertainment, United States

Mr. Joseph C. Gratz, Partner, Morrison & Forster, United States

11.00 – 11.40

Fireside chat: The Neuroscience of Learning

Neuroscience research reveals that learning is a physical, biological, energy-dependent activity. It responds to sensory inputs and stimuli from the environment, triggering changes in the neuronal connections (synapses) and the functioning of neural networks (interconnections of many neurons through synapses). The structure of artificial neural networks is inspired by the human nervous system. In dialogue between a neuroscientist and a computer scientist, this fireside chat will explore the world of human and AI creativity. With a focus on the cognitive process and its components, including information processing, learning, consciousness, and decision-making, the speakers will explore parallels between human and artificial intelligence learning mechanisms.

Moderator:

Mr. Oliver Bown, Associate Professor, University of New South Wales (UNSW), Australia

Speakers:

Mr. Roman Jurowetzki, Associate Professor, Aalborg University
Business School, Denmark

Ms. Hannah Critchlow, Fellow, Magdalene College, University of
Cambridge, United Kingdom

11.40 – 12.20

Presentation: Training data 101

Training data is the fuel that powers the AI steam engine. Why is it important, and how does training data enable AI systems to generate insights? This presentation will provide a general overview before diving into some of the technical aspects relevant to the ongoing IP discussions including machine unlearning.

Speaker: Mr. Mohan Kankanhalli, Professor of Computer Science,
National University of Singapore, Singapore

12.20 – 12.45

Presentation: Fair compensation for creatives

This presentation will explore how fair compensation for creators could be defined, and how such remuneration could be collected and distributed.

Speaker: Mr. Duncan Crabtree-Ireland, National Executive Director
and Chief Negotiator, SAG-AFTRA, United States

13.00 – 15.00

Lunch break

15.00 – 16.00

**Panel 2: The current IP state of play: Training data containing
copyright-protected works**

This panel will provide a deep dive into existing copyright limitations and exceptions, such as text and data mining provisions, the doctrine of fair use, and other approaches. The discussion will address how these provisions impact innovation, research, and collaboration, highlighting both the opportunities and challenges within this regulatory landscape.

Moderator:

Ms. Dianne Daley McClure, Intellectual Property Partner, Foga Daley,
Jamaica

Speakers:

Ms. Maria L. Vazquez, Dean of Law School, Universidad de San Andrés,
Argentina

Ms. Sandra Aistars, Clinical Professor, Sr. Scholar & Sr. Fellow, Center
for Copyright Research & Policy, Center for Intellectual Property and
Innovation Policy, George Mason University School of Law, United
States

Mr. Nicola Lucchi, Serra Hünter Professor of Comparative Law,
Department of Law, Universitat Pompeu Fabra, Spain

Mr. Shinnosuke Fukuoka, Partner, Nishimura & Asahi, Japan

Mr. Joel Baloyi, University Registrar, Chief Administrative Officer, Chief Compliance Officer, University of Venda, South Africa

Mr. Sydney Sanches, Owner, *Sanches Advogados Associados* and Legal Services Consultant, Brazil

16.00 – 16.30

Panel 2: Moderated Q&A and discussion

16.30 – 17.30

Panel 3: Does litigation really solve everything? A litigation tracker

As text and data mining (TDM) continues to evolve and disrupt various industries, it has also found itself at the center of legal disputes and IP challenges. In this session, the panelists will analyze the specifics of ongoing or recently concluded court cases that involve TDM.

It will examine the arguments in the currently pending litigation matters. Drawing on past experiences from technology challenging copyright such as the streaming disputes to look at how litigation as resolved in the past and lessons that may apply to generative AI's use of scraped data. The panel will also ask in what circumstances litigation may be a good option and the potential remedies Courts could consider in the age of Generative AI.

Moderator:

Ms. Ganna Prokhorova, Partner, Mamunya IP, Ukraine

Speakers:

Ms. Zhu Xuyang, Senior Counsel, TaylorWessing, United Kingdom

Ms. Katherine Forrest, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP, United States

Mr. Darius F. Dalal, Partner, Jehangir Gulabbhai & Bilimoria & Daruwalla, Advocates & Solicitors, Patent & Trade Marks Agents (Regtd.), India

Mr. Amr Emad, Partner, Hind bin Al Sheikh & Partners Law Firm, United Arab Emirates

Dr. Cheryl Foong, Senior Lecturer, Curtin Law School, Australia

Mr. Vincenzo Iaia, Postdoctoral researcher, Luiss Guido Carli University, Italy

17.30 – 17.55

Panel 3: Moderated Q&A and discussion

17.55 – 18.00

Close of Day 1

Thursday, March 14, 2024

10.00 – 10.05

Opening of Day 2

10.05 – 11.00

Panel 4: Can regulation keep up? Navigating the evolving regulatory landscape

This panel will discuss the emerging legal frameworks and the approach they are taking to training data and copyright. The EU AI Act is likely to become the first regulation. Other countries are also exploring legislative options. The conversation will also ask whether regulatory frameworks can be shaped to keep pace with the ever-evolving AI and training data.

Moderator:

Mr. Yecid Rios, Founding partner, *Zapata&Rios Abogados Asociados*, Colombia

Speakers:

Mr. Martin Schaefer, Partner, BOEHMERT & BOEHMERT, Germany

Ms. Natasha Allen, Partner, Foley & Lardner LLP, United States

Mr. Simon Chesterman, Dean, National University of Singapore (NUS), Singapore

Ms. Seagull Song, International Partner, King & Wood Mallesons, China

Mr. Paolo Lanteri, Legal Counsellor, Copyright Law Division, WIPO

11.00 – 11.20

Panel 4: Moderated Q&A and discussion

11.20 – 11.40

Presentation: Can contractual frameworks mitigate the IP risk until regulation catches up?

Data poses a legal conundrum as it is unclear what rights exist in data and concepts range from ownership to control. At the same time, companies and creators face significant IP risks. There are ongoing global efforts to shape framework contract agreements. Can they fill the gap?

Speaker:

Ms. Lee Tiedrich, Distinguished Faculty Fellow in Law & Responsible Technology, Duke Initiative for Science & Society, United States

11.40 – 12.40

Panel 5: Shaping a possible way forward: New approaches for the new AI age

Training data poses a copyright conundrum. On one hand copyright owners have the right to control access to their work and to receive fair compensation. On the other hand, the development of accurate, unbiased AI models requires access to large amounts of data and civil society is adopting AI tools at an exponential pace. Creators and AI companies are looking to shape new solutions in shaping a way forward. This panel aims to brainstorm potential solutions that may allow creators to retain control over their works and to provide access to training data for AI innovators.

The discussion will highlight potential evolutions in licensing frameworks, collaborative approaches, lessons learnt from copyright levy schemes and the advancement of technological measures. It will also highlight the potential challenges faced by these new approaches. The discussion will emphasize the crucial role of human creators in ensuring diverse and representative AI outcomes.

Moderator:

Ms. Celina Lee, CEO and co-founder, Zindi, China/United States

Speakers:

Mr. Ricardo Baeza-Yates, Director of Research, Institute for Experiential AI at Northeastern University, Chile/United States

Mr. Peter Mezei, Professor of Law, Faculty of Law and Political Sciences, University of Szeged, Hungary

Ms. Jenny Lee, General Counsel, Strong Arm Technologies, Board Member, Responsible AI Licenses, United States

Mr. Ussen Kimanuka, PhD Candidate/ Google PhD Fellow, Pan African University Institute for Basic Sciences, Technology and Innovation (PAUSTI), Kenya

Mr. Peng Boris Akebuon, Co-founder and CTO, Bridge Labs, Cameroon

12.40 – 13.00

Panel 5: Moderated Q&A and discussion

13.00 – 15.00

Lunch break

15.05 – 15.25

Presentation: Generative AI, training data and innovation - how large language models are acceleration scientific break throughs.

The GenAI debate currently centers on copyright owners and AI developers as the technology is having a significant impact on content generation. While much of the IP debate is around generative AI producing text, music and images, GenAI and large language models are poised to impact the innovation space in the next few years and speeding up scientific breakthroughs. What are the touch points between training data and innovation?

Speaker: Ms. Sonia Cooper, Assistant General Counsel, Microsoft, United Kingdom

15.25 – 15.35

Presentation: Generative AI: Navigating IP

Generative AI is adopted widely by organizations and businesses, but it is clear that there are many IP uncertainties. WIPO has released a short document of guiding principles to assist organizations navigating this complex space.

Speaker: Mr. Matt Hervey, Partner, Gowling WLG, United Kingdom

15.35 – 17.10

Sharing session

Open floor interventions and discussion: exchange of current practices between IP Offices and Member States in the area of training data.

- Presenters:
- Mr. Ryan Webb, Director, Copyright Reform & Policy, Commercial and Copyright Law Branch, Attorney-General's Department, Australia
 - Mr. Matthew Cope, Deputy Director, Artificial Intelligence, Missions and Technologies, Intellectual Property Office, United Kingdom
 - Ms. Patrycja Czubkowska, Vice-President, Patent Office of the Republic of Poland, Poland
 - Mr. Gavin Foo, Principal Legal Counsel, Head Copyright, Intellectual Property Office of Singapore (IPOS), Singapore
 - Mr. Alexander Gorbunov, Head, Development Center of Scientific Policy "Artificial Intelligence", Federal Institute of Industrial Property (FIPS), Russian Federation
 - Mr. Alvaro Gonzalez, Head of Business Intelligence, Industrial Property Office of Chile (INAPI), Chile
 - Ms. Momii Keiko, Director, Agency for Cultural Affairs, Copyright Division, Japan
 - Mr. Celso De Souza Tchao, Head of the Special Projects Division and Coordinator, AI Management Committee, National Institute of Industrial Property (INPI), Brazil
 - Mr. Carlos Luna, IT Specialist, New Technologies Service, Digital Transformation Department, European Union Intellectual Property Office (EUIPO)
 - Ms. Lena Leuenberger, Legal Advisor, Copyright and Neighbouring Rights, Swiss Federal Institute of Intellectual Property, Switzerland
 - Mr. Juan Ndong Nguema Mbengono, Permanent Representative of Equatorial Guinea to the United Nations Office at Geneva, Equatorial Guinea
 - Ms. Sheila Mavis Nyatlo, Divisional Manager, Innovation Support and Protection, Companies and Intellectual Property Commission, South Africa
 - Ms. Ahn Soyeong, Deputy Director, Cultural Trade and Cooperation Division, Ministry of Culture, Sports and Tourism, Republic of Korea
 - Ms. Maria Strong, Associate Register of Copyrights and Director of Policy and International Affairs, U.S. Copyright Office, United States

Ms. Anna Vuopala, Senior Ministerial Adviser, Ministry of Education and Culture, Finland

Mr. Christian Wichard, Deputy Director General, Federal Ministry of Justice and Consumer Protection, Germany

Ms. Daria Shipitsyna, Head, Strategic Communications Center, Federal Institute of Industrial Property (FIPS), Russian Federation

17.10 – 17.45

Open floor interventions

Having heard from IP Offices, Member States, innovators, and IP professionals, what are your views? Bringing together the widest set of stakeholders, the open floor provides a forum to bring together global and diverse views.

Interventions: Ms. Tracey Armstrong, President, International Federation of Reproduction Rights Organization (IFFRO), Belgium

Ms. Mathilde Bouvier, Head of Secretariat, European Alliance for Research Excellence (EARE), Belgium

Mr. Ashutosh Chadha, Senior Director, Microsoft, UN Affairs and International Organisations, Microsoft, Switzerland

Mr. Onkar Chinmalli, Strategy Manager, Clarivate, India

Mr. Carlos Corrales, Partner, Eproint, Costa Rica

Ms. Constance Herreman Follain, Director of Legal and Public Affairs, *Confédération Internationale des Sociétés d'Auteurs et Compositeurs (CISAC)*, France

Ms. Huang Jie, Senior Director, Copyright Center of Tencent Music Entertainment Group, China

Ms. Nevena Kostova, Copyright and Content Policy, Government Affairs and Public Policy - Centers of Excellence, Google, United Kingdom

Ms. Ana Ramalho, Copyright Counsel, Google, Netherlands (Kingdom of the)

Mr. Abbas Lightwalla, Director of Global Legal Policy, International Federation of the Phonographic Industry (IFPI), United Kingdom

Mr. Racine Ly, Director, Data Management, Digital Products and Technology, Akademiya, Senegal

Mr. Bertrand Moullier, Senior Advisor International Affairs, International Federation of Film Producers Associations (FIAPF), Belgium

Mr. Ning Chengyu, Founding Partner and CEO, Xi'an KissFuture Network Technology Co., LTD, China

Ms. Susan Otieno, Legal & Content Development, PICHA, Kenya

Ms. Nicole Pfister Fetz, Secretary-General, European Writers' Council (EWC), Belgium

Mr. Qi Yong, Professor, Nanjing University of Science and Technology, China

Mr. Qiu Shaolin, Senior Director for Data compliance, Tencent Group, China

Ms. Brigitte Vézina, Director of Policy, Open Culture and GLAM, Creative Commons, Netherlands (Kingdom of the)

Mr. Murakami Ryuhei, Sub-leader, Digital Policy Working Group, Japan Intellectual Property Association (JIPA), Japan

Mr. John Smith, President, International Federation of Musicians (FIM), France

18.30 – 18.45

Closing remarks

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