**European Alliance
for Research Excellence**

Statement of the European Alliance for Research Excellence (EARE) at

WIPO Conversation on Intellectual Property (IP) and Frontier Technologies

Ninth Session, March 13 & 14, 2024

Mister/Madam Chair,

The European Alliance for Research Excellence, a coalition of companies and research organizations formed in 2017 that are committed to the future of innovation and R&D in Europe, welcomes the opportunity to provide a Statement during this Ninth Session of the WIPO Conversation on Intellectual Property and Frontier Technologies. Today, we wish to focus our contribution on how the appropriate international IP framework can be put in place to generate opportunities for our society from the power of data.

Our Alliance was built by companies and researchers united by the idea that access and use of data should be as open as possible, and as closed as necessary. This is what guided our advocacy work around the last reform of copyright rules in Europe, on exceptions for Text & Data Mining (TDM), and most recently around the European Artificial Intelligence Act.

AI is revolutionizing society and research by automating tedious tasks, analyzing vast datasets to unearth hidden patterns, and developing simulations to model complex phenomena. It empowers researchers to focus on higher-level, creative endeavors, leading to groundbreaking discoveries, particularly in key areas such as drug development, medical diagnosis, and climate change predictions. What makes AI, and Generative AI, performant and effective is the quality and quantity of the training data, particularly the inclusion of rich and diverse datasets.

Artificial Intelligence systems rely on Text & Data Mining techniques. AI requires the ability of computers to analyze very large amounts of data and employ cognitive technologies to allow the learning of patterns. The analysis of data, including AI training, should not be considered a copyright infringement. We strongly believe that the explicit TDM exceptions to copyright provide certainty for AI developers and researchers in order to support the development and training of AI applications by public and private actors.

Our Alliance believes that governments need to maintain the right balance between protecting copyright and rightsholders' productions and creating an enabling environment for Text and Data Mining and AI-based innovations to thrive. We strongly believe that existing provisions such as the TDM exception in Europe, Japan, Australia, or the fair use doctrine in the US, have already achieved this balance. These legal frameworks have clarified that performing text and data mining on copyrighted works that one has legal access to does not infringe on copyright. Moreover, in

Europe, the TDM exception allows rights owners to opt out and prevent their data from being used for Text and Data Mining (TDM) purposes.

Mister/Madam Chair, we would like to thank WIPO for convening this forum to discuss the very important issue of AI and IP rights and welcome every opportunity to continue to be engaged in WIPO's future conversations on AI and IP.