

AIPPI & AI | Q269 Resolution - 2019 AIPPI World Congress (London) Copyright in artificially generated works (cont'd)

- **AIPPI resolves that:**
- 1) Harmonization regarding the protection of AI generated works is desirable.
- 2) **AI generated works should only be eligible for protection by Copyright if there is human intervention in the creation of the work and provided that the other conditions for protection are met.** AI generated works should not be protected by Copyright without human intervention.
- This principle is considered to apply to the Working Example as follows:
 - In Step 1, the AI generated work **should not be eligible** for Copyright protection merely because of the human creation of the AI system to achieve a work as output;
 - In Step 2, case 2a, the AI generated work **should be eligible** for Copyright protection where there are human data selection criteria for the input into the AI;
 - In Step 2, case 2b, the AI generated work **should not be eligible** for Copyright protection where there is only non-human data selection or non-human data selection criteria;
 - In Step 3, case 3a, the AI generated work **should not be eligible** for Copyright protection merely because of a human selection of one work from the newly generated works;
 - In Step 3, case 3b, the AI generated work **should not be eligible** for Copyright protection merely because of non-human selection of one work from the newly generated works.
- 3) Originality (as interpreted by national laws) of the generated work resulting from the human intervention should be a condition for the protection by Copyright.

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- 4) In case of Copyright protection for the work generated by AI, because the requirements set out in 2) (human intervention) and 3) (originality) above have been met, the protection regime should be identical to other works protected by Copyright. This is in particular true for:
 - Economic Rights;
 - Moral Rights (as interpreted by national laws).
 - Term of protection;
 - Exceptions and limitations;
 - Initial ownership.
- 5) AI generated works may be eligible for protection other than Copyright protection (as set forth in the RBC), even without human intervention. AI generated works should not be precluded from obtaining protection by existing Related Rights on the basis they are AI generated and should obtain that protection as long as they meet the required criteria for obtaining protection. Jurisdictions may grant exclusive rights protection under their copyright regimes (not in the meaning of the RBC), as far as such protection already exists. As AI is still developing, it is too early to take a position on the question, whether AI generated works not covered by such existing protection should be eligible for exclusive rights protection as a Related Right or as exclusive rights under copyright (not in the meaning of the RBC).
- *RBC = Revised Berne Convention 1979*