



NTD Intellectual Property Attorneys

Since 1987

CHINA PERSPECTIVES: IP Enforcement of AI



AGENDA

01

Copyrightability
&
Ownership

02

Infringement

03

Regulations

04

Opinions
for
AI Proliferation

01

Copyrightability
&
Ownership



01 Copyrightability & Ownership

- *Li vs. Liu Case*

01

Copyright Civil Action

- Plaintiff: LI (*individual*)
- Defendant: LIU (*blogger, individual*)
- Right of authorship & Right of network communication

02

Jurisdiction

Beijing Internet Court

- *Primary People's Court*

03

Conclusions

- AIGC is copyrightable
- Ownership belongs to Plaintiff

AI Used by the Plaintiff

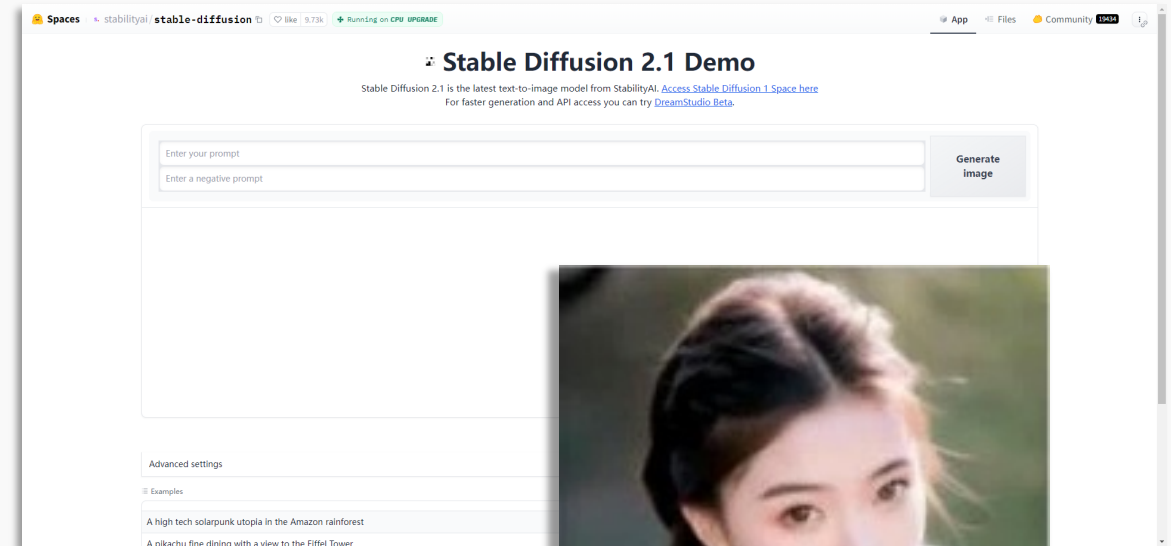


Image Generated by the Plaintiff Using AI



01 Copyrightability & Ownership

- *Li vs. Liu Case*

Article 3 of the Copyright Law of the PRC:

The works mentioned in this Law refer to **intellectual achievements** that are **original** and can be expressed in a certain form in the fields of literature, art, and science.

Intellectual Achievement

- designing the character
- selecting and arranging the order of the prompt words
- setting parameters
- selecting the pictures that he wanted



Originality

- not a “mechanical intellectual achievement”
- reflects the plaintiff’s personalized expression



Ownership

- **Author** can only be a natural person, a corporate or unincorporated organization;
- **AI** is not a legal subject & just a tool;
- **Designer of AI model** is only the producer of the tool, not the author;
- **Plaintiff's** intellectual investment & personalized expression



0

2

Infringemen
t

02 AI Related Infringement - News

The New York Times

The Times Sues OpenAI and Microsoft Over A.I. Use of Copyrighted Work

Millions of articles from The New York Times were used to train chatbots that now compete with it, the lawsuit said.

Share full article



1.3K



A lawsuit by The New York Times could test the emerging legal contours of generative A.I. technologies. Sasha Maslov for The New York Times

Google and Singular Computing Reach Undisclosed Settlement in Patent Infringement Lawsuit



by Elaine Mendonça — January 24, 2024 in News Reading Time: 2 mins read

AA 0



0 SHARES 14 VIEWS

Share on Facebook

Share on Twitter



On January 24, 2024, a groundbreaking development took place as [Google](#) successfully resolved a patent infringement lawsuit with Singular Computing. The lawsuit revolved



02 AI Related Infringement - *Scenarios and Characters*

Running AI

- Copy or adapt other's works
- Use other's patents as a tool for R&D

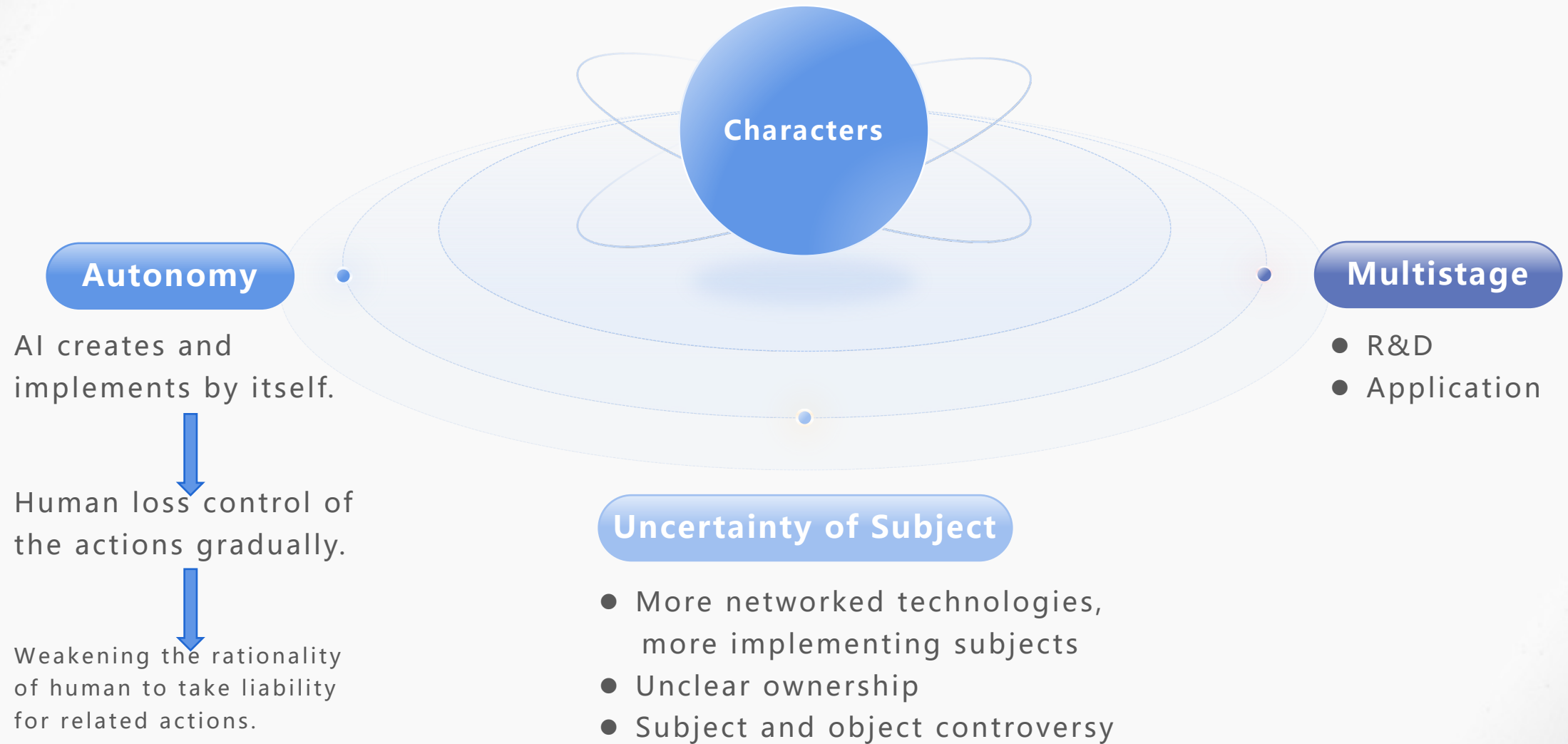


AIGC

- Infringe other's copyright and TM
- Implementing the tech generating by AI infringes other's patent



02 AI Related Infringement - *Scenarios and Characters*



00



Regulations

03 Regulations

- *Rules governing AI-generated content services*



*Temporary Measures for the Management of
Generative Artificial Intelligence Services
- August 2023
by CBC (Cyberspace Administration of China)*

- Data protection
- Non-discrimination
- Bias
- Quality of training data

03 Regulations - Readouts for the Measures



01

Scope of Application

- Technology with generative AI
- Serve to the public within the territory of the PRC
- **Excluding R&D**



02

Personal Information

- Obligations of data controller
- Obligation of personal information protection



03

Training Data

- **Clear of IP**
- Consent from personal information subject
- Comply with already active regulation



04

Responsibility for Producers

- Providers for APIs are included as producers
- Both providers for AI and APIs take equal the responsibility for all the AIGC



0

4 AI



Opinions
for
AI
Proliferatio
n

04 Opinions for AI Proliferation

Pros & Cons

- Increased Efficiency and Productivity;
- Innovation and Problem-Solving;
- Enhanced Decision-Making;
- Advancements in Healthcare

- Job Displacement;
- Bias and Discrimination;
- Privacy Concerns;
- Security Risks

04 Opinions for AI Proliferation

Dos & Don'ts

- Legal Standards and Compliance;
- Data Protection and Privacy Laws;
- Regulatory Sandboxes;
- International Collaboration

- Lack of Transparency;
- Ignoring Privacy and Security Protocols;
- Overreliance on AI;
- Failing to Address Bias in Training Data



NTD Intellectual Property Since 1987

THANKS
FOR YOUR ATTENTION



10th Floor, Tower C, Beijing Global Trade Center, 36 North Third Ring Road East Dongcheng District
Zip Code: 100013

Contact: Mr. Jesse (Chao) ZHANG
Tel: +8610 63611666 ext.1883
Fax: +861066211845
Email: zhangchao@chinantd.com



© NTD IP ATTORNEYS