Digital Policy Alert

Intellectual Property in International AI Frameworks

Nils Deeg

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Our text-level analysis of nine international AI frameworks shows that intellectual property is found across eight of the nine frameworks, though mostly in passing. Intellectual property is absent from the Council of Europe Framework Convention. A total of 12 provisions address intellectual property, with various degrees of focus and actionability.

- Only a single provision, in the UN General Assembly resolution, focuses on intellectual property as the core concern, while 11 provisions touch upon intellectual property tangentially.
- Two provisions across two frameworks, the ASEAN Expanded Guide and the Joint Declaration, provide actionable measures to address intellectual property. The remaining 10 provisions address intellectual property in non-actionable language.
- The G7 Code of Conduct has the most provisions on intellectual property (4).

We now outline the prevalence, focus, and actionability of relevant provisions in each international framework, before summarising their language.

OECD AI Principles

One OECD AI Principle addresses intellectual property. Principle 1.5 (Accountability) covers it tangentially and is non-actionable: section (c) names intellectual property rights as one of several risk categories to address through risk management.

UN General Assembly resolution

One provision in the UN General Assembly resolution A/RES/78/265, sub-paragraph 6(i), addresses intellectual property. The provision is core and non-actionable. It encourages, where appropriate and relevant, "appropriate safeguards to respect intellectual property rights, including copyright-protected content, while promoting innovation", without naming any specific safeguarding measure. It is the only provision in the dataset with intellectual property as its core concern.

G7 Hiroshima Process Guiding Principles

One principle, Principle 11, relates to intellectual property tangentially, and without proposing an actionable measure. Its title refers to protections for intellectual property, but its text addresses only data quality, the transparency of training datasets and compliance with applicable legal frameworks.

G7 Hiroshima Process Code of Conduct

The Code of Conduct builds on the G7 Principles, adding detail in several cases. Four provisions address intellectual property. All are tangential and non-actionable. Provision 11 shares its relevance and actionability tags with Principle 11. However, the Code's version adds an encouragement to implement "appropriate safeguards" to respect intellectual property rights, "including copyright-protected content", without specifying any measure.

Three provisions contain an intellectual property reference with no counterpart in the Principles:

- Provision 4, on information sharing, states that reporting on incidents should safeguard intellectual property rights.
- Provision 6, on security controls, states that insider threat detection should be consistent with protections for organisations' "most valuable intellectual property and trade secrets", including by limiting access to proprietary and unreleased model weights.
- Provision 8, on research, names safeguarding intellectual property rights as one of many research priorities.

ASEAN Guide on AI Governance and Ethics

One provision, Principle 1, concerns intellectual property tangentially and without actionable measures. It notes only that auditability does not require making confidential information about business models or intellectual property publicly available.

ASEAN Expanded Guide on AI Governance and Ethics – Generative AI

The Expanded Guide on Generative AI builds on the 2024 Guide, adapting its underlying principles to the generative AI context. One actionable provision, Section 1.3, relates to intellectual property tangentially.

Under its security principle, Section 1.3 states that developers should "adopt measures to safeguard any retained copyrighted works used in training". It is the only provision in the dataset to address copyrighted works retained after training. Under its privacy principle, it notes that scraping training data from the internet raises intellectual property issues, without proposing a measure.

UNESCO Recommendation on the Ethics of AI

One provision addresses intellectual property. The provision is tangential and non-actionable. Policy Area 7, on culture, calls on Member States to foster research on whether or how to protect works created by means of AI with intellectual property rights (paragraph 99). It also calls on them to assess how AI affects the rights and interests of owners whose works are used to research, develop, train or implement AI applications. It is the only provision in the dataset to raise the issue of potential intellectual property protections for AI-created works.

Joint Declaration on AI, Freedom of Expression and Media Freedom

Two provisions relate to intellectual property, both of which are tangential and one of which is actionable.

Subsection (c) of the section on state regulation of companies calls on states to adopt data protection, copyright and similar rules ensuring that "data extraction for AI training is based inter alia on consent and compensation". It is the only provision in the dataset to call for compensating rights-holders whose content is used for AI training.

Section (d) of the section on the private sector states that AI systems should be developed and trained in full respect of copyright, without proposing any further concrete measures.

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Contact
Written by Nils Deeg
Please send questions and suggestions to nils.deeg@sgept.org

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