

## ARTIFICIAL INTELLIGENCE: CHALLENGES FOR INTELLECTUAL PROPERTY LAW

Brussels, 17-18 October 2019

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

**Intellectual  
Property  
Law**



### Speakers

**Eric Badiqué**, Adviser for Artificial Intelligence, DG Connect, European Commission, Brussels

**Vincent Cassiers**, Lawyer, Cybarius, Brussels

**Lee Curtis**, Partner, HGF, Manchester

**Florence G'sell**, Consultant, Lysias Partners, Paris; Professor of Private Law, University of Lorraine, Nancy/Mertz

**Clemens Heusch**, Head of European Litigation, Nokia, Munich

**Robert Kroplewski**, Solicitor; Member of the High-Level Group of Experts on Artificial Intelligence; Representative of the Minister for Digitalisation of the Information Society, Warsaw

**Cornelia Kutterer**, Senior Director, EU Government Affairs, AI Privacy and Digital Policies, Corporate, External and Legal Affairs (CELA), Microsoft, Brussels

**Matthias Leistner**, Professor and GRUR Chair for Civil Law and Intellectual Property Law with Information and IT Law, Ludwig Maximilian University of Munich

**Gerald Spindler**, Professor of Civil, Commercial, Business, Multimedia and Telecommunications Law, University of Göttingen

**Alain Strowel**, Lawyer at the Brussels Bar; Professor of Intellectual Property and Media Law, Catholic University of Louvain and University Saint-Louis

**Doris Thums**, Head of Department, Opposition & Substantive Law, European Patent Office, Munich (invited)

**Alexander Weir**, Senior IP Policy Analyst, IP Help Desk, London

### Key topics

- AI at the intersection between ethics, human rights and innovation
- Overview of European Commission activities in the field of AI and big data
- The protection of software/computer-implemented inventions used in AI technologies
- Patent filing for an AI-related invention in Europe
- Protecting AI via copyright law
- The relevance of trade secrets for AI protection
- AI ownership, AI authorship and infringement of intellectual property rights
- AI systems in the enforcement of intellectual property rights
- AI, innovation, data concentration and collusion

Language  
English

Event number  
219D37

Organiser  
Florence Hartmann-Vareilles (ERA)

# Artificial Intelligence: Challenges for Intellectual Property Law

**Thursday, 17 October 2019**

08:45 Arrival and registration of participants

09:15 Opening of the seminar  
*Florence Hartmann-Vareilles*

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## I. ARTIFICIAL INTELLIGENCE AT THE CROSSROADS

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09:30 **AI at the intersection between ethics, human rights and innovation**

- Ethical considerations on the design and use of algorithms
- The industry perspective on AI
- Innovation and intellectual property policies on artificial intelligence around Europe

*Robert Kroplewski, Alain Strowel, Cornelia Kutterer*

11:00 Discussion

11:30 Coffee break

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## II. PROTECTING ARTIFICIAL INTELLIGENCE THROUGH INDUSTRIAL PROPERTY LAW

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12:00 **The patentability of autonomous machine inventions in Europe**

- Inventions generated by artificial intelligence
- Computer-implemented inventions
- Blockchain technologies
- Disclosure, obviousness and plausibility
- Does the inventor have to be a natural person?
- Could artificial intelligence be an inventor?

Keynote speech: *Doris Thums*

Comments from the industry on patent strategies : *Clemens Heusch*

13:00 Discussion

13:15 Lunch

14:15 **Trade secrets and artificial intelligence**

- How to protect trade secrets on AI according to EU law?
- How to reconcile secrecy and transparency?
- Developing a strategy of protection

*Vincent Cassiers*

15:00 Discussion

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## III. PROTECTING ARTIFICIAL INTELLIGENCE THROUGH EU COPYRIGHT LAW

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15:15 **Redefining copyright law for generated creative works**

- Are authorship and ownership adequate criteria for protection?
- Protection for AI-assisted works or for AI-generated works?
- Machine-learning data protected through database rights
- The new data-mining mandatory exception: impact for AI technologies

*Gerald Spindler*

16:00 Discussion

16:15 Coffee break

## Objective

The rapid and unregulated development of Artificial Intelligence (AI) has major repercussions for intellectual property and innovation. The conference will discuss the need for regulation of AI and the application in practice of legal principles in line with the Digital Single Market Strategy and the European intellectual property framework.

## You will learn...

- what the EPO guidelines on AI inventions are
- how to reconcile trade secrets protection and transparency obligations
- whether copyright law should be redefined in light of AI technologies
- what the potential impact of blockchain technologies in the area of intellectual property will be
- what kind of legal and judicial decisions can be delegated to AI
- what the EU initiatives on AI, big data and intellectual property are

## Who should attend?

Lawyers in private practice, in-house counsel, judges, national civil servants and EU officials.

## Your contact persons



Florence Hartmann-Vareilles  
Head of Section  
E-Mail: [fhartmann@era.int](mailto:fhartmann@era.int)



Nathalie Dessert  
Assistant  
E-Mail: [ndessert@era.int](mailto:ndessert@era.int)  
Tel.: +49 651 9 37 37 220

#### IV. THE INCREASING USE OF BLOCKCHAIN TECHNOLOGIES IN THE INTELLECTUAL PROPERTY WORLD

- 16:45 **The potential impact of blockchain technologies on registration, management and enforcement of intellectual property rights**
- Distributed ledger technology-based repositories
  - Digital intellectual property rights management and licences
  - Fighting illicit trade and online brand infringement on online platforms and on social media
- Alexander Weir*
- 17:30 Discussion
- 17:45 End of first seminar day
- 18:00 Networking reception

### Friday, 18 October 2019

#### V. ALGORITHMS, PREDICTIVE DECISIONS AND INTELLECTUAL PROPERTY LAW

- 09:00 **Predictive justice, algorithms and intellectual property law**
- What kind of legal decisions can be delegated to AI?
  - What should be the safeguards?
  - How to ensure transparency of algorithms?
- Florence G'sell*
- 09:30 Discussion
- 10:00 **Predictive behaviours: how will AI change trade mark law?**
- Lee Curtis*
- 10:30 Discussion
- 10:45 Coffee break

#### VI. THE USE OF BIG DATA IN ARTIFICIAL INTELLIGENCE: BETWEEN INNOVATION, INTELLECTUAL PROPERTY PROTECTION AND COMPETITION LAW

- 11:15 **Fostering innovation in the EU: strategy on AI, robotics and big data**
- Eric Badiqué*
- 11:45 Discussion
- 12:00 **The big data world: a trigger to change intellectual property law?**
- Improving access to data without infringing intellectual property rights
  - Initiatives from the European Commission on access to data
  - Can competition law be used to avoid monopolies and facilitate access to big data?
  - Exclusivity of rights or open data?
- Matthias Leistner*
- 12:45 Discussion
- 13:00 End of the seminar

For programme updates: [www.era.int](http://www.era.int)  
 Programme may be subject to amendment.

#### CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **CPD 8.5 hours**.

#### Save the date

**Annual Conference on European Patent Law 2019**

Brussels, 7-8 November 2019

**Annual Conference on European Copyright Law 2019**

Trier, 21-22 November 2019

#### e-Learning

**Copyright Infringement by Online Posting: Critical Appraisal of the CJEU Ruling in Renckhoff**

*Tatiana Eleni Synodinou*

**The Relationship between Exceptions and Limitations to Copyright Protection and Fundamental Rights**

*Jonathan Griffiths*

**Recent CJEU Judgments on EU Copyright Law (2016-2017)**

*Maciej Szpunar*

**[www.era.int/elearning](http://www.era.int/elearning)**

# Registration

## Artificial Intelligence: Challenges for Intellectual Property Law

Brussels, 17-18 October 2019 / Event Number: 219D37



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo

### Registration

Fax: +49 (0) 651 93737-773

E-mail: [info@era.int](mailto:info@era.int)

Online registration:  
[www.era.int/?128704&en](http://www.era.int/?128704&en)

Postal address:  
ERA  
Postfach 1640  
D-54206 Trier

### Location

L42  
Rue de la Loi 42  
1040 Brussels  
Belgium

### Contact Person

Nathalie Dessert  
Assistant  
[ndessert@era.int](mailto:ndessert@era.int)  
+49 (0)651 937 37 220

### Hotel Recommendations

**Motel One**  
[www.motel-one.com](http://www.motel-one.com)  
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☐ **Evening programme:** I shall attend the function on 17 October (at no extra charge).

### Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**	
Registration by 17/09/2019	€ 621,00 <input type="checkbox"/>	€ 372,60 <input type="checkbox"/>	€ 465,75 <input type="checkbox"/>	<b>* EU and ERA Patrons</b> <ul style="list-style-type: none"><li>Staff of European Union institutions and agencies;</li><li>Staff of ERA's patrons: all EU Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom), the German states, Scotland and the City of Trier</li><li>Fellows of the European Law Institute</li></ul> <b>** Young lawyers &amp; other groups</b> <ul style="list-style-type: none"><li>For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);</li><li>Full-time staff of universities or comparable academic institutions;</li><li>Staff of charitable organisations or comparable institutions</li><li>Registration of three or more employees from the same organisation</li></ul>
Registration after 17/09/2019	€ 690,00 <input type="checkbox"/>	€ 414,00 <input type="checkbox"/>	€ 517,50 <input type="checkbox"/>	

### Method of payment

- ☐ Credit card For registration with credit card payment please go to our website [www.era.int/?128704&en](http://www.era.int/?128704&en)
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