A vibrant, stylized illustration of a person standing on the back of a large whale in a deep blue ocean. The scene is filled with colorful coral, small fish, and a bright sky with clouds. The whale's head is visible above the water, and its body extends into the depths. The person is standing on the whale's back, looking out towards the horizon.

one shhoulders
of gints.

*If I have seen further than
others, it is by standing on
the shoulders of giants*
- Isaac Newton

AI & IP Law

what to know and what to do

Dr. Lisa Käde
JBB Rechtsanwält:innen, Berlin

input

AI FEEDS ON DATA & COPYRIGHTED MATERIAL

(„AI Training“)

input

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EU HAS COPYRIGHT PROVISIONS ON TEXT & DATA MINING
(which is argued to be the foundation of AI training) **ALLOWING**
COPIES WITHOUT PERMISSION, BUT: OPT-OUT!

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DIFFERENT COUNTRIES = DIFFERENT RULES

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DIFFERENT COUNTRIES = DIFFERENT RULES

LOCAL COPYRIGHT APPLIES TO FOREIGN WORKS!

(see Revised Berne Convention)

input



Copyright Protection

of **AI Output** **varies!**

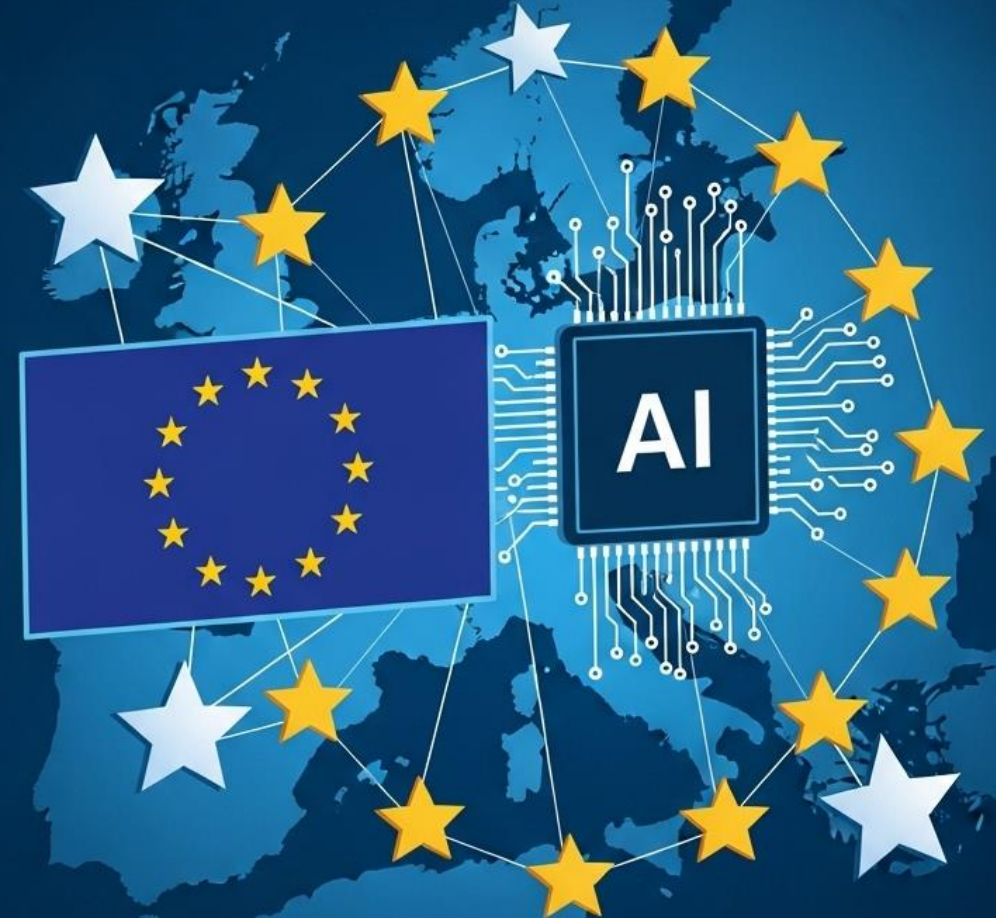
Text, Images, Music, Code, ...

by
country

by
**technology
used**

In many cases, there will be **no**
copyright protection for AI output

→ **anyone can use and copy**

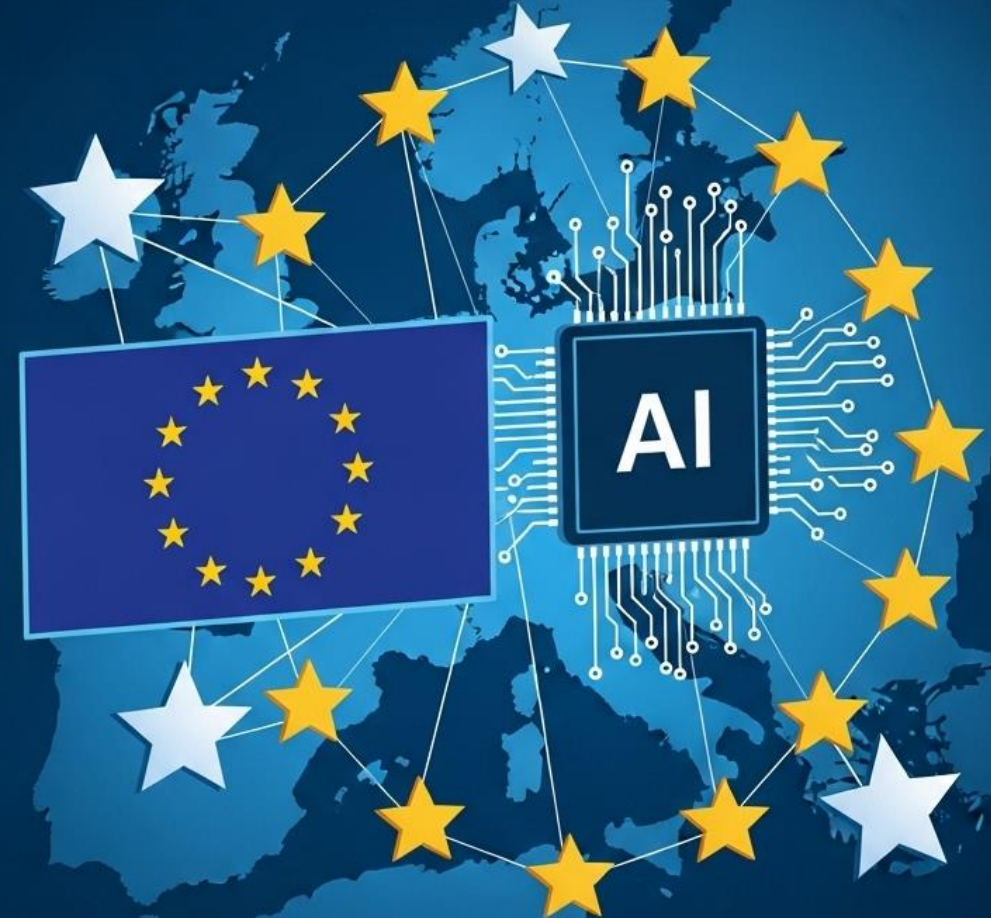


EU AI ACT (since 08/2024)



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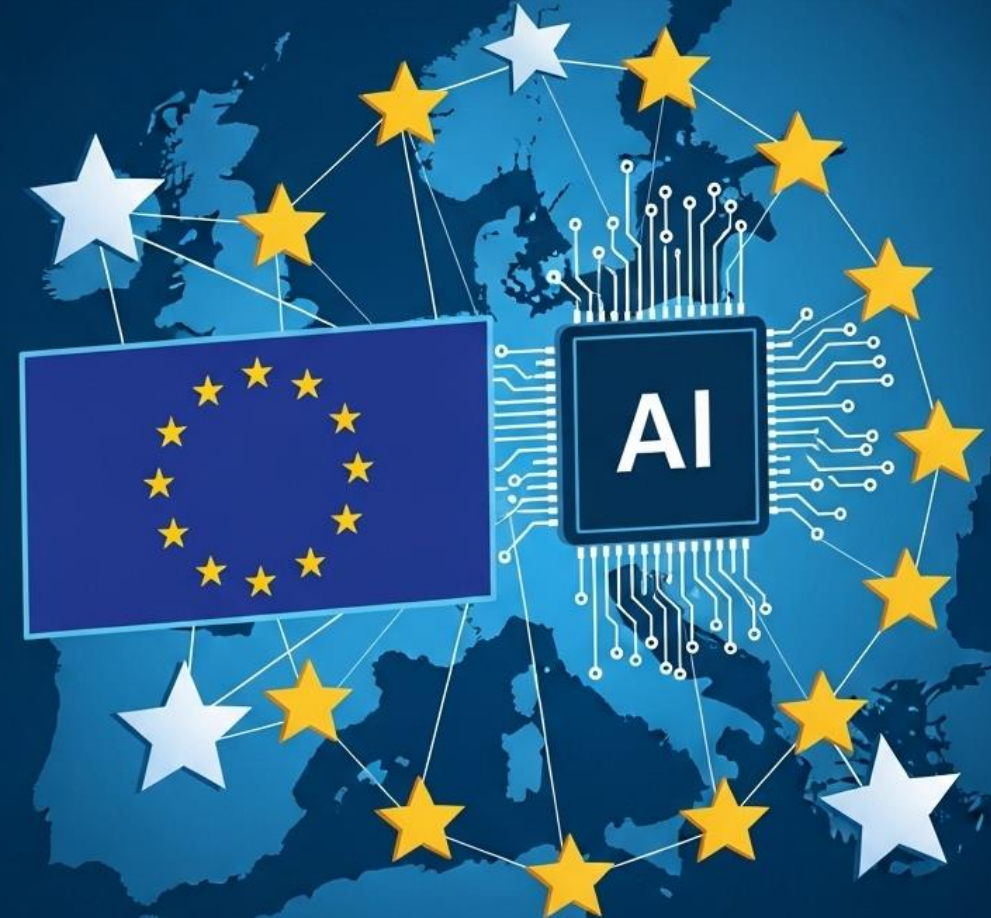
→ **Product Safety** Regulation



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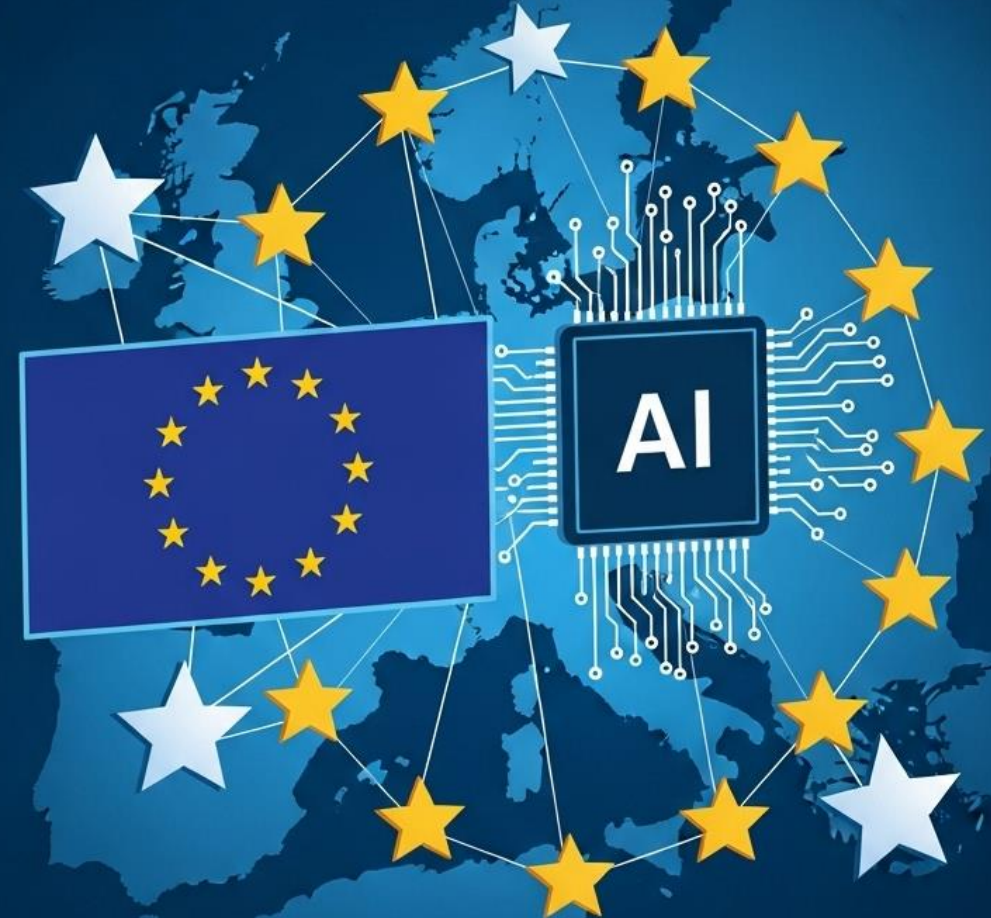
→ Applies to **providers** and **deployers** of AI



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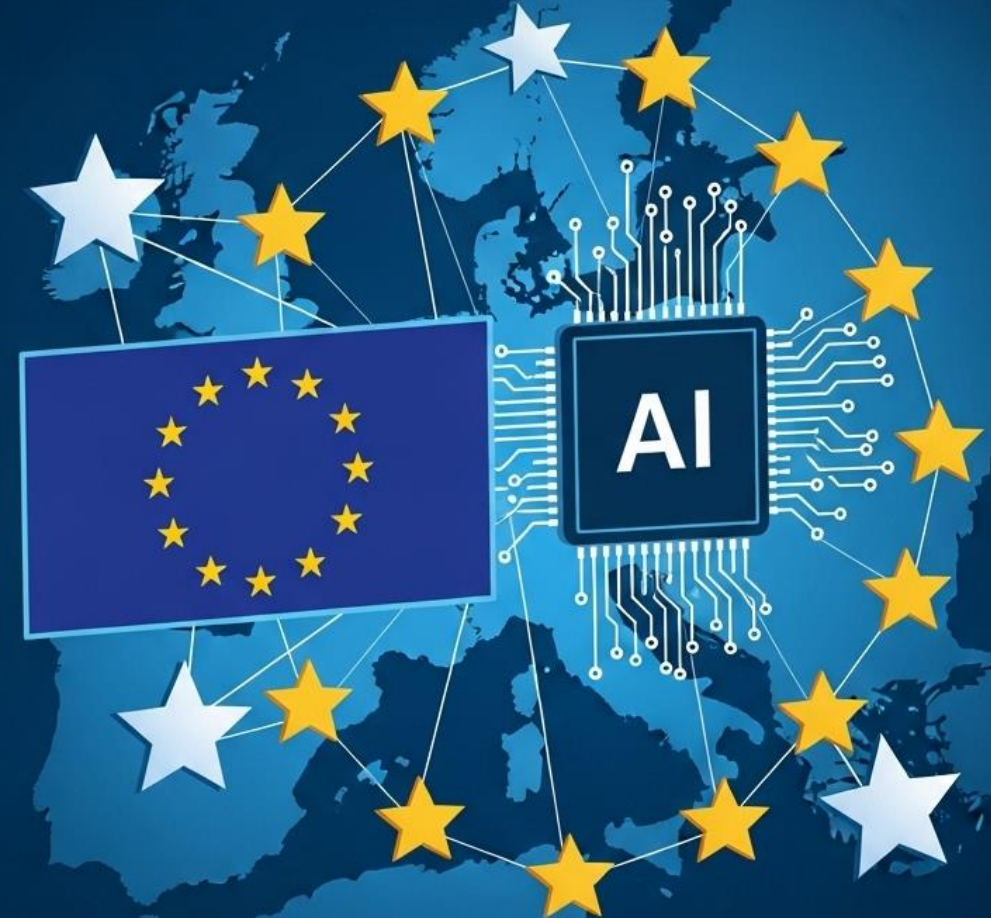
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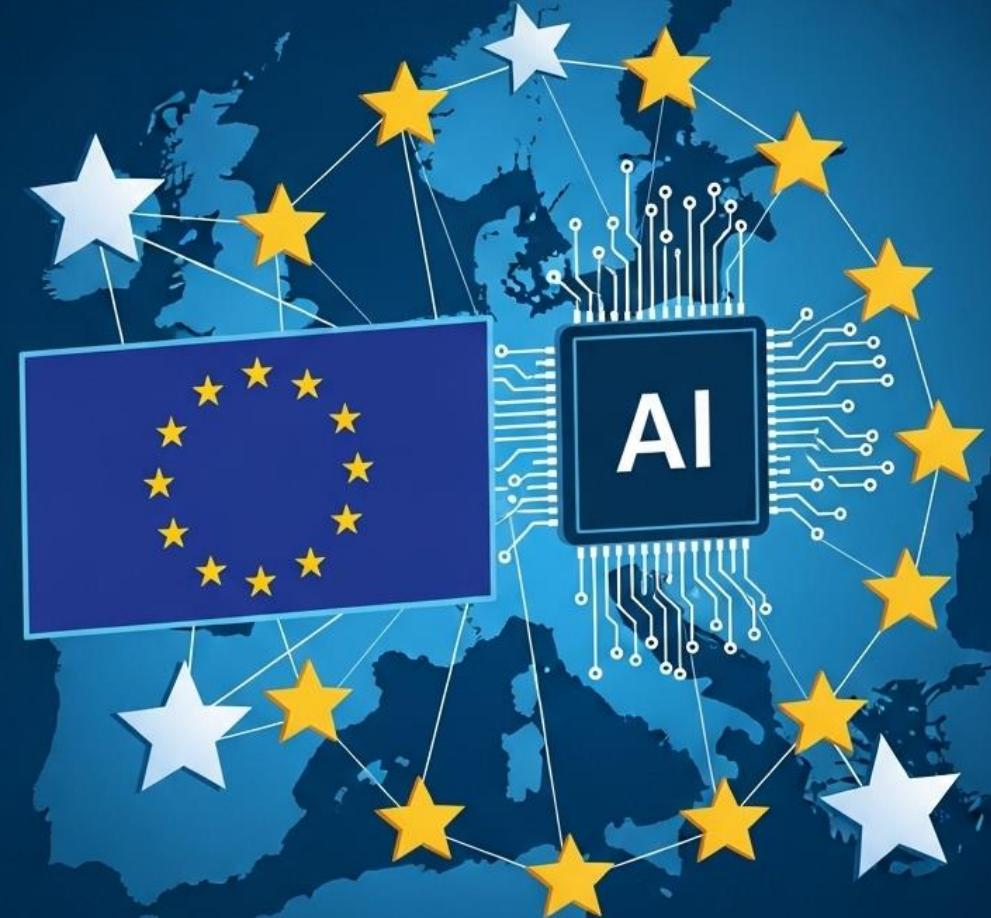
EU AI ACT (since 08/2024)

- **Product Safety** Regulation
- Applies to **providers** and **deployers** of AI
- Applies to all AI Systems, Models, Outputs



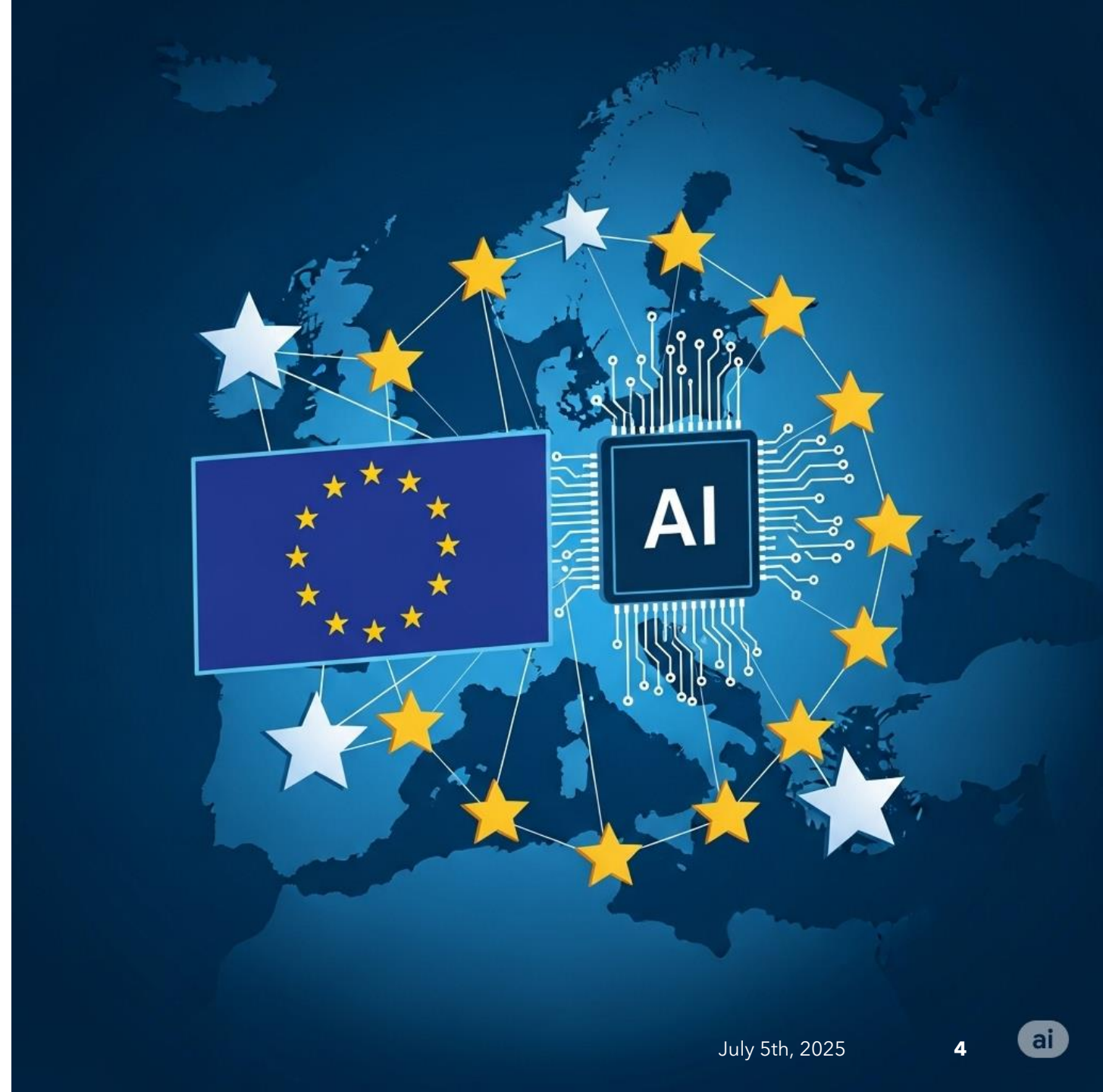
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- **Product Safety** Regulation
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 - placed on the **EU market**
 - put into **use within the EU**
 - even if the provider is located **OUTSIDE** the EU!



EU AI ACT (since 08/2024)

- **Product Safety** Regulation
- Applies to **providers** and **deployers** of AI
- Applies to all AI Systems, Models, Outputs
 - placed on the **EU market**
 - put into **use within the EU**
 - even if the provider is located **OUTSIDE** the EU!
- **NO OBLIGATIONS** (except training)
for low-risk **use** (DeepL, ChatGPT, ...)



KEY TAKE AWAYS

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- AI is **not** unregulated

KEY TAKE AWAYS

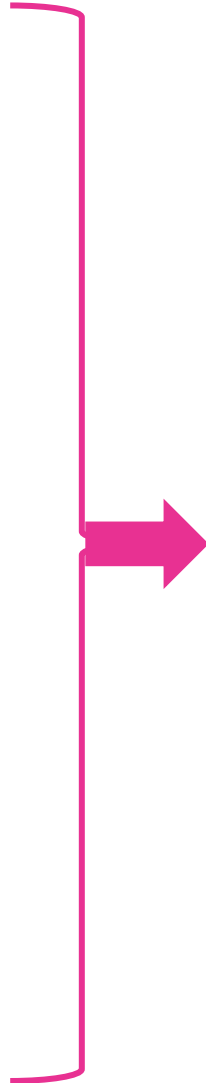
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- AI is **not** unregulated
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- It might **help protect your assets** if you *explicitly* reserve your rights

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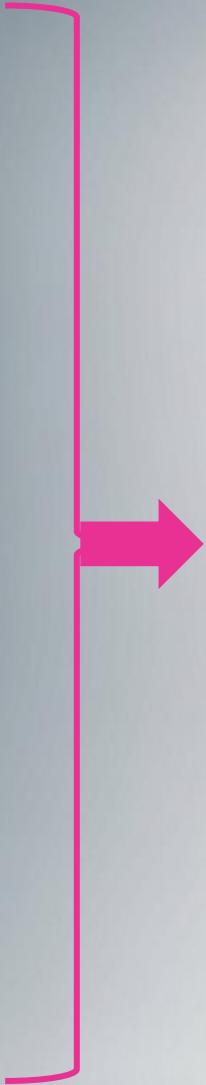
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To Do



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- ☐ learn about Opt-Out-Options
- ☐
- ☐
- ☐
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to protect your IP in the EU

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learn more



to obtain some degree of coyright

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to protect your IP in the EU

learn more



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- ☒ learn about AI Act applicability
- ☐ check if products are used in EU

to protect your IP in the EU

learn more



to obtain some degree of copyright

consider applying AI Act principles in development processes



Let's connect!



JBB

JBB Rechtsanwälte
Jaschinski Biere BrexI Partnerschaft mbB

Dr. Lisa Käde, B.Sc.
Rechtsanwältin

Christinenstraße 18/19
10119 Berlin

Tel. +49 30 443 765 0

Mail kaede@jbb.de

Web www.jbb.de