EU copyright, quo vadis?
The challenges of Artificial Intelligence

Setting the Scene

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Artificial Intelligence (AI) – a new looming challenge for copyright law

• Not “a UFO”
AI – a new looming challenge for copyright law


  • Helene watched John and cogitated: A supper with him? Disgusting! A supper would facilitate a dissertation and a dissertation or tale was what John carefully wanted to have. With what in mind? Wine, otters, beans? No! Electrons! John simply was a quantum logician; his endless dreams were captivating and interesting; at all events Matthew, Helene, and Wendy were assisting him in his infuriated tries to broaden himself. Now legions of dreams itched to punch Wendy's consciousness. Yet John whispered, "Just a minute! Helene's a maid, I'm a quantum logician; can maids know galaxies and even stars or a multitude of galactic systems? ... Can maids realize electrons?1
Artificial Intelligence (AI) – a new looming challenge for copyright law

- AI: “the science of making computers do things that require intelligence when done by humans” (R. Kurzweil, 1990)
  - E.g. creating ‘works’ (incl. artistic works)
Non-human creations

- Google’s Comp. DeepMind A.I. ➔ Composes and Performs Piano Beyond The Masterpiece Level in Realtime
  - [https://youtu.be/Y8UawLT4it0](https://youtu.be/Y8UawLT4it0)
In March 2016 a novel written almost entirely by a software was submitted to a literary competition and even made it through the first round.

LOOK HOW IT ENDS:

The day a computer wrote a novel. The computer, placing priority on the pursuit of its own joy, stopped working for humans.
Artworks created by Creative Adversarial Networks (CAN) artificial intelligence.

Art and Artificial Intelligence Laboratory, Rutgers University.

Where is “the author’s own intellectual creation?”
Answer to the machine is in ..... Copyright ?

• **European Parliament Resolution 2017**
  • The resolution calls on the Commission to come forward with a balanced approach to intellectual property rights when applied to hardware and software standards and codes that protect innovation and at the same time foster innovation. **Moreover, the elaboration of criteria for "own intellectual creation" for copyrightable works produced by computers or robots is demanded.**

• Is copyright law the good/bad/best/worst ... answer ?
  • i.e. a non-human copyright ?
    • A challenge for the Justification of the whole copyright system?
    • Incentive needed ? There will be AI (and robots) anyhow
  • A new neighboring right ? (‘producer’)
    • Millions of new ‘productions’ per day/second ?
Blurred lines

AI assisted works (cf. UK law)

AI generated works