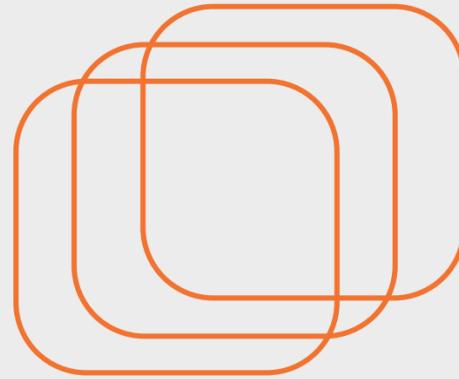




# **AI REGULATION GUIDE**

**WORLD IT LAWYERS**



This guide is designed for private companies that try and want to use AI in their work or implement it, and that have cross-border customers.

World IT Lawyers believes that knowledge of the legislation of different countries, properly explained, structured and systematized, can contribute to correct and balanced decisions.

Members of World IT Lawyers are always happy to help companies that are on the cutting edge of technology.



## **LIST OF COUNTRIES IN THIS GUIDE:**

**Belgium**

**Brazil**

**Bulgaria**

**France**

**Germany**

**Hungary**

**Italy**

**Netherlands**

**Poland**

**Portugal**

**Serbia**

**Spain**

**Switzerland**

**Ukraine**

**United Kingdom**



01

Timelex

**TIMELEX**



# Belgium (Timelex)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

- No AI-specific regulation yet. However, the Council of Ministers approved a National Convergence Plan for the Development of AI in 2022. **It has the following objectives:**
  - To promote a trustworthy AI.
  - To ensure cybersecurity.
  - To strengthen Belgium's competitiveness and attractiveness through AI.
  - To develop a data-driven economy and an efficient infrastructure.
  - To promote AI at the heart of health.
  - To support more sustainable mobility.
  - To preserve the environment.
  - To promote better and lifelong learning.
  - To provide better services and protection to citizens.
- Additionally, the Belgian government launched an AI4Belgium coalition.
- The Flemish government launched a policy/action plan on AI.
- The Walloon government launched a regional strategy for AI: Digitalwallonia4.ai.
- The Brussels government launched a Brussels region AI policy.

## FURTHER REGULATION IN 2024-2025

- No national legislation has been proposed yet. When the AI Act enters into force, it will be directly applicable in Belgium.
- 2 of the action points in the National Convergence Plan for the Development of AI include completing the national regulatory framework and adopting a governance framework for AI use in federal services.

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

As an EU member, Belgium will follow the categories set out in the AI Act, with a risk-based approach.

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

No specific restrictions.

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

The question of the ownership of rights in AI-generated works remains without a clear answer.

### Patents:

- "Any natural or legal person" can file a European patent application (Article 58 EPC - 'first to file').
- The right to a European patent belongs to the inventor or their successor in title, with the applicant deemed entitled (Article 60(1) and (3) EPC).
- DABUS-case at the European Patent Office: Patent refused because AI cannot be an inventor or assignor.

- The designated inventor in a European patent must be a human being, and ownership cannot be transferred to AI.
- Only human beings can legally be recognized as inventors.

### Copyrights:

While not legally binding, a report by the European Commission (Trends and developments in artificial intelligence: Challenges to the intellectual property rights framework: final report, 2020) suggests a distinction between AI-assisted and AI-generated output.

A four-step test is used to determine if the output is AI-generated or AI-assisted.

Only AI-assisted output can have a human author as the owner.

## LATEST UPDATES

- The Belgian government has appointed a Federal Administration's Advisory Committee on Data Ethics and Artificial Intelligence on the 8th of May.
- On 21 May 2024, the European Council approved the AI Act. Twenty days after the new legislation being published in the European's Official Journal, it will enter into force.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

- One of the action points in the National Convergence Plan for the Development of AI is to actively contribute to the development of norms, standards, and recommendations in international forums: Belgium participates in organizations like the Organization for Economic Co-operation and Development (OECD) to discuss AI policies etc.
- On May 17, 2024, the Council of Europe adopted the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. Belgium participated in drafting this convention.

02 TozziniFreire Advogados



# Brazil (TozziniFreire Advogados)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

No AI-specific regulation yet.

Even though there is no specific and detailed regulation on AI in Brazil, there are general laws and regulations that may apply to certain issues related to AI, such as the Brazilian General Data Protection Law (the "LGPD"), which deals with the use and processing of personal data - including aspects related to automated decisions -, the Civil Rights Framework for the Internet, which sets forth principles, guarantees, rights, and duties for the use of the internet in the country and intellectual property laws, which sets forth rules for the protection of industrial property, software and copyrights.

In addition to that, there are ongoing debates both in the government and in civil society about the need for more specific regulation to deal with the challenges and opportunities brought by the advancement of AI in innumerable areas, such as health, security, transportation, among others.

There are numerous bills aiming at regulating AI in Brazil currently under appreciation by the Brazilian National Congress. Bill Nº 2,338/2023 is the one that is currently at the most advanced stage of discussions.

Bill Nº 2,338/2023 was presented in the Federal Senate in May 2023 and is the result of the efforts of the Committee of Jurists, which was tasked with drafting a text that consolidated the different proposals on AI presented so far. Bill Nº 2,338/2023 reflects the search for a regulation that, in addition to stimulating the development and adoption of AI in the country, also values social concerns inherent to the Brazilian reality.

As Brazil has no specific regulation regarding AI yet, reason why there are no AI categories defined.

Nevertheless, according to the bills presented so far, it can be inferred that there is a tendency for Brazil to adopt a legislation that takes a risk-based approach to AI.

No AI regulation yet.

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

Within the Brazilian legislation, intellectual property rights over AI generation objects is a complex topic and it is still under development. This topic is addressed in Bill Nº 2,338/2023, which states that the legal protection of products generated by artificial intelligence systems shall be regulated by the competent sectoral body (the Brazilian PTO), taking into consideration the degree of autonomy of the system and human participation.

Until we have something specific about it, IP general principles may apply. Broadly speaking, intellectual property related to AI can involve different aspects, such as copyrights, patents, trade secrets and other forms of protection. With regard to copyright, Brazilian legislation considers that computer programs are protected as intellectual works.

Therefore, should an AI software be deemed as a computer program, it will be protected by copyright. The ownership of these rights will depend on the specific circumstances of each case, and may belong to the original creator, the company that employed the creator or third parties in cases of transfer of rights.

In the case of patents, the protection of innovations related to AI can be requested as long as they meet the patentability requirements, such as novelty, inventive activity, and industrial application. If an AI innovation is considered patentable, ownership of patent rights will depend on agreements between the parties involved in developing the technology.

Furthermore, trade secrets and know-how can be protected as intellectual property, as long as they are treated as confidential information and kept confidential.

In summary, as long as there is nothing specific about this topic, the determination of intellectual property rights over AI generation objects in Brazil must take into account the specificities of each case, the contracts between the parties involved, and the applicable legislation with its general principles, requiring a detailed and personalized analysis for each situation.

It is important to mention that this is our analysis taking the current status of the subject. Should Bill Nº 2,338/2023 be approved or there be any advance in terms of regulation, this topic should be revised for updated.

## LATEST UPDATES

There is an expectation that Bill Nº 2,338/2023 will be voted on by the Federal Senate still in 2024. If approved, the project will be submitted to the Chamber of Deputies for further consideration and voting.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Yes, Brazil is a signatory to international agreements and conventions that address the development of AI.

Brazil also participates in international forums and organizations that discuss issues related to AI, such as the United Nations (UN), the Organization for Economic Cooperation and Development (OECD), and the G20. In these instances, policies and guidelines for AI governance are debated at a global level.

Brazil is also a signatory of the Bletchley Declaration on AI Safety, which is a collective commitment to proactively manage potential risks associated with so-called “frontier AI” (i.e., highly capable general-purpose AI models) to ensure such models are developed and deployed in a safe and responsible way..

At the regional level, Brazil is part of Mercosur, which has also discussed regulation and cooperation in the area of AI between member countries. Furthermore, Brazil has participated in initiatives such as the "Global Partnership on Artificial Intelligence" (GPAI), which aims to promote the responsible use of AI at an international level.

Thus, Brazil is engaged in international debates and efforts to ensure that the development of artificial intelligence is carried out in an ethical, safe, and inclusive manner, following international standards and seeking cooperation between countries to deal with the challenges and opportunities brought by this technology.

03

# Dimitrov, Petrov & Co

**DPC**

Dimitrov, Petrov & Co.



**Bulgaria**

# Bulgaria (Dimitrov, Petrov & Co. (DPC))

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

There is no local specific legislation.

The future EU AI Regulation will apply. Protocol 72 of the regular meeting of the Council of Ministers of 16.12.2020 adopted the Concept for the Development of Artificial Intelligence in Bulgaria until 2030. The document offers a comprehensive vision for the development and use of artificial intelligence in Bulgaria. It is based on the strategic and programme documents of the European Commission, which consider artificial intelligence as one of the main drivers of digital transformation in Europe. The main goal of the concept is to unite the efforts on the development and implementation of artificial intelligence systems by creating scientific, expert, business and management capacity.

It is envisaged to provide a modern communication and scientific infrastructure for the development of new generation digital technologies. The education and lifelong learning system will be improved. The development of research and innovation in key sectors will be supported, and work will be done to put in place an ethical legal and regulatory framework that publicly trusted.

No legislation has been proposed yet. We note, however, that when the EU AI Regulation enters into force, it will be directly applicable to Bulgaria. According to the Concept for the Development of Artificial Intelligence in Bulgaria until 2030 ("Concept"), it is recommended that the analysis at national level be conducted after the establishment of a regulatory framework at EU level, which will allow taking into account the resulting regulatory changes. Achieving an optimal balance between the need for regulation and the need to ensure regulatory freedom for business should be a fundamental principle in the preparation of the national analysis. Furthermore, according to the Concept, the Ministry of Transport, Information Technology and Communications (MTITC) would most probably be the coordinator of activities related to the penetration of digital technologies in the economy and society.

Bulgaria has not yet established any specific categories. As an EU member, Bulgaria will follow the categories set out in the EU AI Regulation, with a risk-based approach.

There are no national regulations in Bulgaria.

# Bulgaria (Dimitrov, Petrov & Co. (DPC))

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

Pursuant to the Copyright and Related Rights Act (CRLA), an author is the natural person whose creative activity resulted in the creation of a work. Other natural or legal persons may be copyright holders only in the cases provided for in the law. At present, the CRLA does not recognize any other types of authors (such as AI systems) and respectively the IP rights on AI generation objects is not yet regulated.

## LATEST UPDATES

On 21 May 2024, the European Council approved the AI Regulation. Twenty days after the new legislation is being published in the European's Official Journal, it will enter into force. The EU AI Regulation would apply in full two years later, with some exceptions for specific provisions.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

The Digital Europe Programme, which aims to deliver digital transformation in the EU for the maximum benefit of businesses, public administrations and society in the period 2021-2027.

### **The Digital Europe Programme policies focus on five main areas:**

- high-performance computing;
- artificial intelligence;
- cyber security and trust;
- advanced digital skills;
- interoperability and digital transformation.

04

# Wan Avocats



AVOCATS



# France (WAN AVOCATS)

<b>HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?</b>	<b>FURTHER REGULATION IN 2024-2025</b>	<b>AI CATEGORIES UNDER LEGISLATION</b> <small>(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)</small>	<b>MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION</b>
<p>There are currently no specific regulations regarding AI in France.</p> <p>However, the Intellectual Property Code was amended in 2021 to implement the new provisions set out in Directive (EU) 2019/790 of April 17, 2019 regarding the general exception for text and data mining, notably for AI training.</p>	<p>On September 12, 2023, a new bill was introduced before the French National Assembly by eight members of Parliament. It aims to regulate AI in the creative sector by amending and supplementing the provisions of the French Intellectual Property Code.</p> <p><b>The bill contains 4 provisions:</b></p> <ul style="list-style-type: none"><li>• An explicit reminder of the necessity of prior authorization from authors for the integration and exploitation of a protected work by an AI system.</li><li>• The proposed criterion of “human intervention” to determine the owner of rights to an artificial work.</li><li>• A labeling system for artificial works with the words “AI-generated work” and the names of the authors of the works used.</li><li>• The introduction of a right to compensation, to be administered by collective management organizations, and a tax on the company that generated the work, for the benefit of the collective management organization.</li></ul> <p><b>This bill has not yet been debated.</b></p>	<p>France has not yet established any specific categories.</p> <p>As an EU member, France will follow the categories set out in the IA Act, with a risk-based approach.</p>	<p>No specific restrictions.</p>

# France (WAN AVOCATS)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

The question of the ownership of rights in AI-generated works remains without a clear answer.

A priori, industrial property regimes do not seem to provide protection for AI-generated content.

Under copyright law, protection is granted as soon as the work is original, and it is the author who in principle holds the rights to the work. However, no other criteria are specified in current copyright legislation, and there is as yet no case law on the subject.

## LATEST UPDATES

In October 2023, France created a Generative Artificial Intelligence Committee. The Committee issued its first report in March 2024, setting out **25 recommendations** for the effective, controlled development of AI.

In April 2024, the French Data Protection Authority (CNIL) issued its first recommendations on AI. These recommendations are intended to support companies involved in the AI ecosystem in their efforts to comply with legislation on the protection of personal data.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

France supports and joins the European artificial intelligence initiative.

In 2021, France and Italy signed a bilateral cooperation treaty called the “Quirinal Treaty”. This treaty aims to deepen their cooperation in strategic sectors such as artificial intelligence, new technologies, cyber-security, the cloud and data sharing.

In October 2023, France, Italy and Germany announced their enhanced cooperation in the field of AI on a European and global scale.

On the international field, the French Generative Artificial Intelligence Committee supports the project to create a worldwide AI organization.

The French Generative Artificial Intelligence Committee also supports the creation of an International Fund for Public Interest AI - IFPAI.

France will host a major international AI summit in 2025.

05

UNVERZAGT Rechtsanwälte

**UNVERZAGT**

RECHTSANWÄLTE



# Germany (UNVERZAGT Rechtsanwälte)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

There are currently no national laws on AI in Germany. In November 2023, however, the Federal Ministry of Education and Research issued an action plan focusing on twelve issues, including research, data networks, and the health sector.

The 2023 action plan updates Germany's 2018 national AI strategy. During the development of the action plan, conferences were conducted and meetings with stakeholders and experts were held. From a legal point of view, the regulatory framework will be adjusted (action field No 9). To this end, the national measures required by the EU AI Act will be implemented. In addition, a number of government funding schemes are in place and/or will be prepared to financially support start-ups, competence centers, consumer friendly AI, etc.

According to the 2023 action plan, **50 existing** measures to promote AI and support-related projects will be amended by a minimum of 20 further measures. For 2024, a budget of approximately **€483 million is planned**. The 2023 action plan aims at establishing an environment for AI 'made in Germany/Europe'.

Germany appreciates the risk-based approach of the EU AI Act while underlining that innovation should not be hindered.

As such, Germany supports a research-based approach to identify and evaluate specific risks on a case-by-case basis.

There are no national regulations in Germany.

# Germany (UNVERZAGT Rechtsanwälte)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

Like in other civil law jurisdictions, copyright is held by the author of the work. The author is the creator of the work, provided that the work incorporates a certain modicum of individuality. While this is not achieved if the AI automatically generates content, a copyright may exist in case the AI output is **(a)** equal to work included in the database the AI uses, or **(b)** similar to work a creator has done in such a way that it can be confused with the original.

## LATEST UPDATES

**On 21 May 2024**, the European Council approved the AI Act. Twenty days after the new legislation being published in the European's Official Journal, it will enter into force. Another two years later, the EU AI Act will apply in full, with some exceptions for specific provisions. In consequence, the implementation process on the national level is expected to speed up now.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

International cooperation is at the center of the 2023 action plan. Among others, a high-ranking science workshop on a European level is planned to promote joint initiatives. These initiatives are running already in cooperation with France and the Czech Republic, but also beyond the European context with Japan, South Korea, and Canada. In the future, cooperations are planned with Brazil and India.

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# Forgó, Damjanovic & Partners Law Firm



# Hungary (Forgó, Damjanovic & Partners Law Firm)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

No regulation yet. We have a Hungarian AI Strategy, which is a non-binding document outlining the government's objectives and measures for the use and development of AI until 2030.

### The strategy aims to:

- Strengthen the foundation pillars of the Hungarian AI ecosystem: data economy, research development and innovation (R&D&I), AI education and skills development, infrastructure development, and regulatory and ethical framework;
- Focus on specific sectors and technology areas with the highest acceleration potential for Hungary: manufacturing, healthcare, agriculture, public administration, transport, logistics and energy;
- Initiate transformative programmes with long-term ambitious goals that offer direct benefits to citizens: autonomous systems and self-driving vehicles, health-awareness in a digital world, climate-smart agriculture, data wallet and personalised services, AI-assisted development of personal competencies, automated administrative procedures in Hungarian, and energy networks focused on renewable energy sources.

No formal regulation has been proposed yet, but it is being discussed within the Hungarian AI Coalition, a body made up of government agencies, leading IT companies and universities. We note, however, that if the EU AI Regulation (AI Act) enters into force, it will be directly applicable to Hungary. According to the Hungarian government's announcement, EU member states are waiting for the EU legislation to come into force before introducing local regulations.

The Hungarian AI strategy describes AI as a "learning machine", a set of algorithmic systems that can learn and improve themselves based on inputs, and thus can map certain areas of human intelligence. Therefore, the strategy does not cover AI systems that are capable of mapping all areas of human intelligence.

There is no further categorization of AI in Hungarian law. If the EU AI Regulation (AI Act) enters into force, it will be directly applicable to Hungary as well.

### The current version of the EU AI Act includes a risk-based categorization, and includes the following 4 types of AI:

- AI systems with unacceptable risk (prohibited)
- High risk AI systems
- Limited risk AI systems
- Unregulated AI systems

There are no national regulations in Hungary.

# Hungary (Forgó, Damjanovic & Partners Law Firm)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

The Hungarian Copyright Act defines works subject to copyright as original works of an artist. The current practice does not grant IP rights to machine-generated works because they lack the intellectual, emotional and overall personal relationship to an artist (hence originality).

## LATEST UPDATES

Developments on an EU level regarding the AI Act.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Hungary is aligning its strategy with other EU Member States.

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CC&A

CUGIA CUOMO & ASSOCIATI



## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

No, Italy has not yet adopted a specific law, statutory rules or regulations that directly regulate AI. However, in June 2022, Italy issued the “Strategic Program on Artificial Intelligence 2022 – 2024”, which indicates **6 objectives**: the goals of the Italian strategy; **11 priority sectors**: where Italy intends to focus investments; **3 areas of intervention**: how the country aims to achieve the stated objectives.

The three areas of intervention are: **i)** Strengthening and attracting the talents and competences that will enable the AI-driven economy; **ii)** Expanding funding of advanced research in AI; **iii)** Favouring the adoption of AI and its applications both in the public administration (PA) and in the Italian economy at large. For these areas, the Strategic Programme indicates 24 policy initiatives Italy should embrace: see table on the

<https://docs.italia.it/italia/mid/programma-strategico-nazionale-per-intelligenza-artificiale-en-docs/en/bozza/executive-summary.html>

On August 2023, Italy adopted Law Decree №104 (called “Assets Decree”) that introduced the government special power (“golden power”), set out by the Law Decree n.21/2012, (converted into law № 56/2012) on corporate structures in the defense and national security sectors, as well as for activities of strategic importance in the energy, transport and communications sectors, also with regard the intellectual property rights on AI. Under the Law Decree 104/2023, “in any case” where the acts, operations and resolutions concern assets covered by intellectual property rights and they concern one or more subjects outside the EU, the special powers provided by Art. 2 L.D. 21/12 also apply within the same group.

On April 24, 2024, the Council of Ministers approved a draft law for the introduction of provisions regarding the artificial intelligence that aims at promoting the diffusion of an anthropocentric and reliable artificial intelligence, taking into account the fundamental rights and freedoms as protected by the Italian Constitution and European Union law. The draft law identifies regulatory criteria capable of rebalancing the relationship between the opportunities offered by new technologies and their risks associated with the misuse, underutilization, or harmful application.

Furthermore, it introduces rules which promote the use of new technologies to improve citizens' living conditions and social cohesion and risk management. In compliance with the EU AI Act approved on 13 March by the European Parliament, this draft law aims at adopting a harmonized set of rules in five main areas: the national strategy, the national authorities, promotional actions, the protection of copyright, criminal sanctions. This draft law contains principles regarding research, experimentation, development, adoption and application of artificial intelligence systems and models. It promotes correct, transparent and responsible use, in an anthropocentric dimension, of artificial intelligence, aimed at seizing its opportunities. It guarantees supervision of the economic and social risks and the impact of artificial intelligence on fundamental rights.

Italy, as member state of the EU, complies with the EU legal framework. Hence, Italy will apply the AI categories defined by the EU AI Act. In particular, the provisions set forth in the AI Act concerning high-risk AI systems (Articles 26 and 27), including those specifically aimed at the use of AI in the labor context, must be applied, taking into account that under the Italian draft law on AI the use of artificial intelligence in the workplace must be safe, reliable, transparent and cannot be contrary to human dignity or violate the confidentiality of personal data.

The employer is required to inform the worker of the use of artificial intelligence that must guarantee the observance of the inviolable rights of the worker without discrimination based on sex, age, ethnic origins, religious beliefs, sexual orientation, political opinions and personal, social and economic conditions, in accordance with European Union law.

Under the draft law on the artificial intelligence approved on **April 24, 2024 by the Council of Ministers**, Italy’s AI will be human-centred, trustworthy and sustainable.

This draft law on artificial intelligence systems and models requires the respect of the fundamental rights and freedoms of the Italian and European legal system as well as the principles of transparency, proportionality, security, economic valorization of the data, protection of personal data, confidentiality, robustness, accuracy, non-discrimination, gender equality and sustainability. In addition, it sets out that the development and the concrete application of AI must ensure the human autonomy and decision-making power, damage prevention, knowability and explainability.

It is established that the use of artificial intelligence must not undermine the democratic life of the country and the institutions. The draft law introduces rules that concern the respect of cybersecurity throughout the life cycle of artificial intelligence systems and models. In addition, the draft law aims at guarantee economic and social inclusion with full access to artificial intelligence systems without forms of discrimination in favor of people with disabilities. Ultimately, the use of AI systems in the information must respect the principles of freedom and pluralism of the media, freedom of expression and the right of objectivity, completeness, impartiality and fairness of information. In terms of economic development, AI is promoted in the productive sectors. Regarding personal data protection, the draft law reaffirms the principles established in Regulation (EU) 2016/679 (“GDPR”) and Italian Legislative Decree 196/2003, as amended by Legislative Decree 101/2018 (“Privacy Code”).

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

Article 24 of the draft law on AI provides for amendments to Law 633/1941 (i.e., the “Italian Copyright Law”). The Copyright Law will protect works created with the aid of AI tools, as long as the human input is creative, relevant, and demonstrable. In addition, The reproduction and extraction of works or other materials through artificial intelligence models and systems, including generative ones, will be permitted in accordance with articles 70-ter and 70-quarter of the copyrights law regarding the text and data mining exceptions.

The draft law also introduces article **40 bis** into the consolidated law for the provision of audiovisual media services in consideration of the evolution of market realities (TUSMA). Any information content disseminated by audiovisual and radio service providers via any platform in any modality including video on demand and streaming which, after obtaining the consent of the rights holders, that has been, through the use of artificial intelligence systems, completely generated or, even partially, modified or altered in such a way as to present as real data, facts and information which are not, must be made by the author or the owner of the economic exploitation rights, if different from the author, clearly visible and recognizable by users through the insertion of an identifying element or sign, including watermark or incorporated marking as long as it is clearly visible and recognizable, with the acronym "IA" or, in the audio case, through audio announcements or with technologies suitable for allow recognition.

In addition, the draft law amends TUSMA requiring the providers of video-sharing platforms subject to Italian jurisdiction implement appropriate measures to safeguard the general public against information content that has been, through the use of artificial intelligence systems, completely generated or, even partially, modified or altered in order to present as real data, facts and information which are not. Moreover, it binds providers of video-sharing platforms have a functionality that allows users who upload user-generated video content to declare whether such video content contains content generated, modified or altered, even partially, in any form or manner, through the use of artificial intelligence systems of which they are aware knowledge or can reasonably be expected to know.

## LATEST UPDATES

By the end of 2024, the Council of Ministers should adopt the final legislative decree on the artificial intelligence.

Due to the final approval on **13 March 2024 of the EU Artificial Intelligence Act**, Italy shall adopt the rules for the adaptation of its domestic legislation, including the designation, pursuant to Article 70 of the Act, of the National Authority (or Authorities) responsible for the application of the provisions contained in the Act itself, having market surveillance functions and receiving notifications for control purposes.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Italy will apply the EU legal framework on AI. Italy adhered to the “Ethics Guidelines for trustworthy AI- Guidance and implementation program” defined by the High Level Expert Group on AI.

On November 26, 2021, Italy and France signed a bilateral agreement (Published in the O.J. on 15 July 2022, n. 164), which entered into force on February 1, 2023, which states inter alia that the Parties recognize the importance of their cooperation to strengthen sovereignty and the European digital transition. They undertake to deepen their cooperation in strategic sectors to achieve this objective, such as new technologies, cybersecurity, cloud, artificial intelligence, data sharing, connectivity, 5G-6G, the digitalization of payments and quantum. They are committed to working towards better regulation at European level and international governance of the digital sector and cyberspace.

Italian researchers participate in all major AI international research networks, including the top-rated EU networks, such as CLAIRE 2, ELLIS - confederating several AI laboratories all over Europe 3 - and the networks of excellence under the EU Horizon 2020 ICT-48 portfolio, namely HumanE-AI-Net, TAILOR, AI4MEDIA, ELISE and VISION. Italy is one of the founding members of Global Partnership on AI (GPAI) as the result of an idea developed within the G7, under the Canadian and French presidencies. This partnership aims to bridge the gap between theory and practice in AI. Italy has also a remarkable tradition of national scientific research associations, such as AIXIA, CVPL and AILC. In particular, AIXIA is the Italian Association of Artificial Intelligence, founded in **1988**, and a member association of EurAI, the European Association of Artificial Intelligence. Many Italian researchers have covered important roles in the EurAI board. CVPL is the association of Computer Vision, Pattern Recognition and Machine Learning founded in **1983**, devoted to theory and application of AI for multimedia data, connected with the International Association of Pattern Recognition. AILC is the Italian Association of Computational Linguistics, mainly devoted to research in natural language processing.

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Bolt Advocaten

**BOLT**  
ADVOCATEN



# Netherlands (Bolt Advocaten)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

There is currently no AI regulation yet. However, the Dutch government has released a Strategic Action Plan for Artificial Intelligence. The government specifically emphasizes and supports a “human-centered approach” to AI. The strategy presents a range of policy initiatives to strengthen Netherlands’ competitiveness in AI on the global market.

**The vision of the Dutch AI strategy relies on three strategic pillars:**

- 1. Capitalizing on societal and economic opportunities:** policies encouraging the adoption, use and development of AI in the private and public sector and promoting the use of AI to tackle societal challenges;
- 2. Creating the right conditions:** policies supporting education and skills development in AI; fostering research and innovation in AI, facilitating the access to qualitative data and improving the digital infrastructure;
- 3. Strengthening the foundations:** Including policy actions related to ethical issues, such as trust, human rights, consumer protection, and safety of citizens.

**In relation to generative AI the Dutch government is presenting 6 action lines.**

1. By collaborating with all stakeholders;
2. Closely monitoring the rapid developments in the field of AI;
3. Developing appropriate legislation and regulations;
4. Expanding available knowledge and skills;
5. By safely experimenting with generative AI within government itself and by ensuring strict supervision of AI;
6. With enforcements where necessary, the Netherlands can remain at the forefront of the inevitable changes in our society as a consequence of generative AI. Furthermore, the government intends to organize campaigns to explain to people how best to protect their data against the training of generative AI models. An investigation is underway into the establishment of a secure and usable public national AI test facility; later this year, AINEd InnovatieLabs will be launching public-private partnerships.

## FURTHER REGULATION IN 2024-2025

The Data Protection Authority has launched a periodic insight into the risk and effects of the use of AI and algorithms in the Netherlands. The report is about algorithms and AI. Varying from relatively simple applications, to complex applications of machine learning or neural networks. The Department for the Coordination of Algorithmic Oversight (DCA) of the Dutch Data Protection Authority (AP) monitors the possible effects of the use of algorithmic and AI on public values and fundamental rights. The DCA will periodically report on this in the AI & Algorithmic Risks Report Netherlands (ARR). Relevant algorithmic risks are those that may affect individuals, groups and individuals or society and could subsequently disrupt the latter. Anticipating on the AI-Act, in which it is stated that high risk algorithms must be documented, the Dutch government already launched an Algorithm Register for all algorithms.

**The Algorithm Register has the following 7 goals:**

- 1.) Increasing trust in the government;
- 2.) Strengthening the position of citizens and companies;
- 3.) More clarity about algorithm and AI use;
- 4.) Act responsibly;
- 5.) Increasing the controllability of the government;
- 6.) Increase explainability;
- 7.) Be more transparent about trading The Dutch government further set up an algorithm framework.

**In this framework, attention is paid to:**

- 1.) Roles and responsibilities (governance);
- 2.) Early detection of risks of bias/discrimination;
- 3.) Safe processing of data;
- 4.) Conducting human rights assessments (such as IAMA's);
- 5.) Agreeing on adequate procurement conditions for algorithms purchased by the government from third parties.

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

The Netherlands follows the risk-based approach set out in the AI-Act.

(Unacceptable risks; High risk; Limited risk; Minimal/no risk)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

We refer to the Strategic Action Plan for Artificial Intelligence and the algorithm framework.

# Netherlands (Bolt Advocaten)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

AI cannot be protected by Dutch intellectual property rights. Copyrights cannot be vested in computer generated works because the Dutch Copyright Act requires human creativity and originality. Copyrights may be owned by legal subjects, natural persons or companies.

An AI system does not have legal personality. Parts of the AI system may be protected by intellectual property rights such as patent law, copyrights, model rights and/or trade secrets. Trade secrets do not qualify as intellectual property right under Dutch law. Trade secrets are regulated in a separate law. The big data that are processed by AI machines may be protected by database law.

## LATEST UPDATES

1. Later this year AINEd InnovatieLabs will be launching public-private partnerships.
2. The DCA will periodically report on the effects of AI on public values and fundamental rights in the AI & Algorithmic Risks Report Netherlands.
3. The algorithm framework will be developed from best practices, use cases and input from end users, stakeholders and the supervisory board. The framework will function as a practical tool to use algorithms in a responsible way and will ensure that the algorithms meet the minimum requirements set out by Law.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

AI-act.

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DLK Legal Korus



DLK Legal Korus



# Poland (DLK Legal Korus)

## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

Poland has no AI's regulation yet, however there is a Policy of the development of AI. The document sets out actions and targets for Poland in the short term (up to 2023), medium term (up to 2027) and long term (after 2027). The document takes into account not only the international, legal or technical dimension of the use of artificial intelligence, but also the ethical one. The policy implements two national and five international strategy documents and is the response to EU programming documents. The document envisages the creation, within the structures of the government the task force to monitor its implementation in Poland, as well as to coordinate activities. Each year, each ministry will, in its area, present detailed action plans for the implementation of AI.

## FURTHER REGULATION IN 2024-2025

There is no bill presented yet, but there were pre-consultation for the proposed implementation of the Artificial Intelligence Act (AI Act).

Pre consultation focused on key issues like an appointment of a new supervisory authority. A minority of respondents took the view that the competences of the supervisory authority should be transferred to an existing institution. Opinions are divided on the entity to act as notifying authority, who is intended by the drafters of the Act to operate in a manner that guarantees a high level of expertise, confidentiality, impartiality and absence of conflicts of interest with conformity assessment bodies. Directive DSM 2019/790 has been not implemented yet in Poland, so there is still an ongoing discussion if AI will be able to use protected material under fair use.

In the primary proposal Polish legislator completely excluded AI models from this exception use, but following a wave of criticism, legislator decided to delete mentioned exclusion.

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

Poland has not established any specific categories, but as an EU member is likely to follow the categories set out in the AI Act, based on risk approach.

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

Poland has not established any restrictions yet, due to lack of national regulations.

# Poland (DLK Legal Korus)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

Different points of view are being presented in this matter. One states that artificial intelligence creations should not be protected by copyright, while others say that Artificial intelligence may be considered as a tool and therefore the human who defines the parameters to be fulfilled by an AI product should be considered as an author, if the creation of works meets certain conditions of a work within the meaning of copyright law.

## LATEST UPDATES

- The Ministry of Digital Affairs has completed a pre-consultation of the proposed implementation of the Artificial Intelligence Regulation (AI Act).
- The summary of the consultation indicates that a new national artificial intelligence market surveillance authority should be established.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

**Poland participates in organizations that discuss issues related to AI such as:**

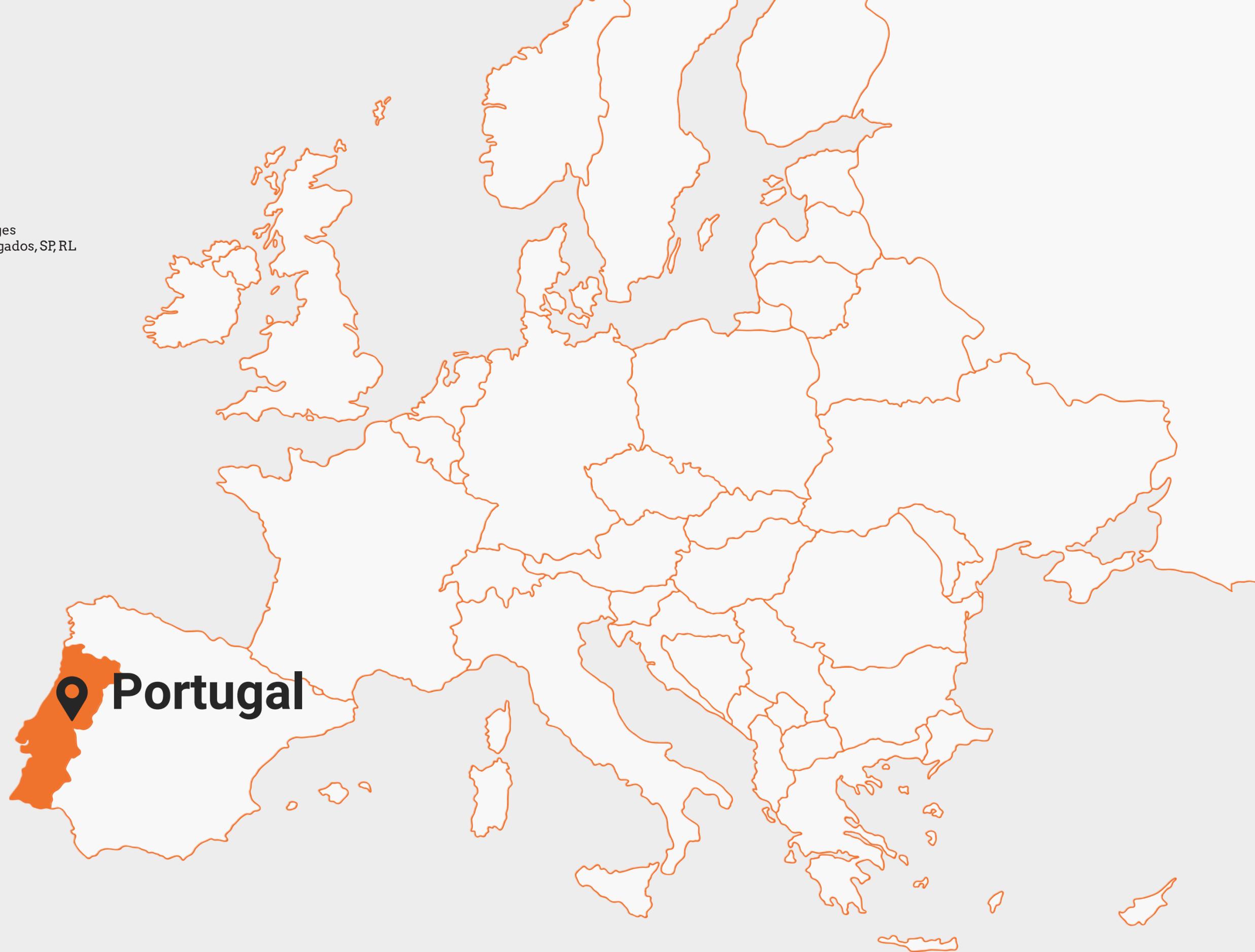
- The Organization for Economic Co-operation and Development (OECD);
- Visegrad Group.

**The AI Policy takes into account the objectives defined in documents such as:**

- Ethics guidelines for trustworthy AI (AI HLEG);
- Coordinated Plan on Artificial Intelligence;
- OECD's Recommendation of the Council on Artificial Intelligence.



Cardo, Morais, Borges  
Sociedade de Advogados, SP, RL



# Portugal (CMBA)

<b>HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?</b>	<b>FURTHER REGULATION IN 2024-2025</b>	<b>AI CATEGORIES UNDER LEGISLATION</b> <small>(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)</small>	<b>MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION</b>
<p>No regulation yet. However, following the Portuguese Charter of Human Rights in the Digital Age (<b>LAW n.º 27/2021</b>) the «use of AI must be guided by respect for fundamental rights, ensuring a fair balance between the principles of explainability, security, transparency and responsibility, which meets the circumstances of each specific case and establishes processes designed to avoid any prejudices and forms of discrimination.»</p>	<p>We are not aware of any initiative from the Portuguese legislator to integrate and harmonize the EU AI Act from March 2024.</p>	<p>N/A</p>	<p>N/A</p>

# Portugal (CMBA)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

## LATEST UPDATES

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Copy right law will apply.

Attributing copyright to the AI itself appears not feasible under Portuguese law, as the output seems not to be qualified as "intellectual creation".

Furthermore, it is doubtful that the developers of the AI exert sufficient and creative influence over the output to be considered authors.

Portugal will apply the EU legal framework on AI.

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Zunic Law

ZUNICLAW



## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

## FURTHER REGULATION IN 2024-2025

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

No AI-specific regulation yet. However, in 2023 Serbian Government adopted Ethical Guidelines for Development, Application and Use of Reliable and Responsible Artificial Intelligence (Official Gazette of RS, no. 23/2023, "AI Guidelines"). The Government recommends the application of the AI Guidelines to all state bodies, public enterprises, and private sector companies that develop, apply or use AI systems to apply those guidelines. The AI Guidelines aim to introduce a preventative mechanism that will enable the responsible development of that type of intelligence.

The Guidelines are based on the 2019 Strategy for the Development of Artificial Intelligence in the Republic of Serbia for the period from 2020 to 2025, which serves as a reference point for determining goals and measures for AI development which will result in economic growth, improvement of public services and scientific staff and development of skills for jobs of the future.

In addition, other laws and regulations (e.g. the Law on Personal Data Protection, Law on Information Security, etc.) apply to AI as well.

A new AI Strategy, which will cover the period **from 2025 to 2030**, should be adopted in the following months. Based on the public announcements of some Government officials, the new AI Strategy will focus on securing a more flexible regulation and providing incentives to innovative companies, and will serve as a framework for investment of EUR 100 million in the development of AI in the following two years.

Although there are currently no specific timeline for the adoption of Law on Artificial Intelligence, as a candidate country Serbia is obliged to harmonize its legal framework with the European Union. We may thus expect that a law similar to AI Act is adopted in Serbia in the coming years.

No mandatory classifications. AI Guidelines recognize the high-risk AI system, which is defined as a system that has a tendency to breach, directly or indirectly, the terms and conditions of the AI Guidelines.

For example, these are systems in the areas of biometric identification and categorization of individuals, critical infrastructure management, education, employment, health, judiciary, etc.

No mandatory restrictions.

# Serbia (Zunic Law)

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

AI generation objects cannot be recognized as a copyright under the Serbian Law on Copyright and Related Rights, given that: **(i)** only a natural person can be a copyright holder (with the exception of films, where a legal entity can be a copyright holder) and **(ii)** copyright must be a spiritual creation of an author, which contradicts the notion of AI.

## LATEST UPDATES

Serbia will chair Global Partnership on Artificial Intelligence ("GPAI") in the next three years. GPAI, **founded in 2020**, is an initiative founded under the auspices of OECD that aims to establish global standards and rules for the development of AI, as well as to accelerate the development of AI globally.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Due to its extraterritorial application, provisions of the AI Act may also apply to some Serbian entities. It is also expected that Serbia will become a signatory of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law in September 2024.

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<b>HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?</b>	<b>FURTHER REGULATION IN 2024-2025</b>	<b>AI CATEGORIES UNDER LEGISLATION</b> <small>(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)</small>	<b>MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION</b>
<p><b>No AI-specific regulation yet. However, the regulatory landscape for AI and machine learning is shaped by several key statutes and initiatives:</b></p> <ul style="list-style-type: none"> <li>• Law 15/2022, of 12 July, on equal treatment and non-discrimination 307 establishes specific requirements for AI usage. It contains the first regulation of AI usage by public administrations and companies in Spain.</li> <li>• The Spanish Data Protection Agency (AEPD) has developed its guidance for companies on using AI, which is part of its broader digital strategy on how to audit personal data processing activities that involve AI. The AEPD's guidance is directed at data controllers and processors, as well AI developers, data protection officers (DPOs) and auditors. The guidance aims to help ensure that products and services which incorporate AI comply with the requirements of the GDPR.</li> </ul>	<ol style="list-style-type: none"> <li>1. The National AI Strategy or Estrategia Nacional de Inteligencia Artificial (ENIA). This strategy serves as a reference framework for the development of AI that is inclusive, sustainable and focused on the citizens' welfare. ENIA is a pivotal element of the Digital Spain 2026 agenda and a component of the Recovery, Transformation and Resilience Plan aimed at revamping the Spanish economy.  The strategy includes the ENIA, a Data Office and Chief Data Officer (CDO), an AI Advisory Council and the National Cloud Services Strategy, incorporating Common European Data Spaces.</li> <li>2. The Ministry of Economic Affairs and Digital Transformation has published a draft of the Royal Decree that should regulate the controlled testing environment (Sandbox) for AI systems in Spain. This future regulation will apply to public administrations, public sector entities and private entities that will be selected to participate in the controlled AI testing environment.</li> <li>3. The approval by the Council of Ministers of a Royal Decree establishing the statute of the Spanish Agency for the Supervision of AI (AESIA). This joint venture by the Ministry of Finance and Public Function and the Ministry of Economic Affairs and Digital Transformation positions Spain as the first European country to establish such an agency, anticipating the request by European Regulation on AI. <ul style="list-style-type: none"> <li>• The AESIA is not intended to replace the role of the AEPD but will work alongside it, especially since many AI applications involve personal data processing and fall under the GDPR.</li> </ul> </li> </ol>	<p>The same classification from the EU AI Act applies.</p> <p><b>There are four categories:</b> unacceptable risk (incompatible with fundamental rights and EU values), high-risk systems (<b>can potentially affect health and safety of people or fundamental rights if they fail or are misused</b>), limited risk (<b>with a risk of manipulation</b>) and minimal risk (all other AI systems that do not fall under the categories mentioned).</p>	<p>No specific restrictions.</p>

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

AI-generated outputs are difficult to protect under copyright law in Spain, as Article 10 of the Intellectual Property Law requires originality for a work to be subject to intellectual property rights. Additionally, machine-generated content lacks the intellectual and creative capacities inherent to humans, and works created by AI do not constitute the individual expression of an author, which is essential for originality.

## LATEST UPDATES

Another critical development is the Ministry of Universities' issuance of regulatory bases for financial aid to foster cooperative research plans in AI. These grants, totaling **€31 million**, are aimed at promoting interdisciplinary and groundbreaking investigation into AI, integrating this approach into Spanish research culture and facilitating greater interaction among researchers.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Spain is aligning its AI strategy with broader EU initiatives. **Key aspects of Spain's strategy are:**

- The establishment of an ethical framework that outlines individual and collective rights, building an environment of trust in AI.

Art. 23 of Law 15/2022 mandates that within the framework of the National AI Strategy, the Charter of Digital Rights and European initiatives on AI, Public Administrations encourage the implementation of bias minimisation, transparency and accountability in decision-making algorithms.

- European legislation such as the Data Governance Act, which Spain is aligning with, is becoming a global reference for data management. It outlines governance frameworks for data exchange processes, aiming to generate traceability, trust and enhance coordination on data.
- In terms of data privacy and security, Spain's participation in European initiatives such as Gaia-X focuses on developing high-quality data-driven AI with strong governance, complying with European regulatory frameworks. These initiatives emphasize interoperability, data protection and algorithmic transparency, addressing key data protection concerns in the context of AI.

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MME Legal

**MME** |||



# Switzerland (MME Legal)

<b>HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?</b>	<b>FURTHER REGULATION IN 2024-2025</b>	<b>AI CATEGORIES UNDER LEGISLATION</b> <small>(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)</small>	<b>MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION</b>
<p>No AI-specific regulation yet.</p> <ul style="list-style-type: none"><li>• The Digital Switzerland Strategy serves as the primary guideline for Switzerland's digital transformation. It is legally binding for the federal administration, ensuring that federal activities align with the strategic objectives. For other stakeholders, such as cantons, communes, businesses, scientific communities, and civil society, the strategy acts as an orientation tool. Its goal is to optimize the benefits of digital transformation across all sectors of society.</li><li>• In 2020, the Federal Council issued specific guidelines for the use of AI within the federal administration. These guidelines provide a framework for the ethical and effective deployment of AI technologies, ensuring transparency, accountability, and adherence to legal standards.</li><li>• In addition, various existing laws and legal principles, such as the Federal Data Protection Act (FDPA), personal rights, anti-discrimination laws, are applicable to artificial intelligence, due to their technology-neutral formulation.</li><li>• It is also noteworthy that Switzerland has not adopted the EU's text and data mining clause. Instead, to a certain extent, Switzerland has developed its own text and data mining provision, which, although serving a similar purpose, differs from the text and data mining approach established by the EU.</li></ul>	<p>The Federal Council has mandated the Federal Department of the Environment, Transport, Energy and Communications (DETEC) to undertake a comprehensive analysis of the regulatory requirements for artificial intelligence (AI) in Switzerland by the end of 2024.</p> <p>This analysis will review existing Swiss legislation and, in particular, consider the EU AI Act and the Council of Europe's AI Convention. Emphasis will be placed on ensuring compliance with fundamental rights.</p> <p>Additionally, the study will assess technical standards and the financial and institutional implications of various regulatory approaches. Based on the results of this analysis, the Federal Council will determine in 2025 whether to issue a specific mandate for the establishment of a regulatory framework for AI.</p>	<p>N/A</p>	<p>N/A</p>

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

General principles of copyright law apply.

When assessing copyrights in the context of AI applications, it is crucial to distinguish between providers, users, and third parties. Providers may use copyright-protected content from third parties for training AI models only if they possess a license, have obtained consent, or can invoke a limitation provision under copyright law.

According to the current legal situation in Switzerland, content generated by AI is not protected by copyright unless the output reflects the intellectual creation of the user's prompt. Consequently, users generally cannot claim copyright over AI-generated content ("output"). Attributing copyright to the AI itself appears not feasible under Swiss law as the criterion of "intellectual creation" is not met. Additionally, the developers of the AI do not exert sufficient influence over the output to be considered authors.

However, it should be noted that even if the output is not protected by copyright, it may still infringe the copyrights of third parties.

## LATEST UPDATES

- The Federal Data Protection and Information Commissioner (FDPIC) has affirmed that the Federal Data Protection Act (FDPA) is crafted in a technology-neutral manner and is therefore directly applicable to the use of AI-based data processing. The FDPIC emphasizes that I3 I3 and users of AI applications are legally obligated to ensure that data subjects retain the highest possible degree of digital self-determination when developing and planning the use of new technologies.
- Switzerland is particularly active in the field of AI research and development thanks to its two federal institutes - ETH Zurich and G3EPFL Lausanne. In F3 Geneva-based international standardization organizations (e.g. the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC) and the International Telecommunication Union (ITU)) are play a significant role in shaping global AI standards.
- Switzerland has established a Competence Network for Artificial Intelligence (CNAI), which aims to rapidly and sustainably promote the use of and trust in AI and other new technologies within the administration and beyond. The CNAI also helps to inform the public. With its online AI project overview, it contributes to the transparency of ongoing AI projects in the federal administration.
- Furthermore, Switzerland has established the Platform Tripartite, a national information hub and multi-stakeholder platform for exchanging information on topics related to the internet, digital governance and artificial intelligence.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

Switzerland actively contributed to the recently adopted Council of Europe Convention on AI. Members and non-members of the Council of Europe are now invited to sign and ratify the Convention. Should Switzerland ratify the Convention, it will need to incorporate its provisions into Swiss law. The Federal Department of the Environment, Transport, Energy and Communications (DETEC) is currently examining the necessary adjustments to Swiss legislation.

Switzerland has nearly verbatim adopted the previous EU Product Liability Directive. Although the Federal Office of Justice has not yet been tasked with addressing the new proposal for the EU Product Liability Directive, it may be included in the broader assessment of a regulatory framework for AI being conducted by the Federal Department of the Environment, Transport, Energy and Communications (DETEC).

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Juscutum

**juscutum**  
The right firm



# Ukraine (Juscutum)

<b>HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?</b>	<b>FURTHER REGULATION IN 2024-2025</b>	<b>AI CATEGORIES UNDER LEGISLATION</b> <small>(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)</small>	<b>MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION</b>
<p>No AI-specific regulation yet. But regulation roadmap was developed. Ukraine has bottom-up approach.</p> <p><b>Key elements of the roadmap include:</b></p> <ul style="list-style-type: none"><li>• Development of a White Paper with recommendations for self-regulation.</li><li>• Launch of a regulatory sandbox for AI development and testing.</li><li>• Participation in the HUDERIA pilot project (impact assessment methodology).</li><li>• Emphasis on protecting the rights of Ukrainians in the digital space and personal data.</li><li>• AI Legal Advisory Platform.</li><li>• AI Labelling.</li><li>• Voluntary AI Commitments, tools to help businesses prepare their AI products/services for future regulation.</li><li>• Sectoral guidance of responsible use of AI.</li></ul> <p>This soft law approach is designed to foster a culture of responsibility and self-governance among AI companies and stakeholders, without immediately imposing legally binding regulations that could stifle innovation.</p>	<p>As part of its national AI regulation roadmap, Ukraine has outlined several key initiatives planned for implementation in 2024:</p> <ul style="list-style-type: none"><li>• <b>Voluntary AI Commitments:</b> Encouraging the adoption of voluntary codes of conduct by AI companies and stakeholders to promote ethical and responsible development and use of AI systems.</li><li>• <b>Sectoral Guidance:</b> Developing sector-specific guidance documents on the responsible use of AI tailored to different industries like healthcare, finance, transportation etc.</li><li>• <b>Participation in the HUDERIA Pilot Project:</b> Ukraine will participate in this pilot focused on AI systems impact assessment.</li><li>• <b>Regulatory Sandbox for AI:</b> Establishing a controlled environment or "sandbox" where AI technologies can be developed and tested under monitoring before deployment.</li><li>• <b>Public White Paper:</b> Publishing a white paper that provides recommendations and best practices for self-regulation of the AI industry in the interim period before binding regulations are put in place.</li><li>• <b>AI Legal Advisory Platform:</b> Creating a platform to provide legal guidance and advisory support to AI developers and users on compliance with existing laws and ethical principles.</li><li>• As the next phase of its AI regulatory roadmap, Ukraine plans to initiate the development of comprehensive national AI legislation in 2024 aimed at harmonization with the European Union's AI Act.</li></ul>	<p>ABSENT</p>	<p>ABSENT</p>

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

In December 2022, Ukraine amended its copyright law to address the ownership of intellectual property rights for objects created by AI systems.

**The key provisions are as follows:**

- Article 33 of the law introduces the concept of "sui generis" rights, which are special rights granted to non-original objects created without human involvement.
- AI-generated works that differ from other similar works and are created without human participation are now subject to sui generis rights.
- The sui generis rights for AI-generated works include the right to use the work and the right to authorize or prohibit third-party use.
- The tangible sui generis rights belong to the natural person who has the license of the software that created the non-original work or to the owner of the software. The separate agreement, such as Terms and Condition, can specifies sui generis rights.
- The validity period for sui generis rights on AI-generated works is 25 years, counted from the first day of the year following the year of creation (generation) of the work.

The amendments also extend sui generis rights to non-original databases, such as traffic schedules, television and radio broadcast schedules, telephone directories, and other similar databases that do not meet the originality requirement. The validity period for sui generis rights on non-original databases is **15 years**, counted from their creation.

## LATEST UPDATES

Ministry of Digital Transformation publishes guidelines for the responsible of AI in media.

The EU-funded EU4DigitalUA project, in close cooperation with the Ombudsman Office and the Ministry of Digital Transformation of Ukraine, has presented the country's first Guidelines on the protection of human rights and the right to privacy in the development and implementation of Artificial Intelligence (AI) technologies.

Approval of the Concept of the State targeted scientific and technical program for the use of artificial intelligence technologies in priority sectors of the economy for the period until 2026.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

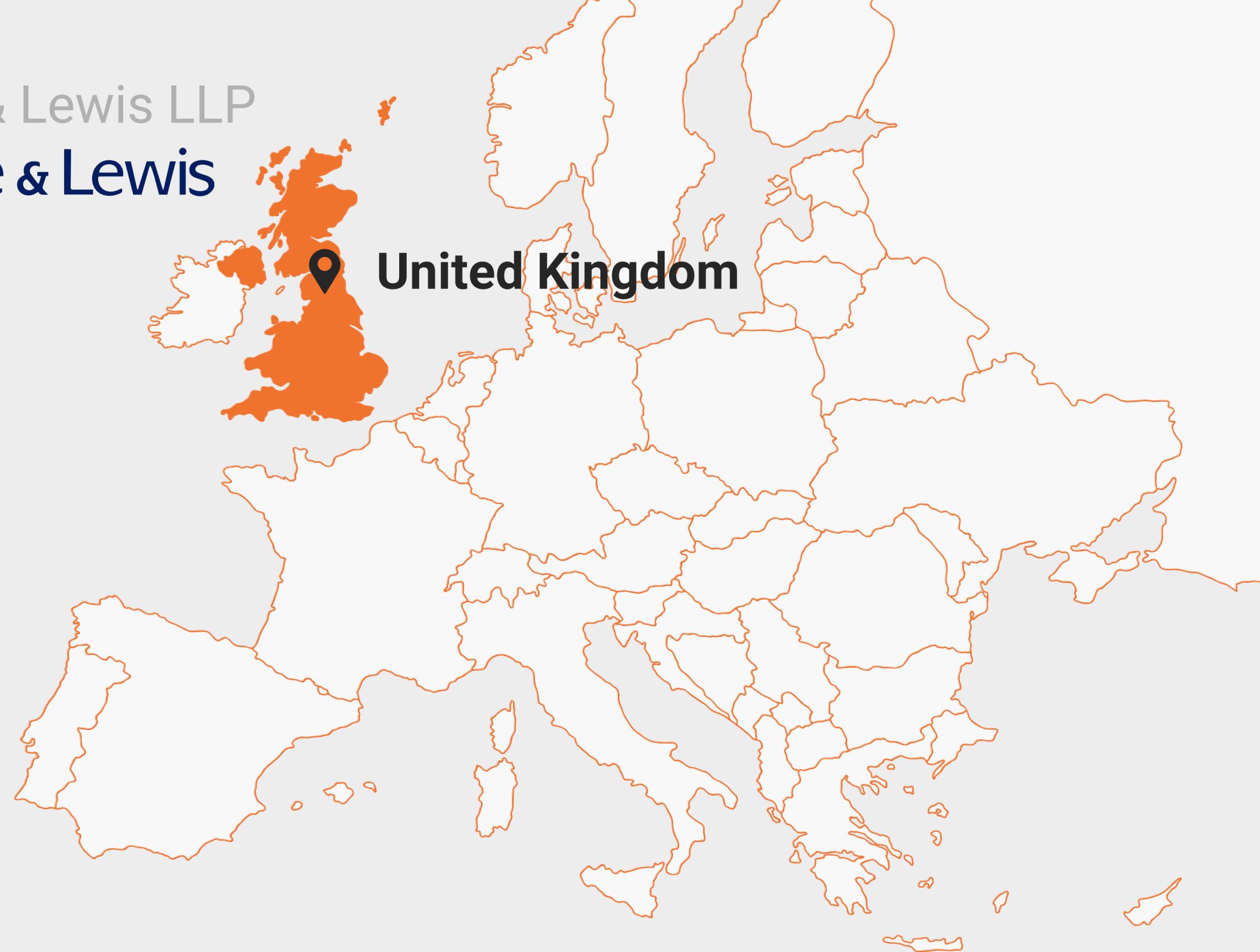
Ukraine together with the Council of Europe has finalized the draft text of a landmark Convention on Artificial Intelligence (AI), Human Rights, Democracy, and the Rule of Law.

In November 2023, Ukraine joined other countries in signing the Bletchley Declaration at the AI Safety Summit. The declaration outlines a commitment to international cooperation on ensuring the safe development, deployment, and use of artificial intelligence (AI), particularly focusing on addressing risks associated with "frontier AI" capabilities.

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Harbottle & Lewis LLP

**Harbottle & Lewis**



## HOW DOES YOUR COUNTRY CURRENTLY REGULATE AI?

There is currently no specific legislation governing AI in the UK. As an alternative to bespoke legislation. Avoidance of legislation is to instead rely on a context-sensitive, balanced approach using sector-specific laws and guidance for regulation. **The current government takes a pro-innovation approach with non-statutory AI principles based on the OECD AI principles and are as follows:**

1. Safety, security and robustness;
2. Appropriate transparency and explainability;
3. Fairness;
4. Accountability and governance; and
5. Contestability and redress.

The UK's approach relies heavily on cross-regulatory collaboration and consistency, with currently no statutory requirement or mechanism yet in place compelling bodies to work together or addressing how they should apply the overarching principles. **Such bodies include:**

- UK regulators managing AI include e.g. Ofcom, ICO, Equality and Human Rights Commission (ECHR), Employment Agency Standards Inspectorate (EASI), Health and Safety Executive (HSE), Competition and Markets Authority (CMA) and Financial Conduct Authority (FCA);
- The Office of AI within the Department for Science, Innovation and Technology (DSIT) to co-ordinate government initiatives on AI;
- The AI Standards Hub, involved in the development of national and international standards for safe AI development and use; and
- The AI Safety Institute promoting safe AI use and practice and to support international collaboration Guidance from various bodies have been released in the UK including:
  - AI White Paper detailing the current government's plan to govern the use of AI through sector-specific voluntary guidance created by UK regulators, and the National AI Strategy setting out the UK's pro-innovation national position on governing and regulating AI;
  - The government's ethics guidance for public sector organizations: Ethics, Transparency and Accountability Framework for Automated Decision-Making;
  - The ICO's guidance on AI and data protection; and
  - The EHRC's guidance on artificial intelligence in public services.

## FURTHER REGULATION IN 2024-2025

Specific AI regulation is not planned as already mentioned, instead industry specific regulation and guidance will be the focus, including the following:

- DSIT has called for views on a proposed voluntary code of practice for AI cybersecurity, intended to be used by organizations within the AI supply chain;
- The ICO is currently consulting on a series of guidance on the application of data protection law in regard to generative AI;
- The government will publish an AI regulatory roadmap.

A number of sector specific bills were going through this year, however the general election will now take place on 4 July 2024 and so a number of bills have been dropped. This includes the Data Protection and Digital Information Bill (which included some changes to obligations around automated decision-making) and a private members bill. The Artificial Intelligence (Regulation) Bill. Though, they may circle back round again.

AI has not been made a significant feature by most of the political parties, though, there is significant discussion right now on the impact of AI fakes and misinformation on social media platforms on the general election.

It's unclear how the general election will impact the plans for the regulation of AI in 2024/25 (including the government's regulatory roadmap).

## AI CATEGORIES UNDER LEGISLATION

(FOR EXAMPLE: PROHIBITED, HIGH-RISK, LOW-RISK, GENERAL PURPOSE AI (GPAI), OPEN-SOURCE, ETC.)

Not applicable.

## MAIN RESTRICTIONS FOR AI MODELS IF YOUR JURISDICTION HAS REGULATION

The law relating to IP and AI-generated works in the UK is still developing with existing frameworks being tested.

## WHO OWN THE IP RIGHT ON THE AI GENERATION OBJECTS UNDER YOUR LEGISLATION?

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### Copyright:

- The UK's Copyright, Designs and Patents Act 1988 provides for literary, dramatic, musical and artistic works being "computer-generated". The author (and owner) is who took "the arrangements necessary for the creation of the work are undertaken". Case law supports this protection where the computer is merely a tool and the user provides the creative element but it's unclear how this applies with AI (there are also issues on whether AI generated works are original with the associated expended time, skill and labor to fall under copyright protection).
- It remains to be seen if the developer of the AI system or the user is the author, though case law has pointed to the developer before in a different setting of video games. Also, joint authorship of the individual and the computer/AI system is not possible under English law. Note, if the AI system has terms of use, these are noted and can purport to assign copyright in the output.
- Note there is an ongoing case Getty Images (US) Inc and others v Stability AI Ltd [2023] EWHC 3090 (Ch), which may show the courts dealing with AI and copyright infringement as a case based on allegedly unlawful scraping of images to train AI models and whether the output infringes copyright.

### Patents:

- The Supreme Court in Thaler v Comptroller-General of Patents, Designs and Trade Marks held that an AI machine (DABUS) was not an inventor under the Patents Act 1977. Therefore, Dr Thaler did not have the right to secure the grant of patents to himself as the owner of DABUS.
- The IPO has updated its Formalities Manual to specifically state that an AI system cannot be an inventor on a patent application, and a failure to list a human would lead to withdrawal.

## LATEST UPDATES

- As mentioned a general election will take place on 4 July and as of the date of our response we await to see what the political parties will say about AI regulation (if anything).
- On 18 April 2024 the Trades Union Congress put forwards a draft Artificial Intelligence (Employment and Regulation) Bill, intended to regulate the use of AI systems by employers to protect employee, workers and jobseekers rights and interests. Whilst the government does not have plans to bring forward legislation regulating AI, this bill may create debate on the issues of AI and the workplace.
- 13 regulators published their strategic approaches to AI in May 2024, which sets out each of their strategies and progress made against the AI principles.
- There has been discussion of a copyright and AI code of practice but the Intellectual Property Office Working Group could not agree one effectively between the different creative industry and AI stakeholders – but this may be revisited in the future.
- In April 2024 DSIT announced the launch of the AI and Digital Hub which will be run by the Digital Regulation Co-operation Forum (DRCF), which is a collaboration of the CMA, FCA, ICO and Ofcom. This is a multi-regulator sandbox one year pilot that will provide businesses an advice service to meet requirements on AI across different sectors whilst innovating.

## INTERNATIONAL AGREEMENTS AND CONVENTIONS

- The UK has set up bodies to ensure alignment and collaboration with international rules on AI. As mentioned, the UK has based its AI principles on the OECD principles, who has also updated its AI Principles recently.
- The UK also co-hosted the AI Safety Summit in South Korea in May 2024 which supports international collaboration on AI governance with a statement committing to international collaboration on AI safety science. The UK previously hosted the world's first major summit on AI safety at Bletchley Park in November 2023.
- In April 2024 the UK and the US agreed a Memorandum of Understanding on AI safety, reflecting the intention to work together for safe, secure and trustworthy development and use of AI. Each country has an AI Safety Institute which will work on a number of things including developing a shared approach to model evaluation, collaborate on AI safety technical research and to each develop similar collaborations with other countries.
- The UK as part of the G7 agreed and signed an agreement. The Hiroshima Process, International Code of Conduct for Advanced AI Systems, to unite and harness the innovative potential of AI for global productivity and economic growth. The countries agreed to work on a joint report to support companies to roll out safe and trustworthy AI.
- As part of the UNESCO member states, the UK has adopted the UNESCO Recommendation on Ethics in AI and aligns work on AI with the values of UNESCO's Recommendation.

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