European Parliament

2019-2024

Committee on the Internal Market and Consumer Protection

2020/2015(INI)

9.7.2020

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Legal Affairs

on Intellectual property rights for the development of artificial intelligence technologies
(2020/2015(INI))

Rapporteur for opinion: Adam Bielan

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SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1.   Recalls the potential that artificial intelligence (AI) has when it comes to delivering innovative services to businesses, consumers and the public sector; stresses the key role that AI technologies can play in the digitisation of the economy in many sectors, such as industry, healthcare, construction and transport, which can lead to the establishment of new business models; highlights that the Union must actively embrace developments in this area to advance the digital single market; underlines that the development and use of AI in the internal market will benefit from a reliable, balanced and effective system of intellectual property rights (IPRs); notes the importance of differentiating between AI applications or algorithms, AI-generated technology and products, data bases and individual data, which require different forms of rights;

2.   Believes that disruptive technologies such as AI offer both small and large companies the opportunity to develop market-leading products; considers that all companies or other owners of such products should benefit from equally efficient and effective IPR protection; considers that this may foster the emergence of European small and medium-sized enterprises (SMEs) and result in a significant competitive advantage in the Union; calls for an analysis of the impact of abusive practices by 'patent trolls' and strategic IPR litigation, which can act as an artificial barrier to entry and protect market incumbents; underlines the importance of AI technologies when it comes to enabling a more transparent, efficient and reliable management of IP-related aspects of transactions;

3.   Stresses the importance of measures and information channels that help SMEs and start-ups to effectively use IPR protection in AI technologies; calls on the Commission and the Member States to offer support to start-ups and SMEs via the Single Market Programme and Digital Innovation Hubs to develop and protect their products and thus enable them to fully develop their potential for growth and jobs in Europe; stresses the importance of the Commission and the Member States seeking coordination with other important global players in IPR for the development of AI, so as to create a globally compatible approach that would be beneficial for both SMEs and start-ups;

4.   Stresses the importance of protecting IPRs, including trade secrets, in any regulatory framework for AI, in particular as regards any detailed requirements for the narrow set of applications deemed 'high-risk', while recognising the need to reconcile these with the application of other public policy objectives, including respect for fundamental rights or freedoms; believes that in order to ensure the development of human-centric, trusted AI, effective implementation of the legislation concerning whistle-blowers is needed;

5.   Stresses that in addition to protecting IPRs, it is in the interest of consumers to have legal certainty about allowed uses of protected works, especially when it comes to complicated algorithmic products; calls for the Commission to propose measures for data traceability, while taking into account both the legality of data acquisition and the

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protection of consumer and fundamental rights;

6. Believes that the challenge of assessing AI applications requires the development of new methods and proper administrative capacity for the market surveillance authorities; notes that adaptive learning systems may recalibrate following each input, making certain ex ante disclosures alone ineffective;

7. Considers that where AI applications are certified, they should demonstrate transparency, explainability – as much as feasibly possible – and compliance with ethical standards; notes that this goal cannot be solely achieved through the simple disclosure of the algorithm or code, if at all; recalls that data sets are also important in this process;

8. Calls on the Commission to consider how to assess ways that allow for products to be tested, for instance in a modular way or with the use of verification tools that would allow products to be adequately tested while observing confidentiality in order to protect the commercial secrets held by IPR holders.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	7.7.2020
Result of final vote	+: 43 −: 0 0: 1
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Brando Benifei, Adam Bielan, Hynek Blaško, Biljana Borzan, Vlad-Marius Botoş, Markus Buchheit, Dita Charanzová, Deirdre Clune, David Cormand, Petra De Sutter, Carlo Fidanza, Evelyne Gebhardt, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Kris Peeters, Anne-Sophie Pelletier, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Kim Van Sparrentak, Marion Walsmann, Marco Zullo
Substitutes present for the final vote	Pascal Arimont, Marco Campomenosi, Maria da Graça Carvalho, Edina Tóth, Stéphanie Yon-Courtin

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FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

43	+
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
EPP	Pascal Arimont, Maria da Graça Carvalho, Deirdre Clune, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Kris Peeters, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Edina Tóth, Marion Walsmann
EUL/NGL	Kateřina Konečná, Anne-Sophie Pelletier
GREENS/EFA	David Cormand, Petra De Sutter, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak,
ID	Markus Buchheit, Marco Campomenosi, Virginie Joron, Jean-Lin Lacapelle
NI	Marco Zullo
RENEW	Andrus Ansip, Vlad-Marius Botoş, Dita Charanzová, Sandro Gozi, Svenja Hahn, Stéphanie Yon-Courtin
S&D	Alex Agius Saliba, Brando Benifei, Biljana Borzan, Evelyne Gebhardt, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Christel Schaldemose

0	-

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ID	Hynek Blaško

Key to symbols:
+ : in favour
- : against
0 : abstention

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