



2020/2015(INI)

27.5.2020

AMENDMENTS

1 - 142

Draft report
Stéphane Séjourné
(PE650.527v01-00)

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

Amendment 1

Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution

Citation 1 a (new)

Motion for a resolution

Amendment

- ***Having regard to the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (OJL 123, 12.5.2016) and the Better Regulations Guidelines;***

Or. en

Amendment 2

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Citation 3

Motion for a resolution

Amendment

— having regard to the World Intellectual Property Organisation (WIPO) Copyright Treaty and the draft Issues Paper on intellectual property policy and artificial intelligence Policies (WIPO/IP/AI/2/GE/20/1) of 13 December 2019,

— having regard to the World Intellectual Property Organisation (WIPO) Copyright ***Treaty, the World Intellectual Property Organisation (WIPO) Performances and Phonograms*** Treaty and the draft Issues Paper on intellectual property policy and artificial intelligence Policies (WIPO/IP/AI/2/GE/20/1) of 13 December 2019,

Or. en

Amendment 3

Patrick Breyer

Motion for a resolution

Citation 18 a (new)

Motion for a resolution

Amendment

- ***having regard to the Resolution of***

Amendment 4

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Recital A

Motion for a resolution

A. whereas the European legal framework for intellectual property aims to promote innovation, creativity and access to knowledge and information;

Amendment

A. whereas the European legal framework for intellectual property aims to promote innovation, creativity and access to knowledge and information ***and that copyright in particular seeks to protect authors and their ability to earn a living from the proceeds of their works;***

Or. it

Amendment 5

Ibán García Del Blanco

Motion for a resolution

Recital A

Motion for a resolution

A. whereas the European legal framework for intellectual property aims to promote innovation, creativity and access to knowledge and information;

Amendment

A. whereas the European legal framework for intellectual property aims to promote ***and protect*** innovation, creativity and access to knowledge and information;

Or. en

Amendment 6

Daniel Buda

Motion for a resolution

Recital B

Motion for a resolution

B. whereas Article 118 of the Treaty on the Functioning of the European Union stipulates that the Union legislator must establish measures for the creation of European intellectual property rights (IPRs) to provide uniform protection of those rights throughout the Union; whereas the single market is conducive to the stronger economic growth needed to ensure the prosperity of European citizens;

Amendment

B. whereas Article 118 of the Treaty on the Functioning of the European Union stipulates that the Union legislator must establish measures for the creation of European intellectual property rights (IPRs) to provide uniform protection of those rights throughout the Union; whereas the single market is conducive to the stronger economic growth needed to ensure the prosperity of European citizens;
whereas the development of the digital single market will ensure a high degree of digitalisation in the Union after 2020, with the aim of making Europe a world leader in the field of artificial intelligence;

Or. ro

Amendment 7

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Recital B

Motion for a resolution

B. whereas Article 118 of the Treaty on the Functioning of the European Union stipulates that the Union legislator must establish measures for the creation of European intellectual property rights (IPRs) to provide uniform protection of those rights throughout the Union; ***whereas the single market is conducive to the stronger economic growth needed to ensure the prosperity of European citizens;***

Amendment

B. whereas Article 118 of the Treaty on the Functioning of the European Union stipulates that the Union legislator must establish measures for the creation of European intellectual property rights (IPRs) to provide uniform protection of those rights throughout the Union;

Or. fr

Amendment 8

Angel Dzhambazki

Motion for a resolution

Recital C

Motion for a resolution

C. whereas recent developments in artificial intelligence (AI) represent a significant technological advance that is generating opportunities and challenges for European citizens, businesses **and** creators;

Amendment

C. whereas recent developments in artificial intelligence (AI) **and similar emerging technologies** represent a significant technological advance that is generating opportunities and challenges for European citizens, businesses, **public administrations**, creators **and the defence sector**;

Or. en

Amendment 9

Eva Kaili, Evelyne Gebhardt

Motion for a resolution

Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas AI technologies may render the traceability and application of IPRs to AI-generated output difficult thus hindering the fair remuneration of human creators whose original work is used to power such technologies;

Or. en

Amendment 10

Patrick Breyer

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the aim of making the European Union the world leader in AI

Amendment

deleted

technologies must include efforts to safeguard the Union's digital and industrial sovereignty;

Or. en

Amendment 11
Angel Dzhambazki

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty;

Amendment

D. whereas the aim of making the European Union the world leader in AI technologies ***requires a strong degree of industrial reform and transatlantic cooperation which in turn*** must include efforts to safeguard the Union's digital and industrial sovereignty;

Or. en

Amendment 12
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty;

Amendment

D. whereas the aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty, ***ensure the EU's competitiveness as well as promote and protect innovation;***

Or. en

Amendment 13

Ibán García Del Blanco

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty;

Amendment

D. whereas the aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty, *as well as cultural diversity*;

Or. en

Amendment 14

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Recital D

Motion for a resolution

D. whereas the *aim of making the European Union the world leader in AI technologies must include efforts to safeguard the Union's digital and industrial sovereignty*;

Amendment

D. whereas the *European Union must regain its industrial and digital sovereignty and, in order to do so, it must be at the forefront of AI technologies*;

Or. fr

Amendment 15

Angel Dzhambazki

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

Da. whereas the Union as a whole and relevant law-makers at all levels, ought to act with foresight and ensure that the divide between market realities and legislation is mitigated to the minimum, considering the fast-paced advances of AI

and AI-related technologies, i.e. quantum and edge computing, etc.;

Or. en

Amendment 16

Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

Da. whereas the European Union's global leadership in AI calls for an effective intellectual property system which is fit for the digital age, enabling innovators to bring new products to the market;

Or. en

Amendment 17

Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution

Recital D b (new)

Motion for a resolution

Amendment

Db. whereas strong safeguards are crucial to protect the European Union's patent system against abuse to the detriment of innovative AI developers;

Or. en

Amendment 18

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Recital E

Motion for a resolution

E. whereas a human-centred approach to AI is needed if the technology is to remain a tool that serves people and the common good;

Amendment

E. whereas a human-centred approach to AI is needed if the technology is to remain a tool that serves people and the common good, ***particularly in the field of biomedical engineering, medical advancement and health***;

Or. it

Amendment 19
Ibán García Del Blanco

Motion for a resolution
Recital E

Motion for a resolution

E. whereas a human-centred approach to AI is needed if the technology is to remain a tool that serves people and the common good;

Amendment

E. whereas a human-centred approach to AI ***in compliance with the ethical principles and human rights***, is needed if the technology is to remain a tool that serves people and the common good;

Or. en

Amendment 20
Angel Dzhambazki

Motion for a resolution
Recital F

Motion for a resolution

F. whereas legal certainty fosters technological development, and whereas public confidence in new technologies is essential for the development of this sector;

Amendment

F. whereas legal certainty fosters technological development, ***technological and legislative foresight are essential for strengthening the Unions competitive advantage*** and whereas public confidence ***and a revised educational emphasis on computer science and advanced machine learning*** in new technologies is essential for the development of this sector;

Amendment 21
Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution
Recital F

Motion for a resolution

F. whereas legal certainty fosters technological development, **and whereas** public confidence in new technologies is essential for the development of this sector;

Amendment

F. whereas legal certainty fosters technological development **and strengthens the international competitiveness of European industry and SMEs, as well as fostering** public confidence in new technologies, **which** is essential for the development of this sector;

Or. it

Amendment 22
Daniel Buda

Motion for a resolution
Recital F a (new)

Motion for a resolution

Fa. whereas the regulatory provisions governing artificial intelligence systems should underpin confidence in their safety, reliability and consistency, continuing to strike a balance between public protection on the one hand and business incentives for investment in innovation, specially AI, on the other;

Or. ro

Amendment 23
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EU is the appropriate level at which to regulate AI technologies in order to avoid fragmentation of the single market; whereas *the* EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Amendment

G. whereas the EU is the appropriate level at which to regulate AI technologies in order to avoid fragmentation of the single market; whereas *a fully harmonised* EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level; *whereas new common rules for AI-systems should only take the form of Regulations to establish equal standards across the Union;*

Or. en

Amendment 24

Daniel Buda

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EU is the appropriate level at which to regulate AI technologies in order to avoid fragmentation of the single market; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Amendment

G. whereas the EU is the appropriate level at which to regulate AI technologies in order to avoid *a mere sequence of national regulatory provisions with no common guidelines, leading to* fragmentation of the single market; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Or. ro

Amendment 25

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Recital G

Motion for a resolution

G. whereas the EU is the appropriate level at which to regulate AI technologies ***in order to avoid fragmentation*** of the ***single market***; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Amendment

G. whereas the EU is the appropriate level at which to regulate AI technologies, ***while taking due account of the varying levels of digitalisation*** of the ***Member States***; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Or. it

Amendment 26
Angel Dzhambazki

Motion for a resolution
Recital G

Motion for a resolution

G. whereas ***the EU is the appropriate level at which*** to regulate AI technologies in order to avoid fragmentation of the single market; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Amendment

G. whereas ***Member States can work*** to regulate AI technologies in order to avoid fragmentation of the single market; whereas the EU regulatory framework in the field of AI will have the potential to become a legislative benchmark at international level;

Or. en

Amendment 27
Angel Dzhambazki

Motion for a resolution
Recital G a (new)

Motion for a resolution

Ga. whereas any initiatives on European level will be preceded by adequate impact assessments, taking into account discrepancies between national infrastructures, capacity and market realities;

Amendment

Amendment 28
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Recital H

Motion for a resolution

H. whereas AI technologies are regarded as mathematical methods within the meaning of the European Patent Convention;

Amendment

H. whereas, ***according to the Guidelines for Examination in the European Patent Office***, AI technologies are ***based on computational models and algorithms, which are per se*** regarded as mathematical methods within the meaning of the European Patent Convention;

Or. en

Amendment 29
Patrick Breyer

Motion for a resolution
Recital H

Motion for a resolution

H. whereas AI technologies are regarded as mathematical methods within the meaning of the European Patent Convention;

Amendment

H. whereas AI technologies are regarded as mathematical methods within the meaning of the European Patent Convention, ***and are therefore not subject to patent protection***;

Or. en

Amendment 30
Angel Dzhambazki

Motion for a resolution
Recital H

Motion for a resolution

Amendment

H. whereas AI technologies are regarded as mathematical methods within the meaning of the European Patent Convention;

H. whereas AI *and related* technologies are regarded as mathematical methods within the meaning of the European Patent Convention;

Or. en

Amendment 31

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Recital I

Motion for a resolution

I. whereas AI technologies are based on the creation and execution of computer programs which, as such, are protected by copyright;

Amendment

I. whereas AI technologies are based on the creation and execution of computer programs which, as such, are protected by copyright; *whereas, under the current rules, the ideas, methods and principles which underlie any element of a computer program, are not protected, but only the expression of the computer program; whereas, considering the limited scope of copyright protection for computer programs, consideration should also be given to the protection granted to AI technologies under patent law and the Trade Secrets Directive;*

Or. en

Amendment 32

Patrick Breyer

Motion for a resolution

Recital I

Motion for a resolution

I. whereas AI technologies are based on the creation and execution of computer programs which, as such, are *protected by* copyright;

Amendment

I. whereas AI technologies are based on the creation and execution of computer programs which, as such, are *subject to a specific copyright protection regime;*

Amendment 33
Angel Dzhambazki

Motion for a resolution
Recital I

Motion for a resolution

I. whereas AI technologies are based on the creation and execution of computer programs which, as such, are protected by copyright;

Amendment

I. whereas AI ***and related*** technologies are based on the creation and execution of computer programs which, as such, are protected by copyright;

Amendment 34
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Recital J

Motion for a resolution

J. whereas ***AI technologies, as*** computer programs, ***cannot be patented, except*** under Article 52(3) of the European Patent Convention;

Amendment

J. whereas, ***although pure mathematical methods and*** computer programs ***are not patentable as such, they can be patentable*** under Article 52(3) of the European Patent Convention ***when used as part of an AI system that contributes to producing a ‘further technical effect’***;

Amendment 35
Stéphane Séjourné

Motion for a resolution
Recital J

Motion for a resolution

Amendment

J. whereas AI technologies, *as* computer programs, *cannot be patented, except under* Article 52(3) of the European Patent Convention;

J. whereas AI technologies *may be protected by patents, except in the case of* computer programs *or mathematical methods claimed as such*, Article 52(3) of the European Patent Convention;

Or. en

Amendment 36
Patrick Breyer

Motion for a resolution
Recital J

Motion for a resolution

J. whereas AI technologies, as computer programs, cannot be patented, *except under Article 52(3) of the European Patent Convention*;

Amendment

J. whereas AI technologies, as computer programs, cannot be patented;

Or. en

Amendment 37
Angel Dzhambazki

Motion for a resolution
Recital J

Motion for a resolution

J. whereas AI technologies, as computer programs, cannot be patented, except under Article 52(3) of the European Patent Convention;

Amendment

J. whereas AI *and related* technologies, as computer programs, cannot be patented, except under Article 52(3) of the European Patent Convention;

Or. en

Amendment 38
Patrick Breyer

Motion for a resolution
Recital J a (new)

Motion for a resolution

Amendment

Ja. *whereas the self-learning abilities of AI technologies always involve a certain level of human intervention;*

Or. en

Amendment 39

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Recital J a (new)

Motion for a resolution

Amendment

Ja. *whereas an increasing number of AI-related patents is being granted;*

Or. en

Amendment 40

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Recital K

Motion for a resolution

Amendment

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be industrial or artistic creations; whereas it is *sometimes difficult* to distinguish between assisted *creation and AI-generated creation*;

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be industrial or artistic creations; whereas *in this regard* it is *important* to distinguish between assisted *creations that are done with help of AI tools, and creations that are autonomously generated by AI*;

Or. en

Amendment 41
Angel Dzhambazki

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be industrial or artistic creations; whereas it is sometimes difficult to distinguish between assisted creation and AI-generated creation;

Amendment

K. whereas the development of AI **and related technologies** is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI **and related** technologies, which can be industrial or artistic creations; whereas it is sometimes difficult to distinguish between assisted creation and AI-generated creation;

Or. en

Amendment 42
Patrick Breyer

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be industrial or artistic **creations**; whereas it is sometimes difficult to distinguish between **assisted** creation and AI-generated **creation**;

Amendment

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be **of** industrial or artistic **nature**; whereas it is sometimes difficult to distinguish between **AI-assisted human** creation and AI-generated **content**;

Or. en

Amendment 43
József Szájer

Motion for a resolution
Recital K

Motion for a resolution

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to data generated by AI technologies, which can be industrial or artistic creations; whereas it is sometimes difficult to distinguish between assisted creation and AI-generated creation;

Amendment

K. whereas the development of AI is raising questions about the protection of innovation itself and the application of IPRs to ***materials, content or*** data generated by AI technologies, which can be industrial or artistic creations; whereas it is sometimes difficult to distinguish between assisted creation and AI-generated creation;

Or. en

Amendment 44

Eva Kaili, Evelyne Gebhardt

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas AI-generated output including but not limited to synthetic content can enable novel artistic genres and create various commercial opportunities in the creative industries;

Or. en

Amendment 45

Ibán García Del Blanco

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas the purpose of authors' rights is on the one hand to protect the economic and moral interest of authors and in the other to incentivise human creation;

Or. en

Amendment 46
Eva Kaili, Evelyne Gebhardt

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and ***tailoredgovernance***; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and ***tailored governance***; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI; ***whereas specific rules regarding governance and transparency of data used in developing, deploying, training and using of AI technologies is needed to increase the quality of data throughout the entire lifecycle of an AI-enabled system;***

Or. en

Amendment 47
Angel Dzhambazki

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and tailoredgovernance; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI ***and related*** technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and tailored governance; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI; ***whereas the generation of European data will be crucial for ensuring technological***

independence and competitive advantage, as well as contributing to strengthening of the security and defence sector;

Or. en

Amendment 48
Tiemo Wölken

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and ***tailored governance***; whereas increased access to certain ***data*** and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI technologies are heavily dependent on ***pre-existing content and data***, a blanket term for information falling into a range of categories that ***is suitable for communication, interpretation or processing and*** requires protection and ***tailored governance, namely in terms of data management***; whereas increased access to certain ***content, data, metadata*** and databases in the European Union will play a crucial role in advancing the development of European AI;

Or. en

Amendment 49
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and ***tailored governance***; whereas increased access to certain data and databases in the European Union will play a crucial role in

Amendment

L. whereas AI technologies are heavily dependent on data, ***often extracted from pre-existing content***, a blanket term for information falling into a range of categories that requires protection and ***tailored governance***; whereas increased access to certain data and databases in the

advancing the development of European AI;

European Union will play a crucial role in advancing the development of European AI *and supporting the competitiveness of European companies on global markets*;

Or. en

Amendment 50
Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and *tailored governance*; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and *tailored governance*; whereas increased access to certain data and databases in the European Union, *especially for SMEs and start-ups*, will play a crucial role in advancing the development of European AI;

Or. it

Amendment 51
Patrick Breyer

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and tailored governance; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI technologies are heavily dependent on data, a blanket term for information falling into a range of categories that requires protection and tailored governance; whereas increased, *transparent and open non-personal* access to certain data and databases in the European Union will play a crucial role in advancing the development of European

AI;

Or. en

Amendment 52
Brando Benifei

Motion for a resolution
Recital L

Motion for a resolution

L. whereas AI technologies are heavily dependent on data, ***a blanket term for information falling into a range of categories that requires protection and tailored governance***; whereas increased access to certain data and databases in the European Union will play a crucial role in advancing the development of European AI;

Amendment

L. whereas AI technologies are heavily dependent on ***large volumes of*** data; whereas increased access to certain data and databases in the European Union ***as well as interoperability of data, which limits lock-in effects***, will play a crucial role in ***ensuring fair market conditions in the Digital Single Market and*** advancing the development of European AI;

Or. en

Amendment 53
Daniel Buda

Motion for a resolution
Recital L a (new)

Motion for a resolution

La. whereas it is necessary to ensure that legislation takes account of the multidimensional nature of artificial intelligence and especially the need to stimulate investment in IA systems to ensure their long-term viability;

Amendment

Or. ro

Amendment 54
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Recital L a (new)

Motion for a resolution

Amendment

La. whereas the collection of data, in particular personal data, must respect the fundamental rights of citizens and the GDPR and be carried out lawfully with their agreement;

Or. fr

Amendment 55
Angel Dzhambazki

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Welcomes the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; stresses that the approaches outlined therein are likely to contribute to the deployment of the potential of human-centered AI in the EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies does not seem to have been addressed by the Commission, despite the importance of these rights and the role played by innovation and creativity in the EU economy;

1. Welcomes the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; stresses that the approaches outlined therein are likely to contribute to the deployment of the potential of human-centered AI in the EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies does not seem to have been addressed by the Commission, despite the importance of these rights and the role played by innovation and creativity in the EU economy; ***notes further that other comparable emerging technologies are not addressed or hardly referenced, whereas they play an increasingly important role already and in the imminent future; recalls that correlating factors, i.e. the creation of European data and the use thereof will also have consequences for the European legislative framework with regards to intellectual property rights ought to also be a key***

aspect in these considerations;

Or. en

Amendment 56

Patrick Breyer

Motion for a resolution

Paragraph 1

Motion for a resolution

1. ***Welcomes*** the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; ***stresses that the approaches outlined therein are likely to contribute to the deployment of the potential of human-centered AI in the EU***; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies ***does not seem to have*** been addressed by the Commission, ***despite the importance of these rights and the role played by innovation and creativity in the EU economy***;

Amendment

1. ***Takes note of*** the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies ***has not*** been addressed by the Commission;

Or. en

Amendment 57

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Paragraph 1

Motion for a resolution

1. ***Welcomes*** the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; ***stresses that*** the approaches outlined therein ***are likely to contribute to*** the deployment of the potential of human-centered AI in the

Amendment

1. ***Takes note of*** the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and ***of*** the European Data Strategy; ***considers*** the approaches outlined therein ***to be a starting point for*** the deployment of the potential of human-

EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies does not seem to have been addressed by the Commission, despite the importance of these rights and the role played by innovation and creativity in the EU economy;

centered AI in the EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies does not seem to have been addressed by the Commission, despite the importance of these rights and the role played by innovation and creativity in the EU economy;

Or. it

Amendment 58

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Welcomes the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; stresses that the approaches outlined therein are likely to contribute to the deployment of the potential of human-centered AI in the EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies **does not seem to have** been addressed by the Commission, despite the importance of these rights and the role played by innovation and creativity in the EU economy;

Amendment

1. Welcomes the Commission White Paper on ‘Artificial Intelligence - A European approach to excellence and trust’ and the European Data Strategy; stresses that the approaches outlined therein are likely to contribute to the deployment of the potential of human-centered AI in the EU; notes, however, that the issue of the protection of IPRs in the context of the development of AI technologies **has not** been addressed by the Commission, despite the **key** importance of these rights and the role played by innovation and creativity in the EU economy;

Or. en

Amendment 59

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Stresses the importance of the creation of an operational and fully harmonised regulatory framework in the area of AI technologies; suggests that such a framework takes the form of a Regulation rather than a Directive in order to avoid fragmentation of the European Digital Single Market and promote innovation;

Or. en

Amendment 60
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. Calls for an assessment to be conducted regarding the protection of IPRs in the context of the development of AI technologies in order to evaluate whether adjustments are needed and ensure that the current legal framework is adequate to promote investment, create opportunities for European companies and start-ups and foster the development and uptake of AI in Europe;

Or. en

Amendment 61
Patrick Breyer

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. Stresses that the development and deployment of AI technologies and the growth of the global data economy make it necessary to address significant technical,

2. Stresses that the development and deployment of AI technologies and the growth of the global data economy make it necessary to address significant technical,

social, economic, ethical and legal issues in a variety of policy areas, including IPRs;

social, economic, ethical and legal issues in a variety of policy areas, including IPRs **and their impact on the latter policy areas; highlights that in order to unlock the potential of AI technologies, removing unnecessary legal barriers to their development and to their use is necessary;**

Or. en

Amendment 62
Tiemo Wölken

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Stresses that the development and deployment of AI technologies and the growth of the global data economy make it necessary to address significant technical, social, economic, ethical and legal issues in a variety of policy areas, including IPRs;

Amendment

2. Stresses that the development and deployment of AI technologies and the growth of the global data economy make it necessary to address significant technical, social, economic, ethical and legal issues in a variety of policy areas, including IPRs; **underlines that policy choices in this context should be flexible so as to not hamper the growth or innovation of the Union's still developing data economy;**

Or. en

Amendment 63
Daniel Buda

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU can **be**

Amendment

3. Stresses the importance of protecting IPRs in relation to AI technologies **and their multidimensional character**, in order to create the legal certainty and build the trust needed to encourage investment in these

a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

technologies; considers that the EU can ***achieve its aim to become*** a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research; ***reiterates the need, in this regard, to ensure sufficient leeway for the development of new technologies, products or services;***

Or. ro

Amendment 64
Angel Dzhambazki

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework ***that is*** regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Amendment

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework ***strengthens its industrial capacities, engages in public-private sector cooperation and embraces a financial model that will attract and retain the best minds in AI that are*** regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Or. en

Amendment 65

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU **can be a** frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Amendment

3. Stresses the **key** importance of protecting IPRs in relation to AI technologies, in order to **ensure high level of protection of IPRs, to** create the legal certainty and **to** build the trust needed to encourage investment in these technologies; considers that, **due to little regulation at national level**, the EU **has the potential to be the** frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Or. en

Amendment 66

Patrick Breyer

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses the importance of **protecting IPRs** in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive

Amendment

3. Stresses the importance of **a balanced IPR protection** in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies, **but also the use of these technologies by consumers**; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of

public policies, particularly as regards training programmes and financial support for research;

technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Or. en

Amendment 67

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Amendment

3. Stresses the importance of protecting IPRs in relation to AI technologies, in order to create the legal certainty and build the trust needed to encourage investment in these technologies, ***in particular for SMEs and start-ups***; considers that the EU can be a frontrunner in the creation of AI technologies if it adopts an operational regulatory framework that is regularly assessed in the light of technological developments and implements proactive public policies, particularly as regards training programmes and financial support for research;

Or. it

Amendment 68

Eva Kaili, Evelyne Gebhardt

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Emphasises that creating an environment conducive to creativity and innovation by encouraging the use of AI

technologies by creators must not come at the expense of the interests of human creators whose copyright work may be used during the developing, deploying, training and using of AI-enabled systems; recommends that efforts to encourage the use of AI technologies must be limited to those who comply with the Union's ethical principles and the relevant regulatory framework underpinning the development, deployment and use of AI;

Or. en

Amendment 69
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Takes the view that public financial support for innovations in the field of AI contributing to the general interest must be accompanied by a quid pro quo.

Such a quid pro quo shall include, in particular, easier access and an affordable price for the innovation in question.

Or. fr

Amendment 70
Tiemo Wölken

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Affirms, at the same time, the importance of data sharing and access to data as well as open standards and open

source technology while calling for an approach to IPRs that encourages investment and boosts innovation;

Or. en

Amendment 71
Daniel Buda

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers also that the Union must address the various aspects of AI by means of a definition that is technologically neutral and sufficiently flexible to encompass future technological developments;

Amendment

4. Considers also that the Union must address the various aspects of AI by means of a definition that is technologically neutral and sufficiently flexible to encompass future technological developments; *considers it necessary to continue to reflect on interactions between AI and intellectual property rights, from the perspective of both intellectual property offices and users;*

Or. ro

Amendment 72
Patrick Breyer

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Considers also that the Union must address the various aspects of AI by means of *a definition that is* technologically neutral and sufficiently flexible to encompass future technological developments;

Amendment

4. Considers also that the Union must address the various aspects of AI by means of *definitions that are* technologically neutral and sufficiently flexible to encompass future technological developments, *as well as subsequent uses;*

Or. en

Amendment 73
Patrick Breyer

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Stresses that implementing and enforcing the proposed new framework on trustworthy and ethical AI requires access to code and data by competent authorities and, in case of certain high-risk technologies such as applications used by government authorities on citizens, by the public; considers that IPR shall not obstruct such access;

Or. en

Amendment 74
Daniel Buda

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Points out that IPR protection provisions must be consistent with algorithmic transparency requirements (especially in the case of high-risk AI) and, at the same time, the protection of trade secrets;

Or. ro

Amendment 75
Tiemo Wölken

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria;

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria; ***reminds that any approach must strike the right balance between the need to protect investment of both resources and effort and the need to incentivise creation and sharing;***

Or. en

Amendment 76
Daniel Buda

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria;

Amendment

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria; ***takes the view that more thorough research is necessary for the purposes of evaluating human input regarding AI algorithmic data;***

Or. ro

Amendment 77
Ibán García Del Blanco

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria;

Amendment

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account **for example**, the degree of human intervention, the **autonomy of the AI and the importance of the role and the origin** of the data used and the possible involvement of other factors, such as sectoral economic equilibria;

Or. en

Amendment 78

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data **used** and the possible involvement of other factors, **such as sectoral economic equilibria**;

Amendment

5. Recommends that priority be given to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, **autonomy of AI**, the importance of the role **and origin** of the data, **or in case of copyright, the protected works and subject matter used**, and the possible involvement of other factors;

Or. en

Amendment 79

Patrick Breyer

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Recommends that priority be given

Amendment

5. Recommends that priority be given

to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic equilibria;

to assessment by sector and type of IPR implications of AI technologies; considers that such an approach should take into account the degree of human intervention, the importance of the role of the data used and the possible involvement of other factors, such as sectoral economic **and social** equilibria;

Or. en

Amendment 80 **Tiemo Wölken**

Motion for a resolution **Paragraph 6**

Motion for a resolution

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether contract law and competition rules ought to be **strengthened** in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Amendment

6. Suggests that **this** assessment focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; **acknowledges the potential of AI technologies for improving the enforcement of IPRs, notwithstanding the need for human verification and review especially where legal consequences are concerned**; emphasises, further, the need to assess whether contract law and competition rules ought to be **considered as a complement** in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Or. en

Amendment 81

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether **contract law and** competition rules **ought** to be **strengthened** in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Amendment

6. Suggests that assessment **should** focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether competition rules **need** to be **adapted** in order to **address market failure or abuses in the digital economy and** create a more comprehensive legal framework for the economic sectors in which AI plays a part, **thus enabling European companies to scale up**;

Or. en

Amendment 82

Patrick Breyer

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their

Amendment

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their

unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether contract law and competition rules ought to be ***strengthened*** in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether contract law and competition rules ought to be ***updated*** in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part, ***along with other stakeholders, including citizens and consumers;***

Or. en

Amendment 83
Brando Benifei

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, ***trade mark*** and design protection, copyright and related rights, ***including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information*** (“trade secrets”) ***against their unlawful acquisition, use and disclosure;*** emphasises, further, the need to assess whether contract law and competition rules ought to be strengthened in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Amendment

6. Suggests that assessment focus on the impact and implications of AI technology under the current system of patent law, ***trademark*** and design protection, copyright and related rights; ***stresses, however, that the protection of intellectual property and trade secrets must always be reconciled with other fundamental rights and freedoms*** emphasises, further, the need to assess whether contract law and competition rules ought to be strengthened in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Or. en

Amendment 84
Angel Dzhambazki

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that assessment focus on the impact and implications of AI **technology** under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether contract law and competition rules ought to be strengthened in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Amendment

6. Suggests that assessment focus on the impact and implications of AI **and related technologies** under the current system of patent law, trade mark and design protection, copyright and related rights, including the applicability of the legal protection of databases and computer programs, and the protection of undisclosed know-how and business information ('trade secrets') against their unlawful acquisition, use and disclosure; emphasises, further, the need to assess whether contract law and competition rules ought to be strengthened in order to create a more comprehensive legal framework for the economic sectors in which AI plays a part;

Or. en

Amendment 85
Patrick Breyer

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

6a. Reminds that according to the first evaluation of Directive 96/9/EC on the legal protection of databases^{1a}, the introduction of a new "sui generis right" has led to a decrease in the production of European produced databases; therefore encourages the Commission to repeal Directive 96/9/EC;

Amendment

6a. Reminds that according to the first evaluation of Directive 96/9/EC on the legal protection of databases^{1a}, the introduction of a new "sui generis right" has led to a decrease in the production of European produced databases; therefore encourages the Commission to repeal Directive 96/9/EC;

^{1a} Commission evaluation of 12 December 2005
(https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=57136).

Or. en

Amendment 86
Tiemo Wölken

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Points out that mathematical methods are excluded from patentability unless they constitute inventions of a technical nature, which are then patentable if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met;

Amendment

7. Points out that mathematical methods are excluded from patentability unless they constitute inventions of a technical nature, which are then patentable if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met; ***underlines, in this regard, the role of patent protection in incentivising new inventions and promoting their dissemination;***

Or. en

Amendment 87
Stéphane Séjourné

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Points out that mathematical methods are excluded from patentability unless they ***constitute inventions of a technical nature***, which are then patentable if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is

Amendment

7. Points out that mathematical methods are excluded from patentability, unless they ***are used for a technical purpose in the context of technical inventions***, which are then patentable if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose,

technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met;

considered as a whole, is technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met;

Or. en

Amendment 88

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Points out that mathematical methods are excluded from patentability ***unless*** they constitute inventions of a technical nature, ***which are then*** patentable if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is technical in nature and ***it is*** therefore not excluded from patentability; ***consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met;***

Amendment

7. Points out that ***innovations in AI are patentable if the criteria relating to technical inventions are met; notes that only*** mathematical methods ***as such*** are excluded from patentability ***and that if*** they constitute inventions of a technical nature, ***they are*** patentable if the applicable criteria relating to inventions are met; points out further that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is ***in fact*** technical in nature and therefore not excluded from patentability;

Or. en

Amendment 89

Patrick Breyer

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Points out that mathematical methods are excluded from patentability unless they constitute inventions of a technical nature, which are then patentable

Amendment

7. Points out that mathematical methods are excluded from patentability unless they constitute inventions of a technical nature, which are then patentable

if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable if the criteria relating to inventions are met;

if the applicable criteria relating to inventions are met; points out, further, that if a claim relates either to a method involving technical means or to a device, its purpose, considered as a whole, is technical in nature and it is therefore not excluded from patentability; consequently, notes that innovations in AI are patentable **only** if the criteria relating to inventions are met;

Or. en

Amendment 90
Brando Benifei

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; ***notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering is an exception to the trade secrets rule that may pose IPR-related problems in the context of the development of AI technologies;***

Amendment

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step;

Or. en

Amendment 91
Tiemo Wölken

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering *is an exception to the trade secrets rule that may pose IPR-related problems* in the context of the development of AI technologies;

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that *the benefits as well as legal challenges of reverse engineering should be taken into account* in the context of the development of AI technologies; *notes, lastly, that the threshold of patentability for AI inventions could be lowered regarding socially beneficial areas, such as healthcare the environment, criminal justice, culture and education;*

Or. en

Amendment 92 Patrick Breyer

Motion for a resolution Paragraph 8

Motion for a resolution

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering is an exception to the trade secrets *rule that may pose IPR-related problems in the context of the development of AI technologies;*

Amendment

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering is an exception to the *copyright protection on computer programmes and to the protection of trade secrets that are of core importance for innovation and for research;*

Or. en

Amendment 93
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering is **an** exception to the trade secrets rule that may pose IPR-related problems in the context of the development of AI technologies;

Amendment

8. Notes that patent protection can be granted provided that the invention is new and not self-evident and involves an inventive step; notes, further, that patent law requires a comprehensive description of the underlying technology, which may pose challenges for certain AI technologies in view of the complexity of the reasoning; stresses also that reverse engineering is **a controversial** exception to the trade secrets rule that may pose IPR-related problems in the context of the development of AI technologies;

Or. en

Amendment 94
Tiemo Wölken

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Notes that the autonomisation of the creative process raises issues relating to the ownership of IPRs; considers, in this connection, that it would not be appropriate to seek to impart legal personality to AI technologies;

Amendment

9. Notes that the autonomisation of the creative process raises issues relating to the ownership of IPRs; considers, in this connection, that it would not be appropriate to seek to impart legal personality to AI technologies **and points out the negative impact of such possibility on the incentives for human creators**;

Or. en

Amendment 95
Patrick Breyer

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Notes that the autonomisation *of the creative* process *raises* issues relating to the ownership of IPRs; considers, in this connection, that it would not be appropriate to seek to impart legal personality to AI technologies;

Amendment

9. Notes that the autonomisation *in the process of generating content of artistic nature can raise* issues relating to the ownership of IPRs *on such content*; considers, in this connection, that it would not be appropriate to seek to impart legal personality to AI technologies;

Or. en

Amendment 96
Brando Benifei

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

9a. Considers that intellectual property rights for the development of artificial intelligence technologies and intellectual property rights for content generated by AI should be kept separate; stresses that intellectual property rights protect human-generated work; warns that creations and inventions by AI, if marketed, could generate market distortions, affecting pricing and remuneration to the detriment of human creators and concentrating the market in favour of AI owners;

Or. en

Amendment 97
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. *Points out that there is a need to distinguish between the AI assisted creations and AI-generated creations, as only the latter ones create new regulatory challenges in terms of IPR protection, in particular for copyright and patent law; stresses in this regard the importance of addressing the issue of ownership and inventorship;*

Or. en

Amendment 98
Brando Benifei

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. *Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;*

deleted

Or. en

Amendment 99
József Szájer

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

deleted

Or. en

Amendment 100
Tiemo Wölken

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated **by AI**, in order to encourage this form of creation; considers that certain works generated **by AI** can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

10. Takes the view that consideration must be given to protecting technical and artistic creations generated **with the assistance of AI technology**, in order to encourage **investment in** this form of creation **and improve legal certainty for creators, businesses and citizens**; considers that certain works **or other protected subject-matter** generated **with the assistance of AI technology** can be regarded as equivalent to intellectual works and could therefore be protected by copyright, **in line with the notion rooted in European law that originality is directly linked to natural persons or human attributes**; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has

not expressly reserved the right to use the work in that way; *calls on the Commission to set clear and strict requirements when it comes to assigning ownership of rights to the technology designer instead of the person who prepares and publishes a work lawfully; defends that this approach would also prevent that any copyright protection afforded to certain works generated with the assistance of AI technology could result in a monopoly of a handful of businesses;*

Or. en

Amendment 101
Patrick Breyer

Motion for a resolution
Paragraph 10

Motion for a resolution

10. *Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;*

Amendment

10. *Recalls that in the Continental European understanding of authorship, the concept of 'intellectual creation' is tied to the author's personality, meant to apply to natural persons, and therefore artificial agents such as robots and artificial intelligence shall not be considered as authors, and information produced by them shall not be eligible to copyright protection; considers that the authors' fragile position and often low remuneration should not be further accentuated by new categories of copyrightable works generated by Artificial Intelligence technologies which would compete with human artistic creation; rejects the concept of data ownership and stresses the need for enhancing access to and use of non-personal data;*

Or. en

Amendment 102
Eva Kaili, Evelyne Gebhardt

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; ***considers that for AI-generated content derivative of underlying data protected by copyright, authorisation of the copyright holders is required unless otherwise permitted by regulatory exceptions;*** considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

Or. en

Amendment 103
Ibán García Del Blanco

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, ***where such protection is justified on the basis on the same or similar creative results,*** in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that

lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

ownership of rights be assigned to the person who *creates*, prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

Or. en

Amendment 104

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person *who* prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works *or other protected subject-matter* generated by AI can be regarded as equivalent to intellectual works *or inventions* and could therefore be protected by copyright *or patents*; recommends that ownership of rights *should only* be assigned to the person, *legal entity or company who/that* prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;

Or. en

Amendment 105

Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Takes the view that consideration

Amendment

10. Takes the view that consideration

must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI *can* be regarded as equivalent to intellectual works and could therefore be protected by copyright; ***recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, provided that the technology designer has not expressly reserved the right to use the work in that way;***

must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI *could* be regarded as equivalent to intellectual works and could therefore be protected by copyright, ***and recommends that the issue of copyright on such works be carefully assessed;***

Or. it

Amendment 106
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully, ***provided that the technology designer has not expressly reserved the right to use the work in that way;***

Amendment

10. Takes the view that consideration must be given to protecting technical and artistic creations generated by AI, in order to encourage this form of creation; considers that certain works generated by AI can be regarded as equivalent to intellectual works and could therefore be protected by copyright; recommends that ownership of rights be assigned to the person who prepares and publishes a work lawfully;

Or. fr

Amendment 107
Patrick Breyer

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Stresses that in the data economy context, better copyright data management is achievable, for the purpose of better remunerating authors and performer, notably in enabling the swift identification of the authorship and right ownership of content, thus contributing to lowering the number of orphan works; further highlights that AI technological solutions should be used to improve copyright data infrastructure and the interconnection of metadata in works, but also to facilitate the transparency obligation provided in Article 19 of the Directive on Copyright in the Digital Single Market for up to date, relevant and comprehensive information on the exploitation of authors' and performers' works and performances, particularly in the presence of a plurality of rightholders and of complex licensing schemes;*

Or. en

Amendment 108
József Szájer

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Suggest that an assessment should focus on whether certain works generated by AI may be regarded as equivalent to intellectual property works and could therefore be protected by copyright; recommends to assess to whom the ownership of rights could be assigned in this case;*

Or. en

Amendment 109
Ibán García Del Blanco

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Notes that creators and creative sectors are among the main users of AI technologies as a supporting tool to create and enrich their works; considers that copyright and authors' rights should be regarded to protect to protect human creators using that technologies;*

Or. en

Amendment 110
Tiemo Wölken

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Advises caution as regards the protection of creations generated autonomously and entirely by AI technology, as this could undermine the principle of originality and stand indirect competition with the intellectual output of human authors and creators;*

Or. en

Amendment 111
Brando Benifei

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. *Looks forward to a review of the* **deleted**

current policy on trade marks and designs, as these can be generated autonomously by AI applications;

Or. en

Amendment 112
Patrick Breyer

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. *Looks forward to a review of the current policy on trade marks and designs, as these can be generated autonomously by AI applications;*

deleted

Or. en

Amendment 113
Tiemo Wölken

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. Looks forward to a review of the current policy on trade marks and designs, as these can be generated autonomously by AI applications;

11. Looks forward to a review of the current policy on trade marks and designs, as these can be generated autonomously by AI applications; ***calls on the Commission to clarify the legal status of in terms of IP rights of trade marks generated by AI applications;***

Or. en

Amendment 114
Jiří Pospíšil

Motion for a resolution

Paragraph 11

Motion for a resolution

11. Looks forward to a review of the current policy on **trade marks and** designs, as these can be generated autonomously by AI applications;

Amendment

11. Looks forward to a review of the current policy on **industrial** designs, as these can be generated autonomously by AI applications;

Or. cs

Amendment 115

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs;

Amendment

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs; ***stresses the importance for the registration procedures using AI to always be reviewed by individuals able to judge situations on a case-by-case basis in order to ensure the quality and fairness of decisions;***

Or. en

Amendment 116

Tiemo Wölken

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Notes that AI makes it possible to

Amendment

12. Notes that AI makes it possible to

process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs;

process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification ***and review, on a case-by-case basis and taking into account all relevant circumstances***, in relation to the granting of IPRs and the determination of liability for infringements of IPRs, ***in order to ensure the quality and fairness of decisions***;

Or. en

Amendment 117
Luisa Regimenti, Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs;

Amendment

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs; notes, at the same time, that the use of AI technology cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs ***and of damage occasioned by AI technologies***;

Or. it

Amendment 118
Angel Dzhambazki

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs;

Amendment

12. Notes that AI makes it possible to process a large quantity of data relating to the state of the art or the existence of IPRs;

notes, at the same time, that the use of AI **technology** cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs;

notes, at the same time, that the use of AI **and related technologies** cannot be a substitute for human verification in relation to the granting of IPRs and the determination of liability for infringements of IPRs;

Or. en

Amendment 119
Eva Kaili, Evelyne Gebhardt

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Highlights that establishing a legal requirement to maintain an auditable record of data used throughout the lifecycle of AI-enabled technologies upon a developer, deployer or user of such technologies will enable a more precise tracing process and ensure that AI-generated output containing or deriving from protected copyright respects the rights of copyrights holders;

Or. en

Amendment 120
Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

Amendment

12a. Stresses the importance to use artificial intelligence in assisting brand owners and practitioners, but also public authorities, in the enforcement of their intellectual property rights (IPRs) in the online environment; notes that any use of AI with regards the enforcement of IPRs

shall nonetheless include a human intervention when legal consequences are involved;

Or. en

Amendment 121
Eva Kaili, Evelyne Gebhardt

Motion for a resolution
Paragraph 12 b (new)

Motion for a resolution

Amendment

12b. Recommends this legal requirement be extended to cover data containing or deriving from images and/or video containing biometric data of any individuals to ensure that the right to privacy is respected; stresses that such a legal requirement is central to enabling the establishment of a legal framework which encourages non-discriminatory and trustworthy AI-generated output with respect to third party rights of privacy and copyright;

Or. en

Amendment 122
Brando Benifei

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. Notes, with regard to the use of data by AI, that the use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; highlights the IPR issues arising from the creation of deep fakes on the

deleted

basis of data which may be subject to copyright;

Or. en

Amendment 123

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Notes, with regard to the use of **data** by AI, that the use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; **highlights the IPR issues** arising from the creation of deep fakes on the basis of **data which may be subject to copyright;**

Amendment

13. Notes, with regard to the use of **works** by AI, that the use of copyrighted data needs to be assessed in the light of **the need to ensure high level of protection of copyright and** the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market **and that no new exceptions should be created in this regard; notes that the copyright-protected works used as input to train AI process/software do not require any new policy consideration and should remain under the current copyright framework, which is fit for purpose; considers that voluntary data sharing between businesses and sectors based on fair contractual arrangements should be promoted and that, in this context, use of data subsisting in copyright works should be managed through licensing agreements; notes the legal problems** arising from the creation of deep fakes on the basis of **misleading, manipulated, low quality and/or unauthorised use of copyright-protected data; stresses that concerns regarding this technology need to be addressed in terms of IPR, credibility, fraud, and privacy aspects;**

Or. en

Amendment 124
Tiemo Wölken

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes, with regard to the use of data by AI, that the use of copyrighted **data** needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; highlights the IPR issues arising from the creation of deep fakes on the basis of data which may be subject to copyright;

Amendment

13. Notes, with regard to the use of data by AI, that the use of copyrighted **works and other subject-matter and associated data, datasets and metadata** needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; **adds that, despite the exceptions it provides for, the Directive does not fully clarify the protection of data under copyright law;** highlights the IPR issues arising from the creation of deep fakes on the basis of **misleading, manipulated or simply low quality data, irrespective of such deep fakes being** data which may be subject to copyright;

Or. en

Amendment 125
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes, with regard to the use of data by AI, that the use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; highlights the IPR issues arising from the creation of deep fakes on the basis of data which may be subject to copyright;

Amendment

13. Notes, with regard to the use of data by AI, that the **lawful** use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; highlights the IPR issues arising from the creation of deep fakes on the basis of data which may be subject to copyright;

Amendment 126
Patrick Breyer

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes, with regard to the use of data by AI, that the use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market; ***highlights the IPR issues arising from the creation of deep fakes on the basis of data which may be subject to copyright;***

Amendment

13. Notes, with regard to the use of data by AI, that the use of copyrighted data needs to be assessed in the light of the text and data mining exceptions provided for by the Directive on copyright and related rights in the Digital Single Market, ***and in the light of all uses covered by limitations and exceptions to IPR protection;***

Or. en

Amendment 127
Daniel Buda

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Amendment

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; ***points out that continued in-depth analysis is needed to legally establish the intellectual property of sectoral data not relating to 'inventions' in the generally accepted sense;*** considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in

the context of platform-to-business relationships;

Or. ro

Amendment 128

Andrzej Halicki, Axel Voss, Geoffroy Didier

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Amendment

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses ***that the European Data Strategy must ensure the balance between the promotion of the flow and wider use and sharing of data and the protection of the IPR, privacy and trade secrets; highlights*** the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Or. en

Amendment 129

Tiemo Wölken

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to

Amendment

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to

assess in that connection whether EU rules on intellectual property are *capable of protecting* the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

assess in that connection whether EU rules on intellectual property are *an adequate tool to protect* the data needed for the development of AI *and welcomes the Commission's efforts in this regard*; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Or. en

Amendment 130
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Amendment

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property are capable of protecting the data needed for the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships *and respect for the GDPR*;

Or. fr

Amendment 131
Brando Benifei

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility in the EU; stresses the need to assess in that connection whether EU rules on intellectual property *are capable of protecting the data needed for the development of AI*; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

14. Stresses the importance of full implementation of the Digital Single Market Strategy in order to improve data accessibility *and interoperability* in the EU; stresses the need to assess in that connection whether EU rules on intellectual property *risk to create unnecessary barriers to access to data*; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Or. en

Amendment 132 **Patrick Breyer**

Motion for a resolution **Paragraph 14**

Motion for a resolution

14. Stresses the importance of *full* implementation of the Digital Single Market Strategy in order to improve *data* accessibility in the EU; stresses the need to *assess in that connection whether* EU rules on intellectual property *are capable of protecting the data needed for the development of AI*; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Amendment

14. Stresses the importance of implementation of the Digital Single Market Strategy in order to improve *the* accessibility *of non-personal data* in the EU; stresses the need to *ensure that* EU rules on intellectual property *do not hinder data accessibility, and thus* the development of AI; considers that comprehensive information should be provided on the use of data protected by IPRs, in particular in the context of platform-to-business relationships;

Or. en

Amendment 133 **Patrick Breyer**

Motion for a resolution **Paragraph 14 a (new)**

14a. *Points out that the most efficient way of reducing bias in AI systems is by ensuring that the maximum of non-personal data is available to train them, for which it is necessary to limit any unnecessary barrier to text-and-data mining, and to facilitate cross-border uses; notes in addition that public domain or freely licensed data are often used by AI and machine learning developers when selecting training data, both for ease of access and to avoid potential infringement liability exposure, which creates a particular form of selection bias in training data, which can often lead to other forms of more harmful bias in results, such a situation calling for increased flexibility for the use of IPR protected data in order to make AI and machine learning less biased, more in line with ethical standards, with the ultimate goal of better serving humanity.*

Or. en

Amendment 134
Patrick Breyer

Motion for a resolution
Paragraph 14 b (new)

14b. *Emphasises the need to address remaining uncertainties related to the legal performance of text and data mining that developers of AI may still face following the adoption of Directive (EU) 2019/790; calls on the Commission to issue guidance on how reserving the rights other than by machine readable means shall be made publicly available for all in a centralised way.*

Or. en

Amendment 135
Tiemo Wölken

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of data, one element in which is the evaluation of the IPR framework, including a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Amendment

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make *ethical* use of data, ***including pre-existing content and high quality datasets***, one element in which is the evaluation of the IPR framework, including a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; ***highlights the potential of existing copyright, trade secret or database protection regarding data, provided the necessary criteria is met and without prejudice to possible future legislative action improving legal certainty for creators, businesses and citizens alike***; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy ***and proposes that the Union's regulatory focus should be on facilitating access to data and data sharing***;

Or. en

Amendment 136
Brando Benifei

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. *Notes* that the Commission is considering *the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of data, one element in which is the evaluation of the IPR framework, including* a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

15. *Welcomes the fact* that the Commission is considering a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Or. en

Amendment 137

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Paragraph 15

Motion for a resolution

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of data, one element in which is the evaluation of the IPR framework, *including a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework*; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Amendment

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of data, one element in which is the evaluation of the IPR framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Or. fr

Amendment 138

Patrick Breyer

**Motion for a resolution
Paragraph 15**

Motion for a resolution

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of data, one element in which is the evaluation of the IPR framework, including a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Amendment

15. Notes that the Commission is considering the desirability of legislation on issues that have an impact on relationships between economic operators whose purpose is to make use of **non-personal** data, one element in which is the evaluation of the IPR framework, including a possible revision of the Database Directive and a possible clarification of the application of the directive on the protection of trade secrets as a generic framework; looks forward to the results of the public consultation procedure launched by the Commission on the European Data Strategy;

Or. en

**Amendment 139
Timo Wölken**

**Motion for a resolution
Paragraph 16**

Motion for a resolution

16. Stresses the need for the Commission to continue to aim at the highest level of protection of intellectual property for European AI developers and the maximum legal certainty for users in international negotiations, in particular as regards the ongoing discussions on AI and the data revolution under the auspices of the World Intellectual Property Organisation (WIPO);

Amendment

16. Stresses the need for the Commission to continue to aim at the highest level of protection of intellectual property for European AI developers and the maximum legal certainty for users in international negotiations, in particular as regards the ongoing discussions on AI and the data revolution under the auspices of the World Intellectual Property Organisation (WIPO); **encourages the Commission to engage in discussions on exemptions and limitations where useful; welcomes the Commission's active engagement in this context, as**

exemplified by the submission of the Union's views to the WIPO public consultation on the WIPO Draft Issues Paper on Intellectual Property and Artificial Intelligence on 13 December 2019;

Or. en

Amendment 140
Patrick Breyer

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Stresses the need for the Commission to *continue to* aim at *the highest level of* protection of intellectual property *for* European AI developers and *the* maximum legal certainty for users in international negotiations, in particular as regards the ongoing discussions on AI and the data revolution under the auspices of the World Intellectual Property Organisation (WIPO);

Amendment

16. Stresses the need for the Commission to aim at *a balanced and innovation-driven* protection of intellectual property, *for the benefit of* European AI developers and *towards a* maximum legal certainty for users, *notably* in international negotiations, in particular as regards the ongoing discussions on AI and the data revolution under the auspices of the World Intellectual Property Organisation (WIPO); *emphasizes that the ongoing WIPO negotiations on limitations and exceptions for libraries and archives and limitations and exceptions for education should first be unblocked;*

Or. en

Amendment 141
Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

16a. Stresses the need for strong safeguards to protect European AI

Amendment

developers from abusive patent practices, such as those deployed by Patent Assertion Entities, which are financial vehicles, not producing or selling any products, but which increasingly buy up patents with the aim of litigating against innovative companies, including SMEs, in order to obtain high settlement fees; calls on the Commission to assess its current guidance related to the application and enforcement of intellectual property rights with regards to such abusive practices;

Or. en

Amendment 142
Tiemo Wölken

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Affirms that intellectual property regimes applicable to artificial intelligence should not be used for, lead to or serve the purpose of limiting the transparency of AI-driven decision-making systems, undermining the control of AI-driven decision-making systems by supervisory bodies, circumventing possible requirements for open source technology in public tenders or preventing any efforts to ensure the interconnectivity of digital services;

Or. en