

Response form

After you have read the consultation document, please consider the questions below. There is no expectation or requirement that all questions are completed. You are welcome to only answer the questions that are relevant to you, your business or organisation.

A copy of this response form is available to download from GOV.uk.

There are two sections on this form:

A. Questions arising from this consultation

B. Information about you, your business or organisation

When you are ready to submit your response, please email this form and any other supporting documentation to Alcallforviews@ipo.gov.uk.

The closing date for responses is at 23:45 on 7 January 2022.

The options for computer generated works, text and data mining and patent inventorship are summarised in the following tables.

Computer generated works	
Option 0	Make no legal change
Option 1	Remove protection for computer-generated works
Option 2	Replace the current protection with a new right of reduced scope/duration

Text and Data Mining (TDM)	
Option 0	Make no legal change
Option 1	Improve licensing environment for the purposes of TDM
Option 2	Extend the existing TDM exception to cover commercial research and databases
Option 3	Adopt a TDM exception for any use, with a rights holder opt-out
Option 4	Adopt a TDM exception for any use, which does not allow rights holders to opt out

Patent Inventorship	
Option 0	Make no legal change
Option 1	“Inventor” expanded to include humans responsible for an AI system which devises inventions
Option 2	Allow patent applications to identify AI as inventor
Option 3	Protect AI-devised inventions through a new type of protection

Section A

Copyright – computer generated works (CGW)

1. *Do you currently rely on the computer-generated works provision? If so, please provide details of the types of works, the value of any rights you license and how the provision benefits your business. What approach do you take in territories that do not offer copyright protection for computer-generated works?*

I do not rely on the computer-generated works provision.

2. *Please rank these options in order of preference (most to least preferred) and explain why.*

Option 1 Remove protection for computer-generated works (most preferred)

Option 2 Replace the current protection with a new right of reduced scope/duration

Option 0 Make no legal change (least preferred)

3. *If we introduce a related right for computer-generated works, as per option 2, what scope and term of protection do you think it should have? Please explain how you think this scope and term is justified in terms of encouraging investment in AI-generated works and technology.*

The term should be of one (1) year or even less. There are several reasons why this should be so.

First, the justifications for copyright protection which rely on either natural law rationales (i.e. John Locke's labour theory or the idea that the work reflects the personality of its author which entitles her to a temporary monopoly on the work) or on utilitarian theories seeking to provide a regime that encourages the creation of culturally valuable works do not sit well with computer-generated works without human intervention.

These are relatively easy to produce and they reflect the algorithm which dictates the way the creative choices will be made. From this point of view, the natural law justifications are not compatible with a copyright regime for these types of works.

The utilitarian justifications, if applied to computer-generated works without human intervention would mean that copyright law is now encouraging the creation of computer programs that can generate copyrightable works rather than the creation of works by humans. The scale of creating computer generated works without human intervention is unimaginable. Just try Google's PoemPortrait's AI who is trained to write poems based on one word that users insert in the search box:

<https://artsexperiments.withgoogle.com/poemportraits>

The AI is trained to write poems by reading over 25 million words written by 19th century poets. The AI basically writes a poem in less than a second

based on a word. We should also remember that the originality threshold is v low in the UK (titles can be protected through copyright following Meltwater v NLA). This will impinge on human creativity which will be basically ‘outsourced’ to computer-programs since the human mind is not capable to catch up.

4. *What are your views of the implications of the policy options and of AI technology for the designs system?*

Similar to my views on its possible negative effects on creativity is AI is acknowledged as the author of the work and if protection in the form of a monopoly is granted to such works.

5. *For each option, what are your views on the risk that AI generated works may be falsely attributed to a person?*

For all the reasons stated in my reply to question 3 above, I would say that many creators/authors might be forced to resort to such undesirable practices in order to survive.

Copyright – text and data mining (TDM)

6. *If you license works for TDM, or purchase such licences, can you provide information on the costs and benefits of these? For example, availability, price-point, whether additional services are included or available, number and types of works covered by the licence etc.*
7. *Is there a specific approach the government should adopt in relation to licensing?*
8. *Please rank the options in order of preference (most to least preferred) and explain why.*
9. *If you have experience of the EU exception with opt out for rights holders, how has this affected you?*
10. *How would any of the exception options positively or negatively affect you? Please quantify this if possible.*

Patents

11. *Please rank these options in order of preference (most to least preferred) and explain why?*

Option 0	Make no legal change (most preferred)
Option 3	Protect AI-devised inventions through a new type of protection
Option 2	Allow patent applications to identify AI as inventor
Option 1	“Inventor” expanded to include humans responsible for an AI system which devises inventions (least preferred)

C: If you are responding on behalf of an organisation, please give a summary of who you represent.

D: If you are an individual, are you?

- 1) General public
- 2) An academic
- 3) A law professional
- 4) A professional in another sector – please specify
- 5) Other – please specify

I am an academic.

E: If you are responding on behalf of an organisation, are you?

- 1) An academic institution
- 2) An industry body
- 3) A licensing body
- 4) A rights holder organisation
- 5) Any other type of organisation - please specify

I am not responding on behalf of an organisation.

F: If you are responding on behalf of a business or organisation, in which sector(s) do you operate? (choose all that apply)

- 1) Agriculture, forestry and fishing
- 2) Mining and quarrying
- 3) Manufacturing – Pharmaceutical products
- 4) Manufacturing – Computer, electronic and optical products
- 5) Manufacturing – Electrical equipment
- 6) Manufacturing – Transport equipment
- 7) Other manufacturing
- 8) Construction
- 9) Wholesale and retail trade; repair of motor vehicles and motorcycles
- 10) Transportation and storage
- 11) Information and communication – Publishing, audio-visual and broadcasting
- 12) Information and communication – Telecommunication
- 13) Information and communication – IT and another Information Services
- 14) Financial and insurance activities
- 15) Real estate activities
- 16) Scientific and technical activities
- 17) Legal activities
- 18) Administrative and support service activities
- 19) Public administration and defence
- 20) Education
- 21) Human health and social work activities
- 22) Arts, entertainment and recreation
- 23) Other activities – please specify

G: How many people work for your business or organisation across the UK as a whole? Please estimate if you are unsure.

- 1) Fewer than 10 people
- 2) 10–49
- 3) 50–249
- 4) 250–999
- 5) 1,000 or more

H: The Intellectual Property Office may wish to contact you to discuss your response. Would you be happy to be contacted to discuss your response?

I: If you are happy to be contacted by the Intellectual Property Office, please provide a contact email address.



J: Would you like an acknowledgement of receipt of your response? Yes/No

Yes please.