TUC
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Intellectual Property Office

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Artificial intelligence and intellectual property: call for views

Dear Sir/Madam,

We are writing in response to the Intellectual Property Office's call for evidence on Artificial Intelligence ("AI") and intellectual property law.

The Trades Union Congress (TUC) is the voice of Britain at work. We represent more than 5.5. million working people in 48 unions across the economy. We campaign for more and better jobs and a better working life for everyone, and we support trade unions to grow and thrive.

Trade unions play a vital role in ensuring that the rights and interests of working people are represented and recognised. For example, we advocate the importance of strong collective bargaining rights, and appropriate regulation and enforcement to ensure the protection of employment rights.

This includes employment rights that are relevant when AI is used to manage people at work. For example, rights relating to data protection, privacy, equality and health and safety.

We are concerned that if intellectual property protection for AI results in a lack of transparency over how AI works, this may have a negative impact on these employment rights, and on workers' ability to understand and challenge decisions made about them by AI. For example, decisions relating to recruitment, line management and disciplinary measures.

Worker voice

We believe in strengthening worker influence over the use of AI at work. In order to achieve this, we advocate strong collective bargaining on technology at work and data, and more worker consultation on the development, introduction, and operation of new technologies.

We are a Living Wage Employer

We highlight the importance of ensuring that any application of intellectual property law does not impinge on the ability of workers to influence the development of AI, and does not inhibit their understanding of how AI is applied to them at work.

Fairness and equality

AI must be developed in an ethical and socially responsible way, for the benefit of all, not only employers and commercial interests. There should be equality of outcome and access, with non-discriminatory outcomes from use of AI-powered technology and equal access to AI for all.

Any intellectual property protection for AI should take account of this principle and should not inhibit worker and trade union efforts to secure this outcome.

Transparency

We are of the view that transparency over how AI technology is being used to manage people is key to ensuring fairness and equality and legality in its use. There must be accessible and understandable information on how AI technology works, but also on how worker data is used to inform AI powered tools, and across AI platforms. Workers should also be made aware of when AI is operating to manage them at work.

AI deployed in the workplace must be lawful and where it is not, workers must have effective legal redress.

Intellectual property law applied to AI should not inhibit the ability to enforce worker rights in any way, including enforcement by regulators.

Control over data

Workers and trade unions aim to secure more control over worker data, and a greater understanding of the data components of AI systems at work. In particular, we believe data used in AI components must be accurate and fair. Transparency over AI and the data used for machine learning is critical to achieving this, and must not be inhibited by intellectual property law.

Opportunity and collaboration

We support the development of AI technologies for the benefit of all, including workers and trade unions. We are opposed to the application of intellectual property law where it hinders effective collaboration between workers, trade unions, technologists,

employers, regulators and government, or the advancement of AI powered technologies that favour non-commercial interests.

We will be developing further proposals in this area over the coming year, and would welcome the chance to discuss them.

Yours faithfully,

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