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ARTIFICIAL INTELLIGENCE, OWNERSHIP OF INTELLECTUAL PROPERTY RIGHTS AND LEGAL RESPONSIBILITIES – PRESENT & FUTURE

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Abstract. The report highlights issues of latest developments in software and hardware technologies, ownership and legal responsibility of artificial intelligence. The author considers law enforcement practice through the prism of legal doctrine.

Keywords: Artificial Intelligence, Ownership of Intellectual Property Rights, Industry 4.0, Internet of Things, Big Data, Deep Learning, Blockchain, Autonomous Devices.

In the last years, there have been obtained very important and very fast developments in software and hardware technologies. The most important development is in the global internet connection speed. The below graph shows the average global internet connection speed in between 2011 and 2016 (Fig. 1).

Fig. 1. Source: <https://tr.vpnmentor.com/blog/abd-ve-duenya-capinda-yili-internet-trendleri-istatistikler-veriler/>

The below graph shows the internet access rates according to the countries in between 2005 and 2017 (Fig. 2).

Fig. 2

In the last years, depending on the important developments in software and hardware technologies, implementation of artificial intelligence (AI), internet of things (IoT), industrial revolution 4.0 (IR 4.0), deep learning, computer implemented inventions... etc. have increased seriously. These new developments naturally created new problems in our daily life. One of these problems is the relation between artificial intelligence and law and rights.

In this article,

- The basis of present law systems, the concepts of rights and law,
- Ownership of intellectual and industrial property rights (authorship of copyright works, inventorship of inventions, creator of designs... etc.),
- Artificial intelligence and the products produced by artificial intelligence,

- Ownership of artificial intelligence and ownership of the products produced by artificial intelligence,
- Legal responsibility of artificial intelligence,
- New developments need in the present law systems for near future, are discussed together with the examples of artificial intelligence.

One of good examples lived last years is the “rights of Monkey Naruto vs. Journalist David Slater” resulting from the selfie taken by Monkey Naruto (Fig. 3).

Fig. 3

COURT CASE NARUTO in USA:

People for the Ethical Treatment of Animals (PETA) on behalf of Naruto sued Mr. David Slater.

- The seven-year-old crested macaque (NARUTO) took the selfies after photographer David Slater left his camera unattended while visiting a reserve in Indonesia in 2011.

- In a published book featuring images of Naruto, Slater admitted the monkey snapped the selfies.

- The British photographer wanted to have financial control of the photo.

- But an animal rights group People for the Ethical Treatment of Animals (PETA) filed a lawsuit in 2015 that sought to give Naruto copyright over the selfie instead.

CLAIMS of PETA on behalf of NARUTO: People for the Ethical Treatment of Animals (PETA), said: “Naruto should be considered the author and copyright owner, and he shouldn’t be treated any differently from any other creator simply because he happens to not be human.”

DEFENCE of Slater: Slater defended his efforts obtaining the photos by saying "It took three days of blood, sweat and tears to get the selfie in which I had to be accepted by the group of monkeys before they would allow me to come close enough to introduce them to my camera equipment“.

Decisions:

- In 2016 the lawsuit ended when the court ruled in favor of David Slater stating that humans can file copyright lawsuits, not animals,

- The 9th US Circuit Court of Appeals unanimously ruled against Naruto and PETA after concluding that American copyright law does not “expressly authorise animals to file copyright infringement suits”.

- Knowing that these monkeys are endangered species, Slater has agreed to donate 25% of his profits from these photos to charities that protect Naruto/

TODAY’S DISCUSSIONS:

The latest developments in the hardware and software technology resulted learning robots and the below questions have been raised;

What can a robot do?

- Can invent an invention?

- Can design any thing?

- Can create a work?

- Can produce a product subject to IP protection?

- Can be owner of IP rights?

- Can obtain royalty?

- Can earn money?

Before replying the above questions, the ownership of Intellectual property rights must be discussed.

In Copyright Protection;

Author of the work is the person who created the work. In copyright protection the author is the owner of all rights.

In Patent / Utility Model Rights;

Inventor of a patent or utility model is the person who made the invention. At the invention stage the inventor is the owner of patent or utility model rights. This right can be transferred to any real person or legal entity.

In Design Rights;

Creator of the design is the person who designed the product. At the stage of creation of the design, the creator is the owner of design rights. This right can be transferred to any real person or legal entity.

When we consider a robot the question “Who is the owner of the work created by a robot?” will rise.

- The robot?
- The designer of the hardware of the robot?
- The programmer of the software of the robot?
- The person who invested (paid the costs)?
-?

In addition to the abovementioned questions, the below questions must also be discussed;

- Legal responsibility of Robots?
- Who is responsible for the damages occurred by a Robot?
- Can the insurance companies pay the damages?
- Privacy / Confidentiality / Security (monitoring, observation, video or voice recording... etc.)
- Can the robots be controlled by hackers and be used out of purpose?
- Robot Ethics? (Fig. 4).