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The Application of Artificial Intelligence (AI) and its IP Law Aspects in Japan

Ayuko Nemoto
Grant Tanabe

September 28, 2017

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WHAT IS A.I.?

Coldfusion TV; <https://www.youtube.com/watch?v=kWmX3pd1f10>

- The first well-known definition of AI was in 1955: “every aspect of learning or any other feature of intelligence can in principle be so precisely described that a machine can be made to simulate it.” - John McCarthy, Professor, Dartmouth College



<http://www.ntticc.or.jp>

- Waseda University completed the WABOT-1, the world's first full-scale intelligent humanoid robot in 1972
- Grip and transport objects with its hands, using tactile sensors; measure distances and directions to objects using external receptors, artificial eyes and ears; and converse with people speaking Japanese



<http://www.robotictrends.com>

- Androidol U which has learned how to talk on her own by accumulating data from comments posted by Internet users



<http://www.nbcnews.com>

- 1997 - an IBM computer called Deep Blue defeated world chess champion Garry Kasparov



<http://www.newscientist.com>

- 2016 - AlphaGo an AI computer program created by Google DeepMind beat a human professional Go player

AI Generated Works

“The Day A Computer Writes a Novel” or
「コンピューターが小説を書く日」



Source:
<https://www.nextrembrandt.com>

Progress of AI



<http://www.businessinsider.com>

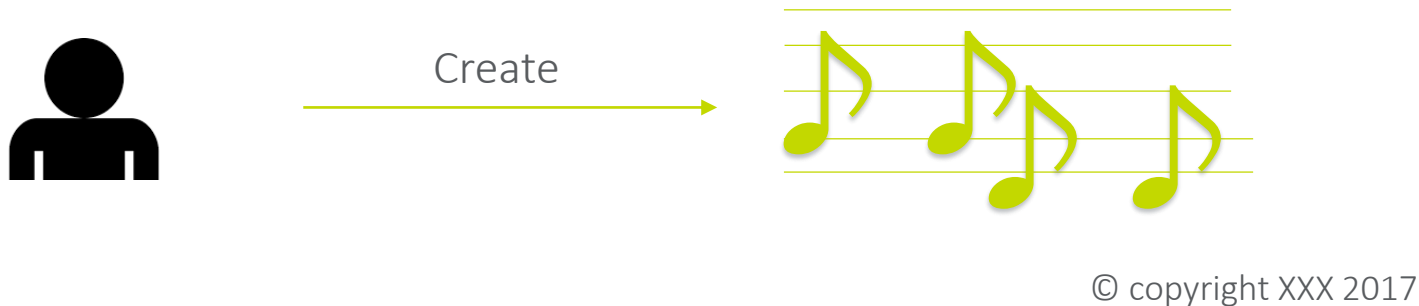
- Extremely fast progress of AI – can the law keep up?
- Issue: should copyrights be granted to AI?
- Broken down further, if a AI is used only as a tool, should the copyright be granted to the owner of the AI?
- OR if the owner sets the parameters but the output of the AI is unpredictable or autonomous, should the copyright be granted to the owner or AI?

Recent discussions in Japan

- Intellectual Property Strategic Program 2017 (May 16, 2017) issued by Intellectual Property Strategy Headquarters Cabinet Office
- “Committee to Review Intellectual Property regarding New Data-related Assets” Report (March, 2017) issued by Secretariat of Intellectual Property Strategy Headquarters Cabinet Office (“2017 Report”)
- Intellectual Property Strategic Program 2016 (May 9, 2016) issued by Intellectual Property Strategy Headquarters Cabinet Office
- “Committee to Review Next Generation Intellectual Property System” Report (April, 2016) issued by Secretariat of Intellectual Property Strategy Headquarters Cabinet Office (“2016 Report”)

Are AI Created Works protected under the Current Copyright Law?

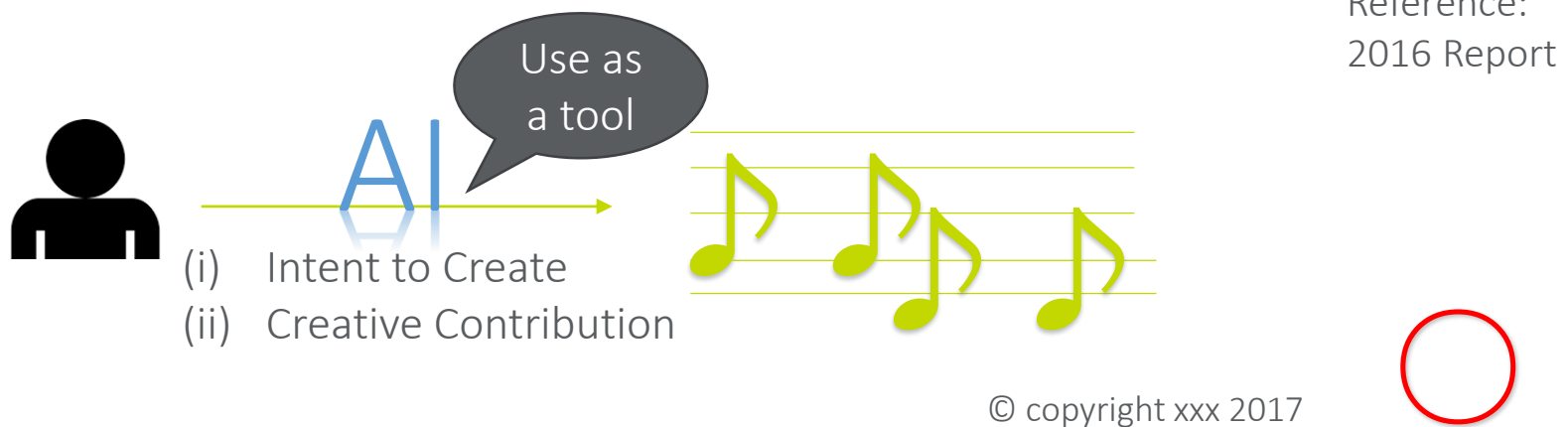
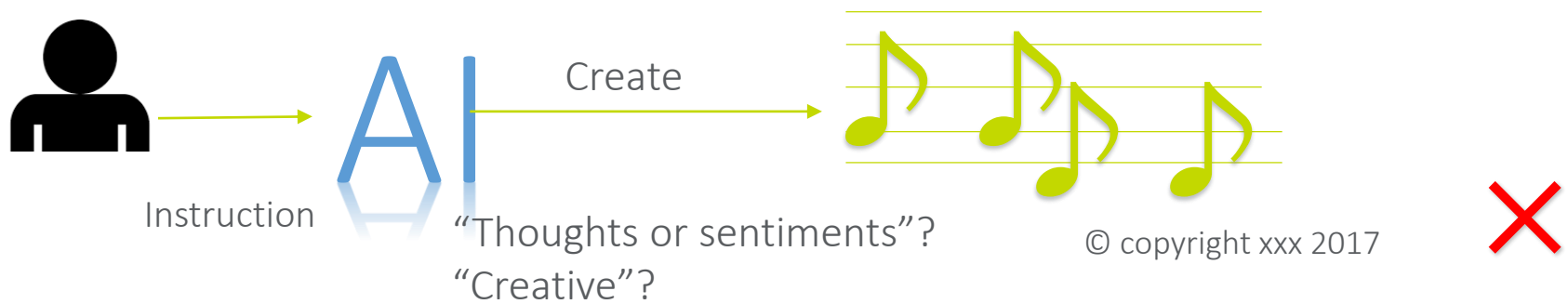
Summary of Copyright Law



Under the current Copyright Law of Japan..

1. Non-formality principle – Copyright is automatically effective and protected at the time of creating a work
2. Rights owner (Author) - A person who creates a “work” owns the rights
3. “Work” - A production in which thoughts or sentiments are expressed in a creative way and which falls within the literary, scientific, artistic or musical domain.
4. Protection period – from creation to 50 years after the author's death (cf. 70 years - TPP)

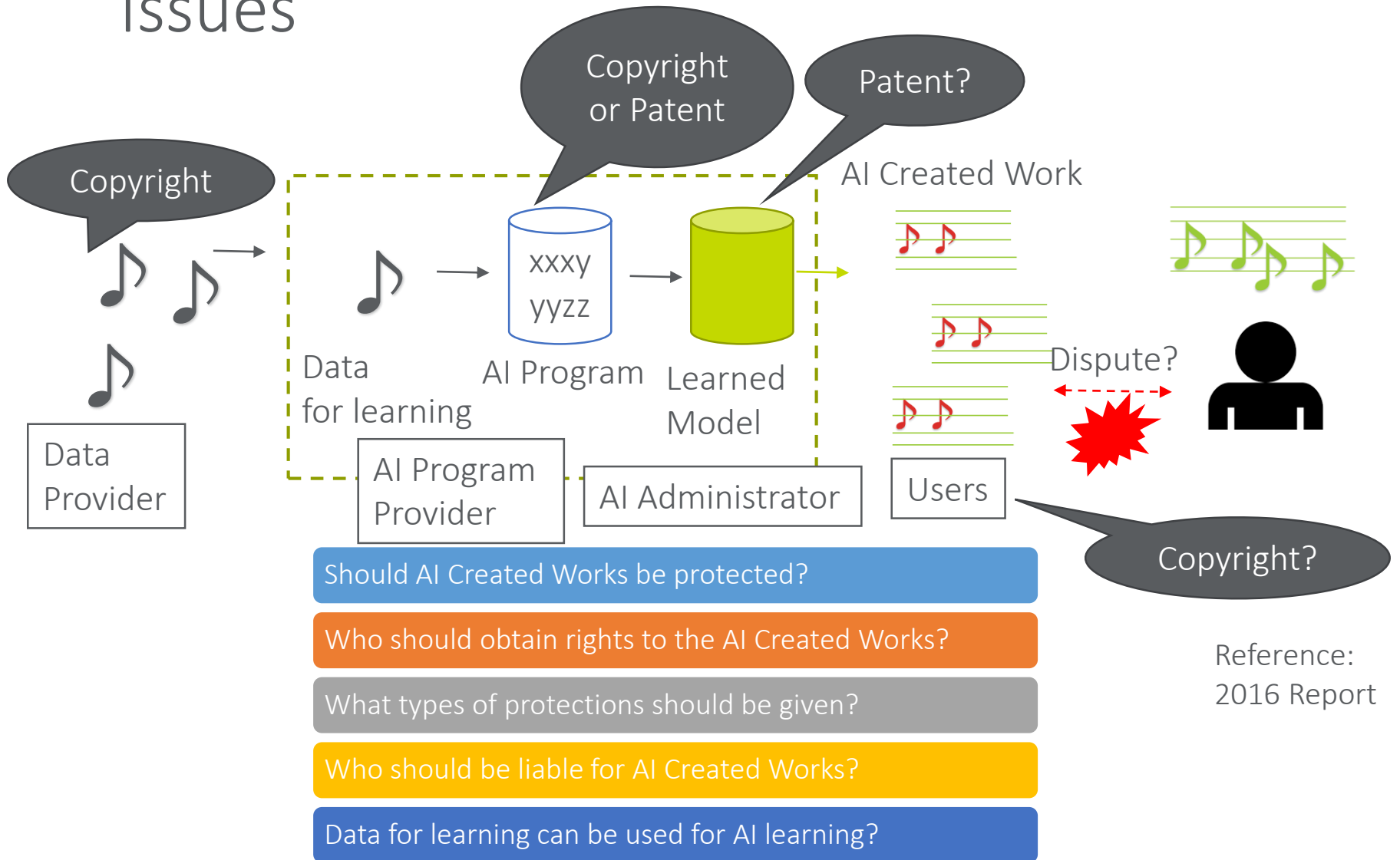
AI Created Works not protected under Copyright Law



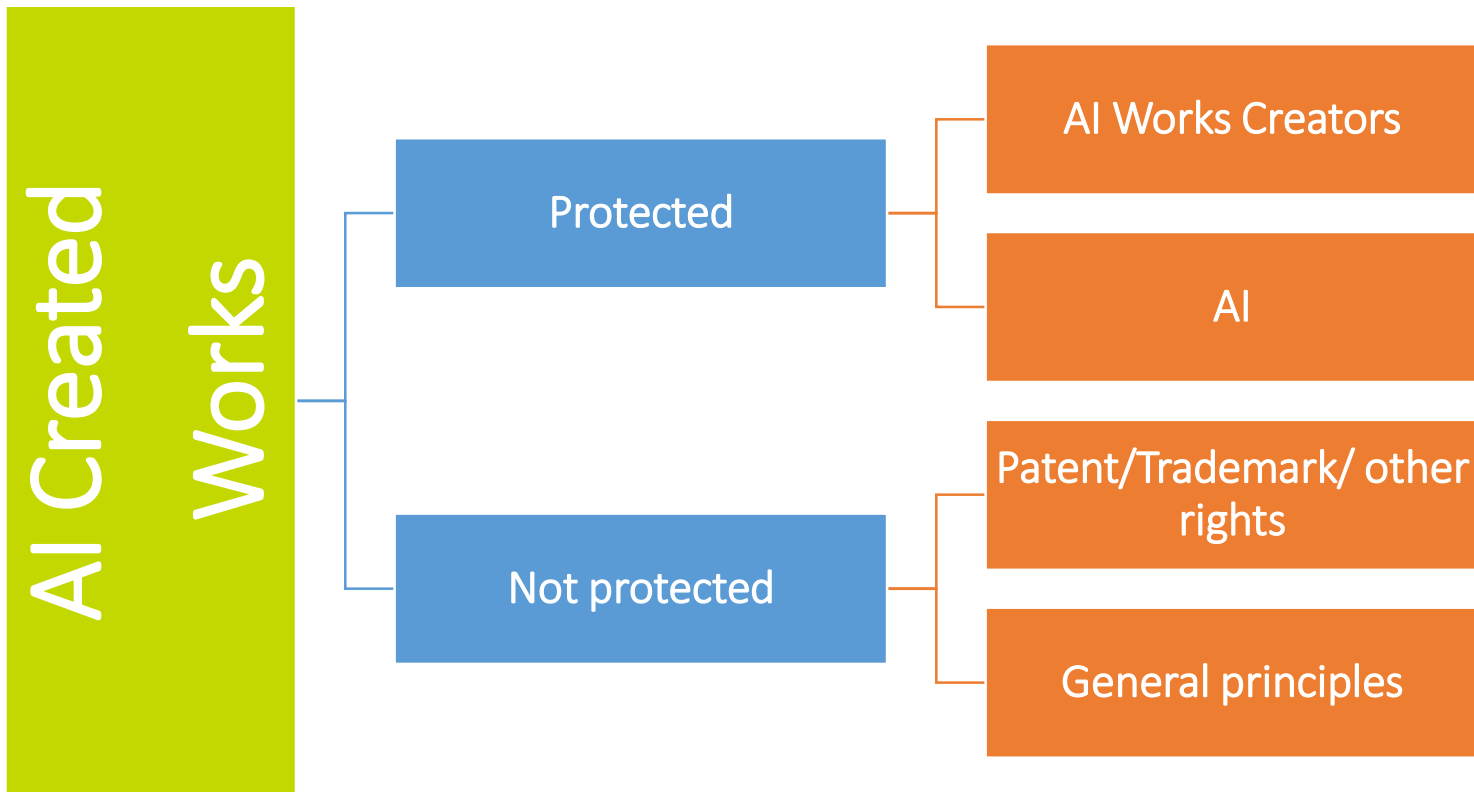
Reference:
2016 Report

Issues and Measures

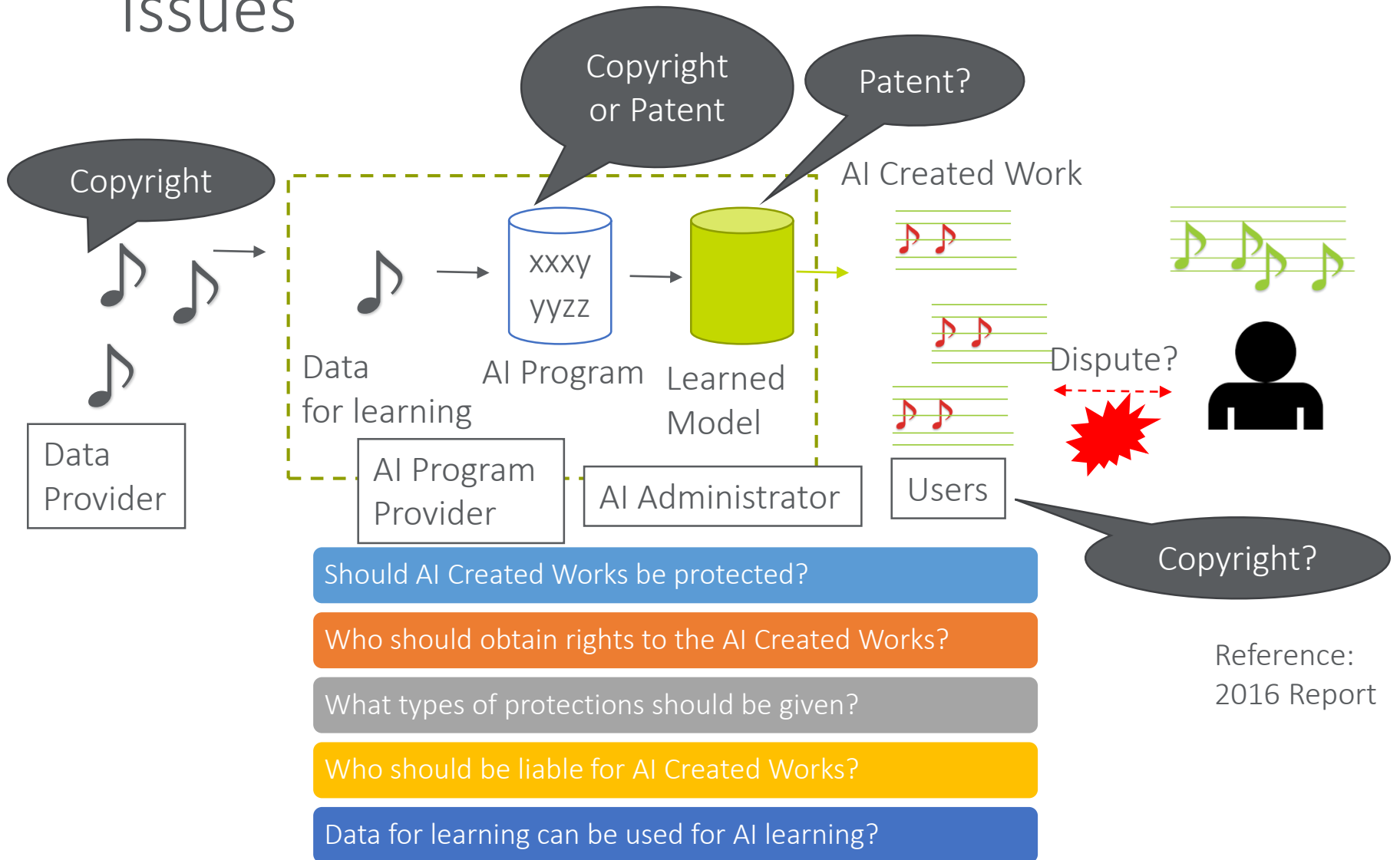
Issues



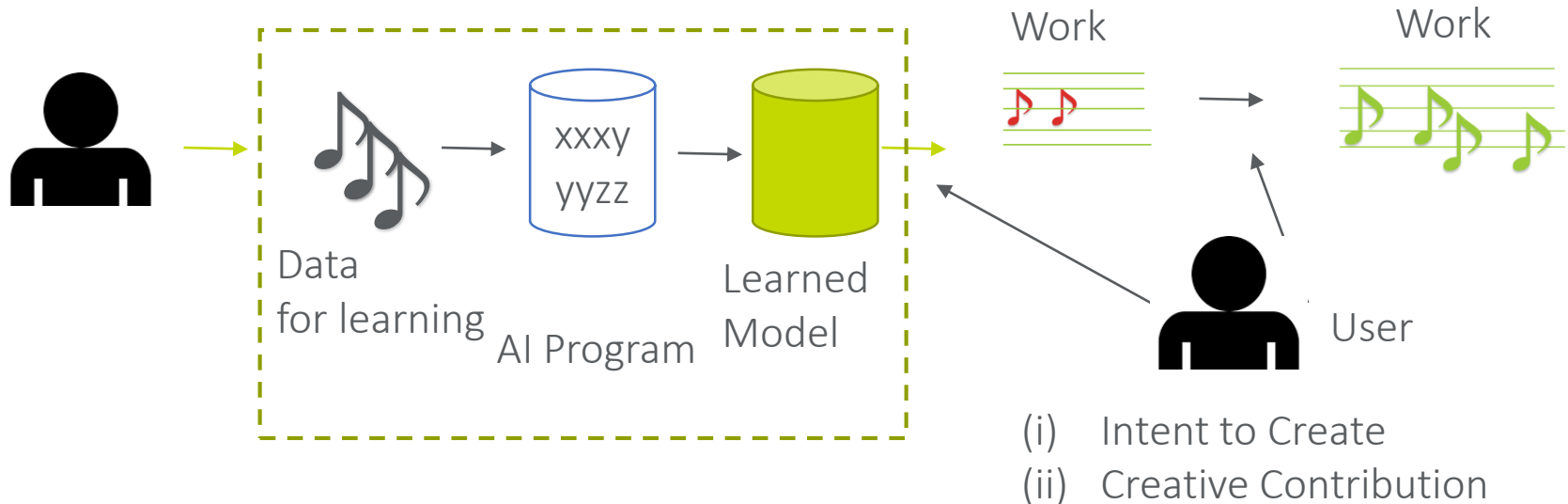
Should AI Created Works be protected under Copyright Law?



Issues



“Use as a tool”: Example



Some Examples..

1. User's instruction
2. User's selection of AI created works
3. User's input of charts

Reference: p.36 Chart 11 of 2017 Report

Key takeaways

1. AI Created Works: Monitor future discussions given the current legal status of AI Created Works
2. Rights and liability – A mutually agreed upon agreement for AI Created Works

Thank you for your attention.

www.se1910.com

Ayuko Nemoto: a-nemoto@se1910.com

Grant Tanabe: tanabe@se1910.com

TOKYO

SONDERHOFF & EINSEL
LAW AND PATENT OFFICE

Shin-Marunouchi Center Bldg. 18th/19th Floor
1-6-2 Marunouchi, Chiyoda-ku Tokyo 100-0005,
Japan

Tel +81-3-5220-6500

Fax +81-3-5220-6556

Email info@se1910.com