

The Global AI Race

How countries around the world are encouraging AI through TDM-friendly copyright legislations



Broad © exception
Legal certainty



Narrow © exception
Legal uncertainty

The greatest challenge to AI in Europe is legal, not technical

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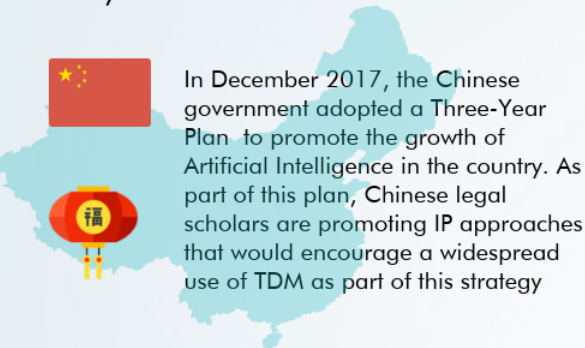
Text and Data Mining (TDM) plays a foundational role in the development of Artificial Intelligence (AI), by enabling machines to learn and AI algorithms to better recognise and understand data.

The EU hinders machine learning and TDM because of unclear copyright rules. Many TDM users do not have legal certainty on how to analyse datasets protected by copyright, even when they have legal access to them.

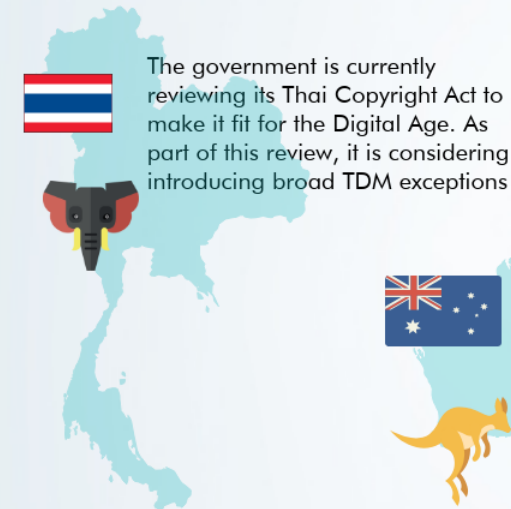
Many countries have understood the link between TDM and AI as well as the essential role AI plays in the digitisation of their industry, and are currently reforming their copyright rules to encourage TDM practices and allow their industry to flourish.



The fair use doctrine has been implemented into law since 1978. It allows the unlicensed use of copyright-protected works in certain circumstances, including for commercial and non-commercial TDM purposes



In December 2017, the Chinese government adopted a Three-Year Plan to promote the growth of Artificial Intelligence in the country. As part of this plan, Chinese legal scholars are promoting IP approaches that would encourage a widespread use of TDM as part of this strategy



The government is currently reviewing its Thai Copyright Act to make it fit for the Digital Age. As part of this review, it is considering introducing broad TDM exceptions

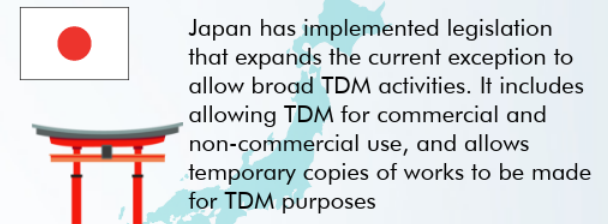


Australia has launched a public consultation with the view to amending its IP law. The government is considering including a number of TDM-related exceptions, as part of an overall fair use exception, which would also cover temporary copies of works made for TDM purposes

TDM is an essential tool for the development of AI, which is a driving force for the digitisation of industry. By restricting TDM, the EU will hinder the competitiveness of European companies.



Singapore proposed a broad TDM initiative as part of a "Public Consultation on Proposed Changes to Copyright Regime" that was conducted in 2017. Policymakers are expected to move forward with proposed TDM exceptions enabling broad TDM uses by both commercial and non-commercial entities



Japan has implemented legislation that expands the current exception to allow broad TDM activities. It includes allowing TDM for commercial and non-commercial use, and allows temporary copies of works to be made for TDM purposes



In December 2017, Canada launched a revision of its copyright law. The Canadian standing committee on industry, science and technology is currently leading this statutory review. Canadian scholars have called on policy-makers to adopt a fair use regime or a specific TDM exception covering commercial use to ensure the country can become a leader in AI