



FACULDADE DE DIREITO  
Universidade de Lisboa

## Curricular unit sheet

### Course **Artificial Intelligence & Law**

Curricular unit

Module H - Artificial Intelligence & Intellectual Property

Responsible Academic staff and respective workload in the curricular unit (enter full name)

Manuel Lopes Rocha | Vítor Palmela Fidalgo

Syllabus

This module will be divided into two lessons.

1. Roadmap to Artificial Intelligence and Intellectual Property: An Introduction (first lesson)
2. Artificial Intelligence and Patents and Trademarks Law (first lesson)
  - a) Intellectual Property Justification and Artificial Intelligence
  - b) AI Inventor: *the Dabus* Case
  - c) Patentability and AI
  - d) AI and Trademark Assessment
  - e) New Trade Mark Uses in the Fourth Industrial Revolution
  - f) Online intermediary liability
3. Artificial Intelligence and Copyright (second lesson)
  - a) The author's dogma
  - b) AI and new copyright issues
  - c) From the copyright to the work right
  - d) The indirect author and the UK law model
  - e) New neighbouring rights
  - f) Data property
  - g) AI and legal personality
  - h) One key: the ECJ jurisprudence
  - i) AI and EU directive 2019/790: art. 3<sup>o</sup>, 4<sup>o</sup> and 17<sup>o</sup>
  - j) « *A recent entrance in paradise* » case

Teaching methodologies (including evaluation)

In the lecture there will be a detailed exposition of the subject in question, followed by a debate and answers to questions. In addition, some case studies will be presented.

The aim is to have a constant dialogue between the professors and the course attendees.

As per the regulations of the Course:

Students may submit a paper for evaluation, which shall deal with the subjects taught in the course.



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The paper should be no longer than 20 pages, excluding bibliography, Times New Roman, font size 12 and 1.5 spacing.

The paper will be assessed by the lecturers responsible for the module in which the topic addressed by the paper has been taught.

### Main Bibliography

ABBOTT, Ryan, *The Reasonable Robot: Artificial Intelligence and the Law*, Cambridge University Press, 2020.

ANTUNES, Diogo/FIDALGO, Vitor Palmela, "Copyright protection of works generated by artificial intelligence in the european copyright law: between indirect and tailored protection", *Actas de Derecho Industrial y Derechos de Autor*, vol. 41, 2020-2021, pp. 171 e ss.

ANTUNES, Henrique Sousa, *Direito e Inteligência Artificial*, Universidade Católica Editora, 2020.

BAKER, Dennis J., *Artificial Intelligence and the Law: Cybercrime and Criminal Liability*, Routledge, 2020.

BRUGUIÈRE, Jean-Michel, "A recent entrance to Paradise, note on US Copyright Office, Review Board, 14 Feb. 2022 decision", *Revue Propriétés Intellectuelles*, n° 84. Juillet 2022.

CRAWFORD, Kate, *Atlas of AI*, Yale University Press, 2021.

COCKBURN, Ian M. and others, *The impact of artificial intelligence on innovation*, Working Paper 24449, 2019.

CRUQUENAIRE, Alexandre, DELFORGE, Antoine, HUBIN, Jean-Benoît, KNOCKAERT, Manon, MICHAUX, Benoît, TOMBAL, Thomas, *Droit d'Auteur et œuvres générées par machine* in *L'Intelligence Artificielle et Le Droit* (JACQUEMIN, Hervé, DE STREEL, Alexandre coord.), Larcier, 2017.

DREXL, Josef and others, *Technical Aspects of Artificial Intelligence: An Understanding from an Intellectual Property Law Perspective*, Max Planck Institute for Innovation & Competition Research Paper No. 19-13, 2019.

FIDALGO, Vítor Palmela, "A Tutela da Marca perante os Intermediários no Ambiente Digital: uma Análise à Luz da Jurisprudência do TJUE", in *Propriedade Intelectual, Contratação e Sociedade da Informação- Estudos Jurídicos em Homenagem a Manuel Oehen Mendes*, Almedina, 2022.

Frosio, Giancarlo (Ed.), *The Oxford Handbook of Online Internet Intermediary Liability*, Oxford University Press, 2020.

GAON, Aviv H., *The Future of Copyright in the Age of Artificial Intelligence*, Edward Elgar Publishing, 2021.

GERVAIS, Daniel J. (coord.), *The Future of Intellectual Property*, ATRIP Intellectual Property, Edward Elgar Publishing, 2021.

GRIMMELMANN, James, "There's no such thing as a computer-authored work-and it's a good thing, too", 39 *COLUM.J.L. & Arts* 403, 2016.

HEATH, Christopher/SANDERS, Anselm Kamperman/MOERLAND, Anke, *Intellectual Property Law and the*



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KRAUS, Daniel/OBRIST, Thierry/HARI, Olivier, *Blockchains, Smart Contracts, Decentralised Autonomous Organisations and the Law*, Edward Elgar Publishing, 2019.

LEE, Jyh-an, *Artificial Intelligence and Intellectual Property*, Oxford University Press, 2021.

MERGES, Robert P. and others, *Intellectual Property in the New Technological Age*, 6.º ed., Wolters Kluwer, 2012.

PEREIRA, Alexandre Dias, "Autoria e Inteligência Artificial", *Revista de Direito Intelectual*, n.º 2, 2021, pp. 35 e ss.

RAMALHO, Ana, *Intellectual Property Protection for Ai-generated Creations: Europe, United States, Australia and Japan*, Routledge, 2021.

RENDAS, Tito, "Inteligência Artificial, Prospecção de Dados e Direito de Autor", in *Propriedade Intelectual, Contratação e Sociedade da Informação- Estudos Jurídicos em Homenagem a Manuel Oehen Mendes*, Almedina, 2022.

ROCHA, Manuel Lopes/PEREIRA, Rui Soares (COORD.), *Inteligência Artificial e Direito*, Almedina, 2020.

ROSATI, Eleonora, *Copyright in The Digital Single Market. Article-by-Article Commentary to the Provisions of Directive 2019/790*, Oxford, 2021.

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WERRA, Jacques, *Propriété intellectuelle à l'ère du Big Data et de la Blockchain*, Schulthess, 2020.

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The bibliography given here is specific and entirely indicative.