

COPYRIGHT LAW AND MACHINE LEARNING FOR AI: WHERE ARE WE AND WHERE ARE WE GOING?

Co-sponsored by The U.S. Copyright Office
and the U.S. Patent and Trademark Office

OCTOBER 26, 2021 Livestream on Zoom

AGENDA

10:00 – 10:05 am **Welcome and Opening Remarks**
Michael Shapiro (Senior Counsel, Policy and International Affairs, U.S. Patent and Trademark Office)
Maria Strong (Associate Register of Copyrights and Director of Policy and International Affairs,
U.S. Copyright Office)

PART I: THE STATUS QUO

10:05 – 11:05 am **Machine Learning in Practice**
Following a brief introduction to the concept of machine learning as a distinct subfield of AI, speakers will share examples of creators, technology companies, and researchers using machine learning. By way of exploring these examples, the panelists will describe and discuss the compilation of a learning database, intermediate copying in the learning process, and the output of machine learning. The presentations will serve as the factual background for the second panel discussion.
Following 50 minutes of moderated discussion, there will be a 10-minute Q&A period.

Moderator: **Chris Weston** (Senior Counsel, U.S. Copyright Office)
Panelists: **Obvious** (Obvious Art Collective)
Cullen O'Keefe (Counsel for Policy & Governance, OpenAI)
Dr. Aude Oliva (MIT Director, MIT-IBM Watson AI Lab)

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11:15 am – 12:15 pm **How Existing Copyright Regimes Address Issues Relating to Machine Learning**

This panel will explore how the U.S. and other copyright regimes address issues relating to machine learning, including what rights are implicated and what exceptions may apply. Approaches to protection of data that does not qualify for copyright protection, as well as existing practices with respect to licensing of content used in machine learning, will also be addressed.

Following 50 minutes of moderated discussion, there will be a 10-minute Q&A period.

Moderator: Andrew Foglia (Senior Counsel, U.S. Copyright Office)

Panelists: Daniel Gervais (Milton R. Underwood Chair in Law, Vanderbilt University)

Tim Hwang (Research Fellow, Center for Security and Emerging Technology)

Catherine Zaller Rowland (Vice-President and General Counsel, Copyright Clearance Center)

Ben Sobel (Law Clerk, United States Court of Appeals for the First Circuit)

Break (12:15 – 1:15 pm)

PART II: THE FUTURE

1:15 – 2:15 pm

What's Next?

This panel will evaluate the adequacy of the existing legal regimes to achieve the appropriate balance in regulating issues involved in the input and use of third-party content in machine learning and will consider alternative solutions, including expanded exceptions and limitations, collective licensing and/or remuneration rights, and sui generis data protection.

Following 50 minutes of moderated discussion, there will be a 10-minute Q&A period.

Moderator: Molly Stech (Attorney Advisor, U.S. Patent and Trademark Office)

Panelists: Dave Green (Assistant General Counsel, Microsoft)

Peter S. Menell (Koret Professor of Law, UC Berkeley School of Law)

Chris Mohr (Senior Vice-President and General Counsel, Software and Information Industry Association)

Mary Rasenberger (CEO, Authors Guild)