Student Editorial

The second half of 2023 was marked by a string of landmark events for – not only – the IP world. With the Age of Artificial Intelligence (AI) in full bloom, several endeavours in the legal world have sought to illuminate the legal issues that have arisen in its wake.

In April 2021, the European Commission introduced a regulatory framework for AI – the AI Act. Subsequently, following the proposal and the EU Council's adoption of proposals in December 2022, the European Parliament released its adopted negotiating position and amendments in June 2023. After a 'marathon' of negotiations, a provisional agreement on the AI Act was forged on December 9th 2023. With the AI Act Europe establishes the groundwork for what was to become the first international agreement on the regulation of AI.

Albeit IP does not lie at its very core, the AI Act has nonetheless highlighted Europe's stance on the role of copyright for next generation technologies. That is to say that the AI Act aspires to deal with a situation brought by AI that rightsholders have been preoccupied with – i.e. use of their works for AI training purposes. Increased transparency has understandably been a devout desire of rightsholders, which the AI Act seems willing to fulfil. The Act proposes transparency requirements for general-purpose AI systems, including technical documentation, compliance with EU copyright law, and disclosure of summaries of the data used for training models. While this requirement aims to reduce unauthorized use of copyrighted material, concerns still linger regarding its effectiveness in preventing infringement, especially since AI developers are not required to provide exhaustive lists of the training data they have used. Furthermore, AI developers argue that implementing these requirements will be complex and could hinder Europe's AI-driven growth, thereby possibly affecting its competitiveness in the 'tech' field.

Moving to another important AI-related development in the IP field, on the 20th of December 2023 the UK Supreme Court ruled in the *Thaler v. Comptroller* case ([2023] UKSC 49). Dr. Stephen Thaler had filed two patent applications for the Comptroller designating the AI system DABUS as inventor. The UK Supreme Court ruled that the current UK patent legislation did not allow the designation of AI as the inventor, emphasising that the 1977 Patents Act stipulates that only a 'natural person' is eligible to be recognized as an inventor. Furthermore, the Court held that Dr. Thaler was not entitled to obtain a patent for any invention developed by DABUS based on his ownership of the AI system. The outcome of the case is hardly surprising and echoes the outcome of similar unsuccessful attempts by Dr. Thaler to have DABUS recognized as an inventor, also before the European Patent Office (EPO) and the United States Patent and Trademark Office (USPTO). While AI raises many interesting questions within the field of patent law, the UK Supreme Court ruling confirms that AI inventorship is still largely non-negotiable in most jurisdictions.

Despite the AI-intense developments the last months of 2023 were preoccupied with, this issue is not limited to that. You may find yourself intrigued by articles from different areas of IP – spanning copyright, trade mark law, patent law, as well as relevant matters such as data exclusivity. Rinder Pietjouw explores the relationship between EU trade mark law and sustainability with a focus on the potential trade mark law holds for the achievement of the EU sustainability goals, as a result of trade marks' capacity to communicate and thus achieve transparency. Emmanouela Roussakis' article deals with EU pharmaceutical legislation or, more concretely, regulatory data exclusivity and the definition of commercially confidential information, considering the balance between commercial interests and transparency in the context of clinical trial data. Dr. Fatih Buğra Erdem's article addresses evergreening practices in patent law and their consequences, including their impact on competition. Last but not least, the article by the founder and content editor of the Stockholm IP Law Review, Professor Frantzeska Papadopoulou, deals with the concept of authorship both in the film industry and in copyright law with a focus on female authors, showing how women have been visible during the debates on authorship and copyright law in the Swedish film industry from early on.

This issue marks the inaugural occasion for the student editors of the Stockholm Intellectual Property Law Review to introduce a SIPLR issue by a student editorial, an endeavor we undertake with great enthusiasm. We take this moment to reflect on the privilege of serving as

editors in a student-led journal. Through the plethora of enlightening contributions, we have the opportunity to delve into the forefront of debates within the IP field and actively participate in their dissemination. This invaluable experience not only enriches our understanding of IP but also serves as a wellspring of inspiration for our academic pursuits. We extend our heartfelt gratitude to all contributors and express a special appreciation to Professor Frantzeska Papadopoulou, Founder of the Stockholm IP Law Review for allowing us to partake in this exciting project and guiding us throughout this journey.

We hope you enjoy reading the latest issue of the Stockholm IP Law Review.

Student editor-in-chief and the editorial team

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