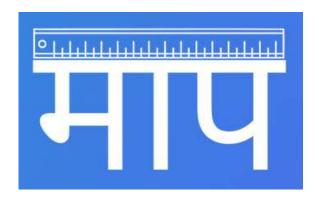
Copyright Management to enable Al Implementation for healthcare innovation and access

Sneha Jain

IP Litigator Saikrishna & Associates, India









Al Training Pipeline

Source / Collection

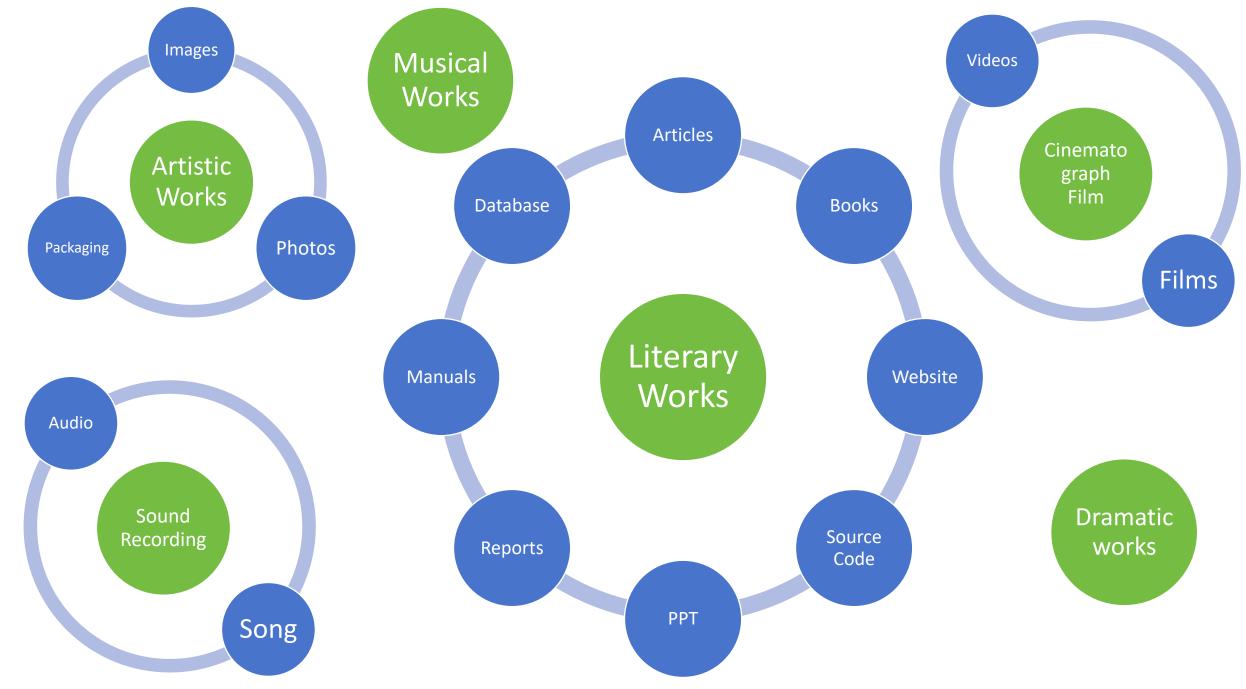
- Freely accessible
- Subscription based

Processing / Training

- Storage
- Extraction of patterns
- Transformation

Output

- Discovery
- Diagnosis
- Advice
- Result



Exclusive Rights

- Reproduction (includes storage)
- Distribution
- Communication
- Translation
- Adaptation
- Sell or Rent
- 2D ← → 3D

Other rights

- TPMs intent to infringe
- RMIs knowingly distributes / communicates

Those Primarily Implicated

- Reproduction Right
- Communication
- Adaptation

Those Potentially Implicated

- Distribution Right
- Translation
- Sell or Rent
- TPMs & RMIs

What does copyright NOT Protect?

- Ideas Idea Expression Dichotomy & Merger Doctrine
- Facts, Styles, Patterns, Themes
- De Minimis Use
- Uses that serve a Transformative Purpose (Guidebooks)
- Derivative works that are Transformative Expressions beyond minimal degree of creativity – not trivial variations / garden variety
- Fair dealing "Private or personal use, including research"
- Transient or Incidental Storage
- TPM circumvention with no intent to infringe

Mental Model at every stage in the AI training Pipeline

Objectively Plausible



Technologically Available



Practically Feasible

Know your Exposure Realy

Source / Collection

- Scraping RMI removal?
- Subscription based – TPMs?
- Pirated datasets?

Processing / Training

- Transient or Incidental Storage
- What is extracted?
- Transformative purpose?
- Transformed Expression?

Output

- Regurgitation -Substantially similar?
- Factual?
- Trivial / Garden variety?
- Attributes source if needed – RMI?

Know your exposure early...

- Is copyright even implicated?
 - To what extent?
 - At what stage?
- Risk / Harms based versus Precautionary approach
- Knowledge of technology and potential harm that manifests – evolving. Bright lines will keep shifting.
- Robust Feedback Mechanisms

THANK YOU

Sneha Jain

IP Litigator

