

Enabling AI for Health Innovation and Access



Workshop – 11 July 2025

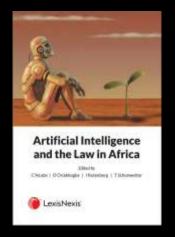




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How can intellectual property be effectively managed by innovators and Governments to ensure that AI health solutions reach the market and expand access to healthcare in LMICS / Africa?





Broad framing of the AI, health and IP legal framework on the African continent

- According to the AU, AI is a strategic priority for the continent - and Africa, too, experiences significant growth in AI applications, incl. in the health sector.
 - An AI regulation framework from Africa must be people-centred, promote ethical and responsible use of AI, and ensure the sustainable development of Africa.



Artificial Intelligence and the Law in Africa Senter Chice | 90-uningle | Hardwarts LexisNexis African law and policy makers would have to decide which path to take between adopting a broad-based approach or a sectoral approach to AI regulation. Any such regulation needs to be home-grown and responsive to the peculiar needs of the African continent in order to effectively harness the benefits of AI, while addressing its challenges.

Broad framing of the AI, health and IP legal framework on the African continent

- Domestic and regional efforts are underway to shape tech and Al governance on the continent
 - Just under 10 fully-fledged **national AI Policies / Strategies** (not just general frameworks) & Draft AI Policy in South Africa (2024)
 - Some sector-specific regulations
 - SADC (rights-based) Model AI Policy and Regulatory Framework
 - AU Continental AI Strategy (2024) & AU Africa AI Declaration (2025)
 - Support from AU and UNDP and others for national policy development
 - Some emphasis on innovation, transformation, inclusivity, capacitybuilding, development, human rights, digital self-determination, data protection and (social) equality



Source: Convergence Q2 AI in Africa 2025 – Summary Report

Broad framing of the AI, health and IP legal framework on the African continent

Benefits of AI for improving health in Africa are obvious and generally acknowledged.

- Eg, Al enables **better diagnostics and detection** and **improving access to medical and treatment providers**.
- Expanding Al Adoption in the African health sector is thus one of the priority sectors identified in the AU Strategy and the word "health" is mentioned almost 40 times in the Strategy.



Chapter 8 of our AI book examines the increased use of AI in healthcare in Africa and identifies key challenges.

- **Challenges** to the effective use of AI in healthcare in Africa include
 - availability of data and quality of data
 - the replication of bias and injustice
 - paucity of legal regulations
 - inadequate infrastructure
 - costs of AI application and adoption



Artificial Intelligence and the Law in Africa

LexisNew

As a system dealing with creative and inventive outputs, IP has the capacity to significantly contribute to the development and deployment of Al in Africa.

> IP has the capacity to significantly contribute to the development and deployment of AI in Africa...

• ... obvs as an **incentive to stimulate innovation and creativity** in the area of Al.

• But also through scope delineation & exceptions.

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Equitable access to data is considered key when creating and curating datasets required for machine learning. And the low availability of data from Africa has the potential to exacerbate inequalities and social exclusion.

But copyright law can become a stumbling block for data access because many data sources (written texts, images, spoken word etc.) are subject to © protection.

Key Policy Recommendation

So we really need to find the right **balance** here **between control over data** as provided for, among ither things, by IPRs **and access to such data**.

I.o.w., it is crucial to appreciate that the context of the continent requires not only robust IP protections for enabling AI development, but also an IP system that sufficiently and flexibly caters for data access and use, data curation and disclosures.

Copyright e&l (including for text and data mining) can therefore help African countries to better utilise AI and meet their development goals.

... but: finding the right balance between access and control is a delicate task, not least because we may also need to consider the legitimate concerns of custodians of indigenous knowledge and data and their quest for self-determination.

Cradle Principles On Knowledge Governance

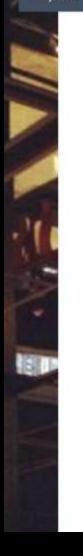
larch 11, 2024

JIP's project on <u>Copyright and the Right to</u> <u>seearch</u> organized a group of leading pyright academics, stakeholders, and proputational researchers for a policy retreat the Cradle of Humankind, South Africa, abruary 23-25, 2024. The subject of the eeting was enabling African and other lobal South uses of digital research tools thout promoting "data colonialism" pacerns, including wrongful uses of aditional knowledge and community-held formation.



justice







Impoired

LATAM-GPT: A Culturally Sensitive Large Language Model for Latin America

Jun 28, 2025 | Case Studies

LATAM-OPT is a groundbreaking large language model developed by the National Center for Artificial Intelligence (CENIA) in Chile, in partnership with over thirty institutions and twelve Latin American countries. The initiative aims to create an open-source Al model...

Jun 28, 2025 | Case Studies An initiative led by Christo de Klerk at Blind South Africa locuses on promoting the use of accessible mobile and digital applications for blind and visually impaired people in South Africa.

Highlighted at the 2025 Copyright and

the Public Interest in Africa...

Blind South Africa: Apps for the Visually

A Talking Health Chatbot in African Languages: DSFSI, University of Pretoria

Impact (DSFSI) group, University of



Masakhane: Use of the JW300 Dataset for Natural Language Processing

Jun 28, 2025 | Case Studies The Masakhane Project showcases the transformative power of open. collaborative efforts in advancing natural language processing (NLP) for African languages. However, Its reliance on the JW300 dataset-a vast multilingual corpus primarily comprising copyrighted...

The NOODL license: Licensing African datasets to support research and AI in the Global South

Jun 5, 2025 | Blog. Case Studies Who has the ability to take language data from African communities and develop an Al tool? Anyone with the capability can do that. And you'll find that there are certain jurisdictions that have more capability than those in Africa. And so, what will happen? They'll_

Jun 26, 2025 | Case Studies A project at the Data Sciences for Social

Pretoria, ied by Professor Vukosi Marivate, is developing a talking health chatbot in African languages to provide accessible, culturally relevant health.





https://blog.knowledgegov.org/46496-2

