SMU media release

SMU's Centre for AI and Data Governance releases
pilot perceptions study on Singapore's AI innovation and IP law regime

Research project seeks to understand the needs of Singapore's innovation community;
findings will contribute to Singapore's IP Strategy 2030

Singapore, 4 October 2022 (Tuesday) – The Centre for AI and Data Governance (CAIDG) at Singapore Management University (SMU) Yong Pung How School of Law has released the findings of a first-ever perceptions study on the Artificial Intelligence (AI) innovation and Intellectual Property (IP) law regime in Singapore. Titled 'Conversations at the IP and AI Interface', the four-week study was commissioned by the Intellectual Property Office of Singapore (IPOS) and the Info-communications Media Development Authority of Singapore (IMDA) with an aim to understand the perceptions of key stakeholders in Singapore concerning regulatory stimulation at the IP/AI interface.

The National AI Strategy launched in 2019 recognises top-class IP regime as a critical enabler of AI innovation as it allows innovators and creators to protect their competitive advantage, and maximise returns from their investments. It underscores the need to understand the perceptions and regulatory needs of the local innovation community, and consequently the role that regulators may play to support the commercialisation and sustainability of AI innovation.

Adopting a conversational focus group methodology[1] that promotes a natural, free-flowing dialogue rather than a rigid, formal Q&A exchange between participants, the CAIDG research team organised four focus group discussions with four groups of key stakeholders representative of the AI ecosystem in Singapore, to draw understandings from their complex personal experiences, beliefs, perceptions, and attitudes towards the role of IP and data in incentivising AI research and investment.

A total of 27 participants from 24 organisations representing the following stakeholder groups participated in CAIDG's focus group sessions held between April and May 2021: 1. AI practitioners; 2. In-house counsel of organisations utilising AI; 3. Legal practitioners from law firms dealing with IP and AI technologies; and 4. Policymakers from ministries, statutory boards and industry associations involved in IP regulations or enforcement.

The key findings of the study are:

1) **There are barriers to communicating the potentials of IP protection**

The discussions revealed how AI practitioners may be less convinced that patents are helpful, preferring open access to knowledge over knowledge protection. While policymakers believe that IP rights should serve as "rewards" for innovators' efforts, they are unsure about the degree of protection they should endorse for AI-related patents to be profitable and to also enable innovation, signalling some extent of shared uncertainty between AI experts and policymakers regarding patenting AI.

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[1] This method was adapted from CAIDG's Ethics Hub workshopping methodology (See: AI Ethics Hub 4 Asia | Centre for AI & Data Governance (smu.edu.sg)). This method is preferred when the research seeks experiential opinions rather than definitive conclusions.

2) <u>Some misunderstandings between AI practitioners and IP lawyers prevail</u>

Some tensions were apparent between IP lawyers and AI practitioners. IP lawyers seem to perceive that AI practitioners, working across multiple projects at a time, do not have the time and patience to articulate their inventions in the IP filing process. AI practitioners, on the other hand, felt that lawyers may lack the technical foundations and have problems understanding their technology which makes the whole process of filing IP cumbersome for them.

3) <u>Singapore continues to be attractive as an innovation hub</u>

While AI practitioners felt that there is a need for clearer and more consolidated guidance on data availability and data use restrictions to drive AI innovation, there is consensus that as an innovation hub, Singapore has a good ecosystem in place with well-measured policies and attractive incentives and grants.

IPOS recognises the importance of understanding the local AI innovation landscape, and the role that regulators may play to support AI innovation. They affirmed that this study is an important first step in the conversation amongst policymakers, AI practitioners, and other key stakeholders on the balance between protecting innovation outcomes and facilitating open access, so as to support and enable AI innovation.

Professor Mark Findlay, Director of SMU CAIDG, said, "Innovation is something that should be rewarding but it is also something that should rely on access to knowledge and new ideas. Our study highlights the areas in which communication has been challenging, how it can be more effective, and provides some insight into the way forward. We are glad that the findings of our study will contribute towards the Singapore IP Strategy 2030. This ties in with CAIDG's objectives of conducting research on contemporary challenges in the regulatory governance of AI and big data, and fostering conversations between community, government and industry, to establish Singapore as a global leader for AI and data use."

The executive summary and full report can be found here.

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About Singapore Management University

Established in 2000, Singapore Management University (SMU) is recognised for its disciplinary and multi-disciplinary research that address issues of global relevance, impacting business, government, and society. Its distinctive education, incorporating innovative experiential learning, aims to nurture global citizens, entrepreneurs and change agents. With more than 12,000 students, SMU offers a wide range of bachelors, masters and PhD degree programmes in the disciplinary areas associated with six of its eight schools - Accountancy, Business, Economics, Computing, Law and Social Sciences. Its seventh school, the SMU College of Integrative Studies, offers a bachelor's degree programme in deep, integrative interdisciplinary education. The College of Graduate Research Studies, SMU's eight school, enhances integration and interdisciplinarity across the various SMU postgraduate research programmes that will enable our students to gain a holistic learning experience and well-grounded approach to their research. SMU also offers a growing number of executive development and continuing education programmes. Through its city campus, SMU focuses on making meaningful impact on Singapore and beyond through its partnerships with industry, policy makers and academic institutions. www.smu.edu.sg

About SMU Yong Pung How School of Law

SMU's law school was renamed Yong Pung How School of Law (YPHSL) on 11 April 2021 to celebrate and honour the late Dr Yong Pung How, Singapore's former Chief Justice and SMU's third Chancellor. The law school had proudly welcomed its first cohort of 116 students in August 2007. Taught by a dynamic faculty with postgraduate degrees from renowned universities, the School aims to nurture its students to become excellent lawyers who will contribute significantly to society. Trained with the ability to contextualise legal expertise and to think across disciplines and geographical borders coupled with SMU's interactive pedagogy, SMU's law graduates are confident articulate and analytically agile.

The School offers a four-year full-time Bachelor of Laws programme, a five-year double-degree programme which combines law with Accountancy, Business, Economics, Computing & Information Systems or Social Sciences, a three-year Juris Doctor programme, a Master of Laws programme, as well as continuing legal education. From Academic Year 2020-2021, the School also jointly offers a new Bachelor of Science (Computing & Law) with the SMU School of Computing and Information Systems. This new degree will produce IT and legal professionals who are adept at bridging technology and law.

Research at the SMU YPHSL has a strong focus in three main inter-related areas – Law and Technology, Transnational Commercial law in Asia, and Dispute Resolution. The School has also set up legal research centres focusing on A.I. and data governance, computational law, commercial law, and international dispute resolution. www.law.smu.edu.sg

About CAIDG

The Centre for AI & Data Governance (CAIDG) is a research institute at SMU Yong Pung How School of Law. Established in September 2018, CAIDG conducts independent research on policy, regulatory, governance, ethics, and other issues relating to AI and data use. The Centre is supported by the National Research Foundation and the Info-communications Media Development Authority of Singapore, and forms part of the national ecosystem driving the development of responsible AI in Singapore. https://caidg.smu.edu.sg/

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