

## TRAINING THE AI SYSTEMS: WHO OWNS THE DATA? WHO BEARS THE RISK?

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TECHPARK SÜDTIROL / ALTO ADIGE



# AGENDA

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1. ARTIFICIAL INTELLIGENCE

2. IS IT POSSIBLE TO USE ALL DATA IN AI TRAINING?

3. WHO IS RESPONSIBLE FOR THE USE OF DATA IN AI TRAINING?





# 1. ARTIFICIAL INTELLIGENCE

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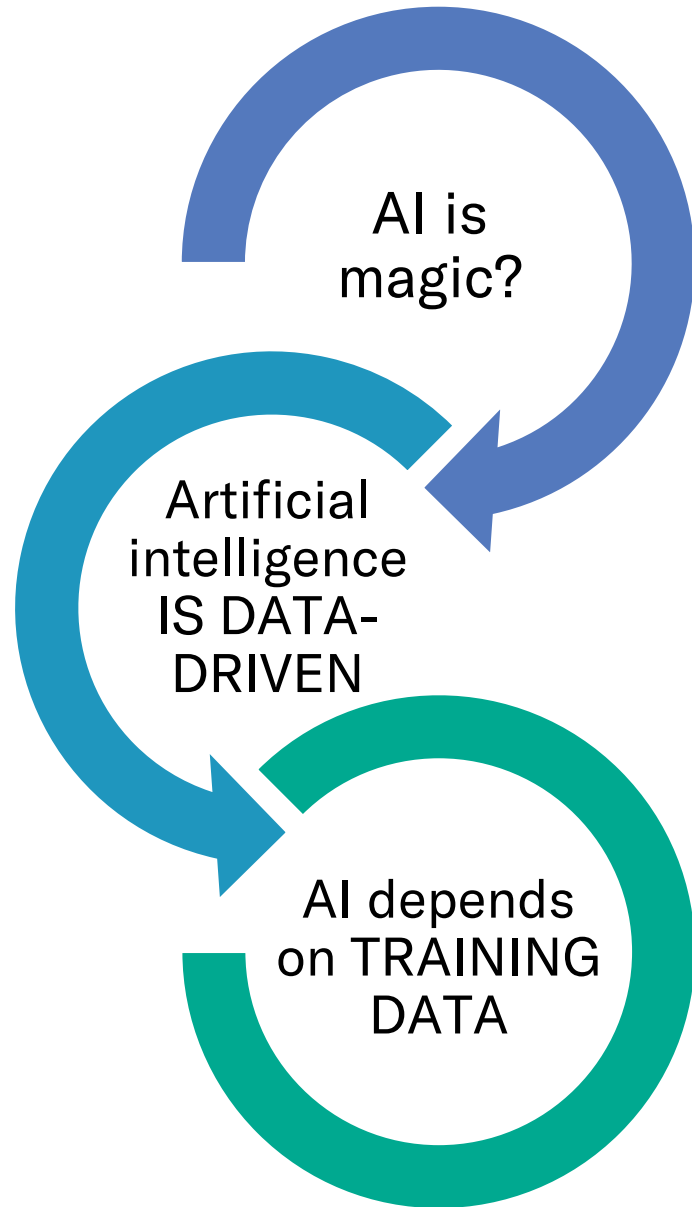


**Art. 3, par. 1, AI Act  
(EU Reg. 2024/1689):**

*«AI system' means a machine-based system that is designed to operate with varying levels of autonomy, that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the INPUT it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments;»*



# TRAINING AI





Is it possible to use all data in AI training?

Who is responsible for the use of data in AI training?



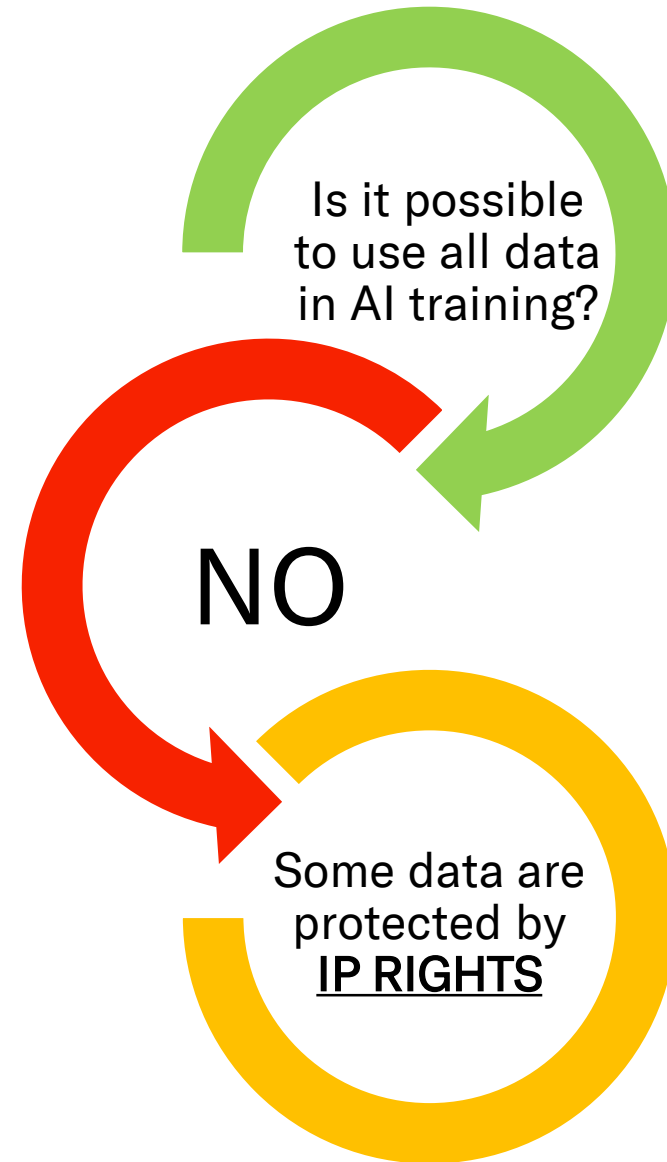
## 2. IS IT POSSIBLE TO USE ALL DATA IN AI TRAINING?

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# IS IT POSSIBLE TO USE ALL DATA IN AI TRAINING?

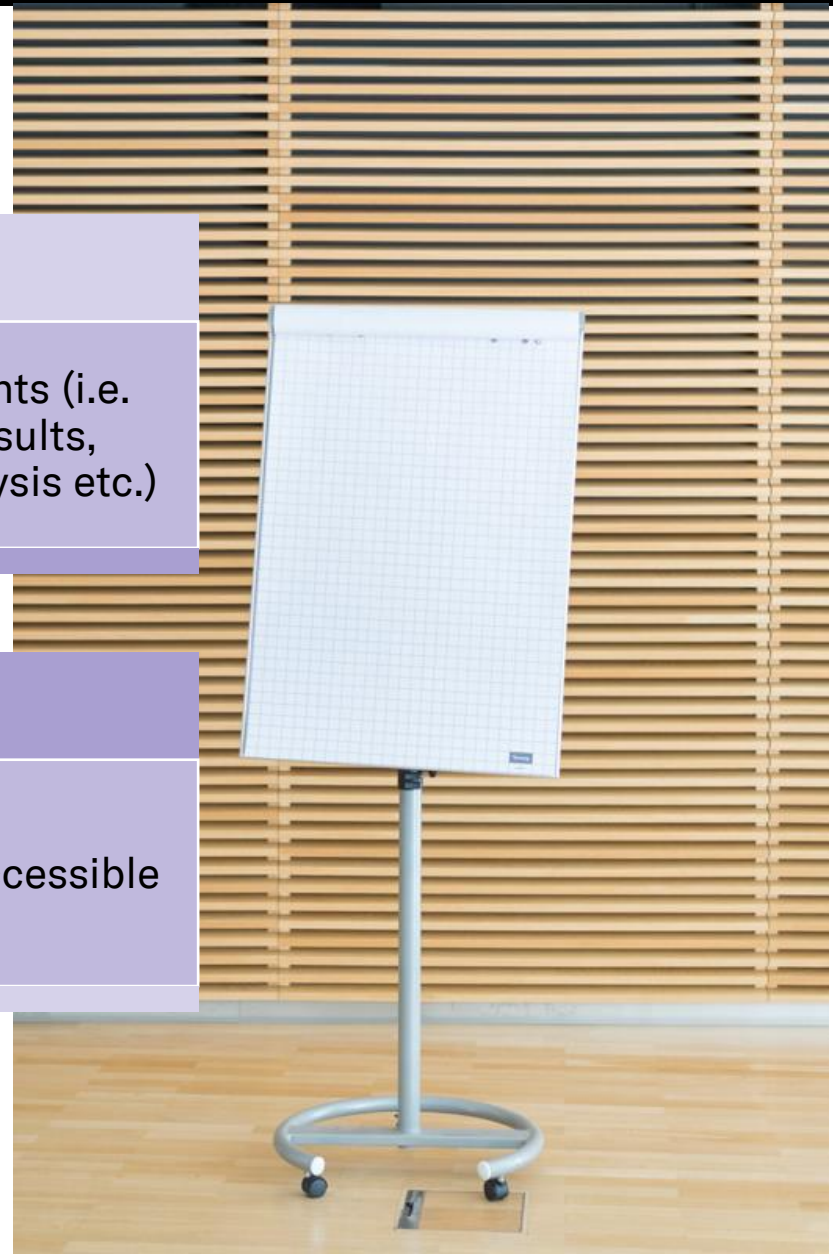
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Collection of:		
Works (literary, artistic, musical...)	Data	Other elements (i.e. analysis results, research analysis etc.)

Provided that:		
Mutually independent elements	Methodically and systematically arranged	Individually accessible





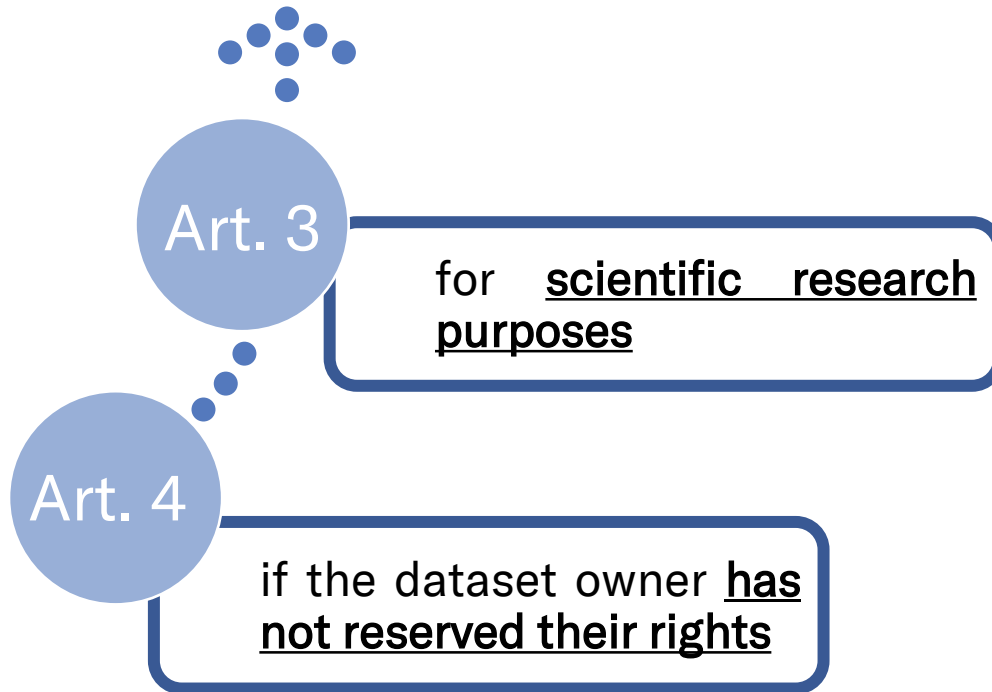
The database owner has the exclusive right to **EXTRACT** or **REUSE** all or a substantial part of its contents



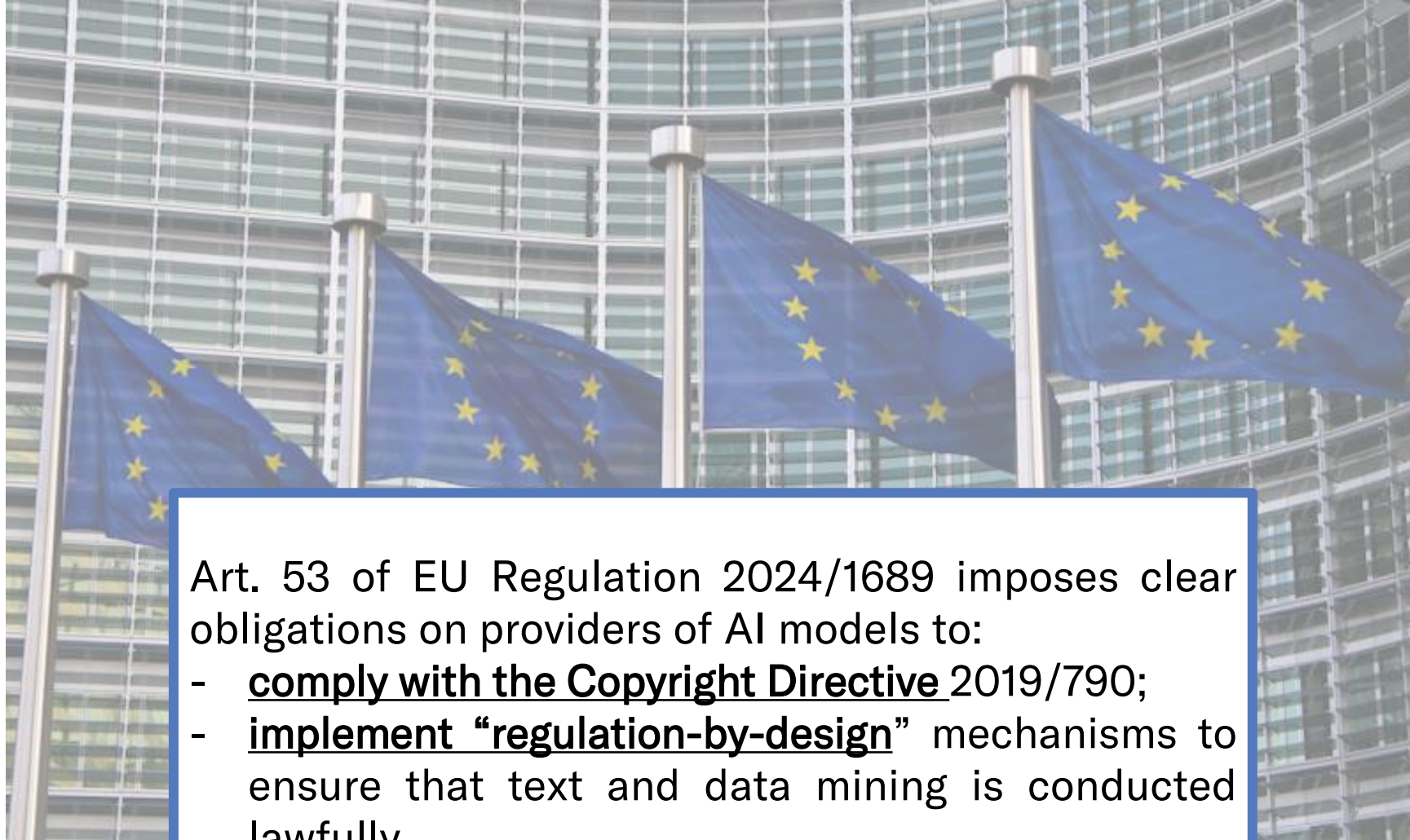


# EXCEPTION FOR TEXT AND DATA MINING

Copyright Directive (EU) 2019/790 allows text and data mining



# AI ACT – TEXT AND DATA MINING

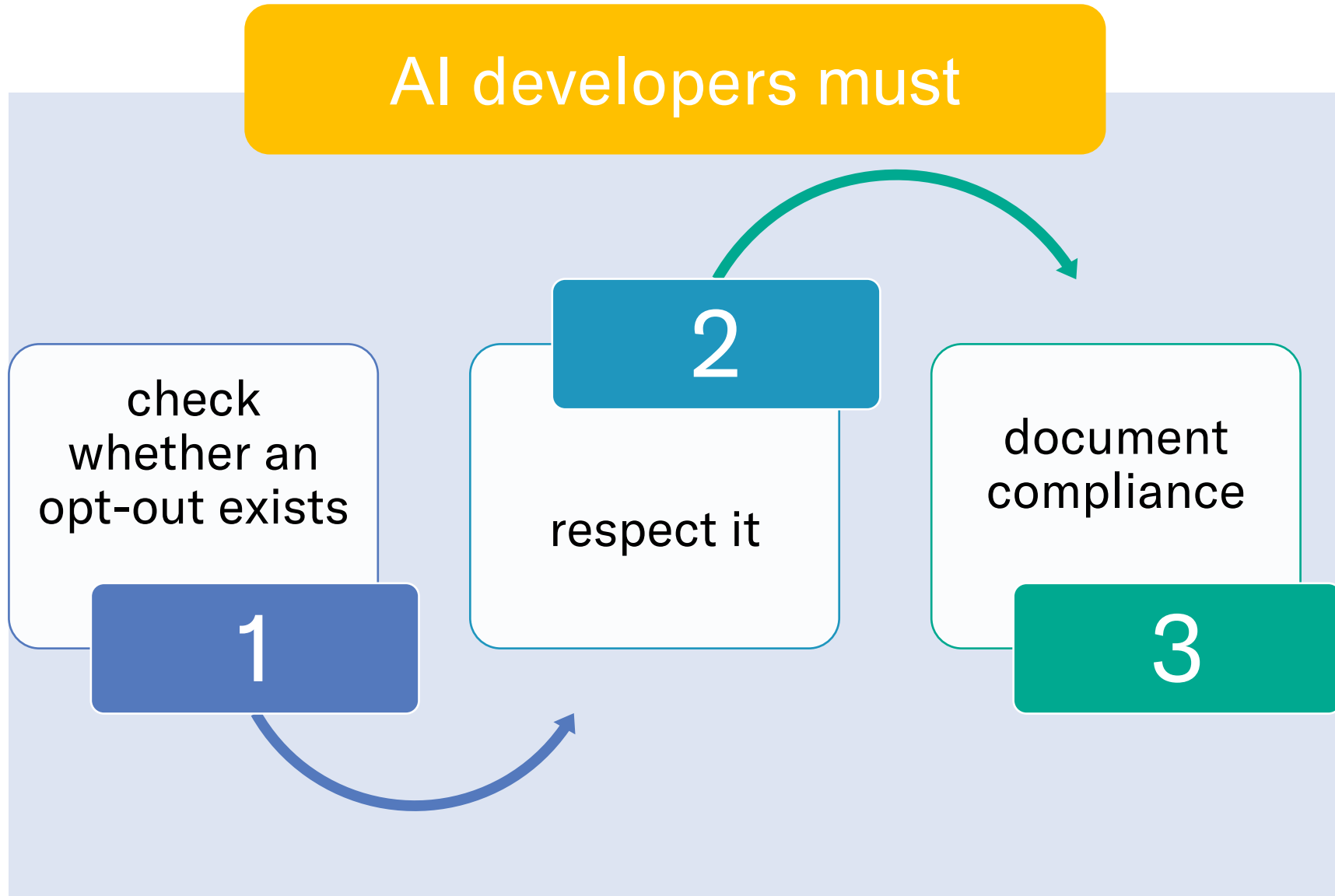


Art. 53 of EU Regulation 2024/1689 imposes clear obligations on providers of AI models to:

- comply with the Copyright Directive 2019/790;
- implement “regulation-by-design” mechanisms to ensure that text and data mining is conducted lawfully.



# WHAT TO DO





**Open Knowledge  
Foundation**



OdbL



# OPEN DATA LICENSES



## IT IS POSSIBLE:

To share

To create

To adapt

## BUT ALWAYS REMEMBER:

To attribute

To share alike

To keep open

# WHAT AN OPEN LICENSE GUARANTEES

Legal clarity

IP right  
protection

Ownership

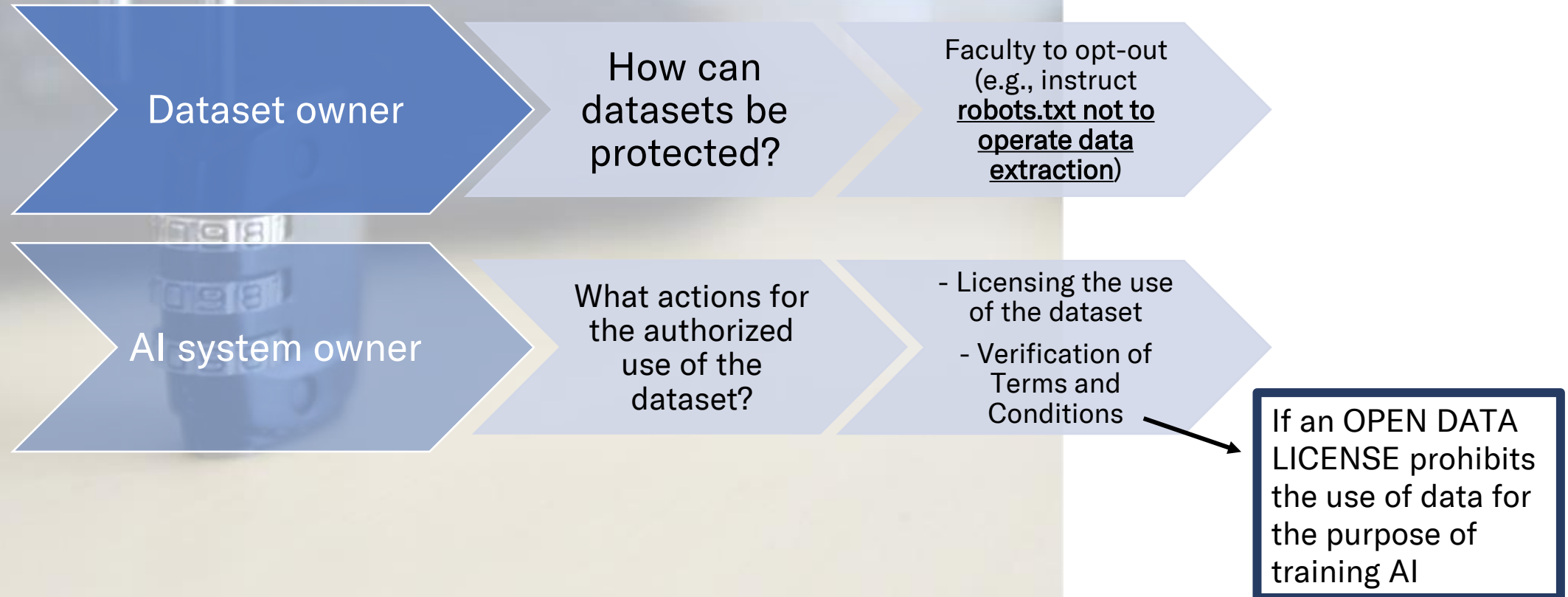
Transparency

Share-alike  
principles



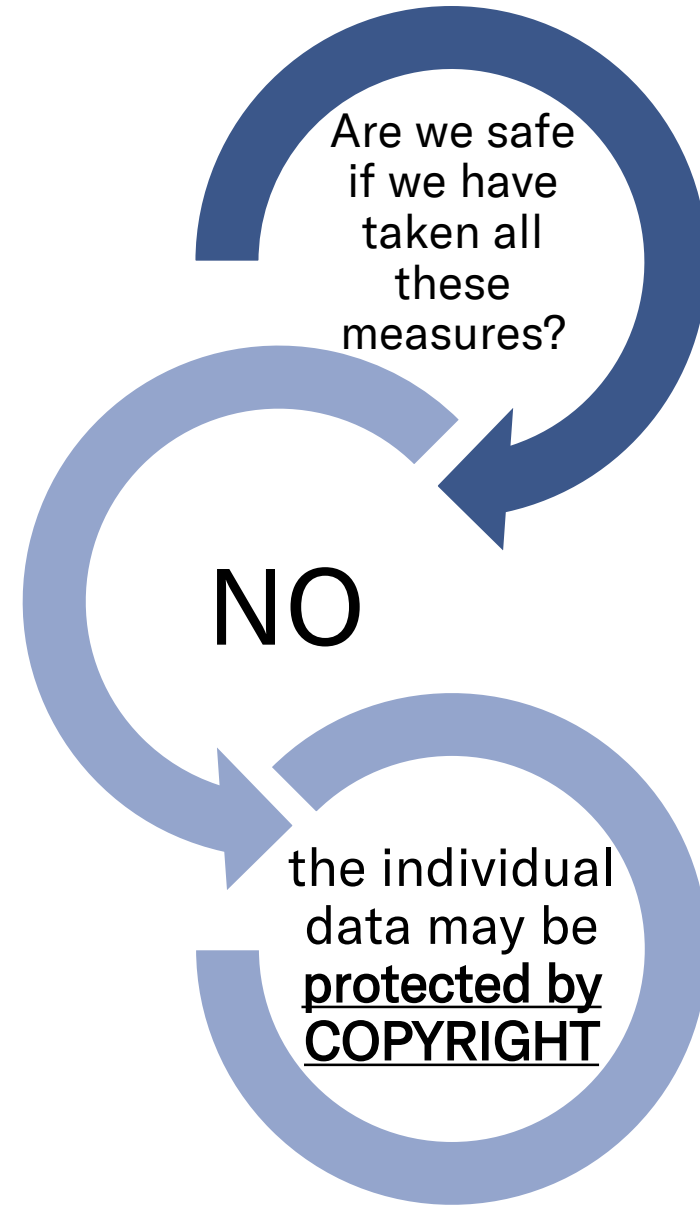
# THE UNAUTHORIZED USE OF DATASETS

## The unauthorized use of dataset in the training AI





# COPYRIGHT



### 3. WHO IS RESPONSIBLE FOR THE USE OF DATA IN TRAINING AI?

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The EU Regulation 2024/1689, expected to be fully applicable by 2026, introduces a **risk-based framework**



# WHO IS RESPONSIBLE?



**Providers** of AI systems must ensure data quality, transparency and documentation

**Deployers** must use AI responsibly and maintain human oversight

**General-purpose AI developers**, a newly added category, must comply with transparency and copyright-related obligations—especially when models are trained on publicly available data

# USA'S FAIR USE

In USA the main legal battles revolve around **FAIR USE** under copyright law. The 4 criteria used by the Courts are:

- 1 **USE** and **PURPOSE** for which the work was used
- 2 **NATURE** of the copyrighted work
- 3 **PORTION** of the work used
- 4 **EFFECT** of use on the potential market or **VALUE** of the work

# CASE LAION V. ROBERT KNESCHKE

The Hamburg District Court ruled that LAION, a non-profit organization, did not infringe copyright law when it created a dataset of publicly available images for AI training. The court found that LAION's activities were protected under the text and data mining (TDM) exception for scientific research.

First EU  
case





# CONCLUSION


My advice is simple...

**BUILD COMPLIANCE INTO YOUR INNOVATION,  
NOT AFTER IT**



**VERONICA MENEGHETTI**

Attorney at law (Italy), Associate

	Profile	Expertise	References
	<ul style="list-style-type: none"> <li>– Graduated in Law at the University of Padua in 2022</li> <li>– Member of the Bar Association in Padua in 2024</li> </ul> <p>Career</p> <ul style="list-style-type: none"> <li>– In Rödl &amp; Partner Italy since April 2022</li> <li>– Part of the Litigation Padua Team</li> <li>– Part of the Intellectual Propriety Team</li> </ul>	<ul style="list-style-type: none"> <li>– Intellectual Property Law</li> <li>– Civil law</li> <li>– Community and International law</li> <li>– National and international civil trial</li> <li>– Debt collection</li> <li>– Contracts</li> </ul>	<ul style="list-style-type: none"> <li>– She advises companies on the best strategy to develop their intellectual property assets and assists companies in drafting licensing and transfer agreements for such assets</li> <li>– Assistance to companies and private individuals in national and international litigation matters</li> </ul>
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	<ul style="list-style-type: none"> <li>– Active member of ELSA – The European Law Students' Association (2017-2020)</li> <li>– Regular attendance in internal and external trainings, seminars, and refresher courses on administrative law</li> <li>– Speaker at training courses</li> </ul>		<ul style="list-style-type: none"> <li>– Italian</li> <li>– English</li> </ul>

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