

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

AVV. VERONICA MENEGHETTI
Associate Rödl&Partner

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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



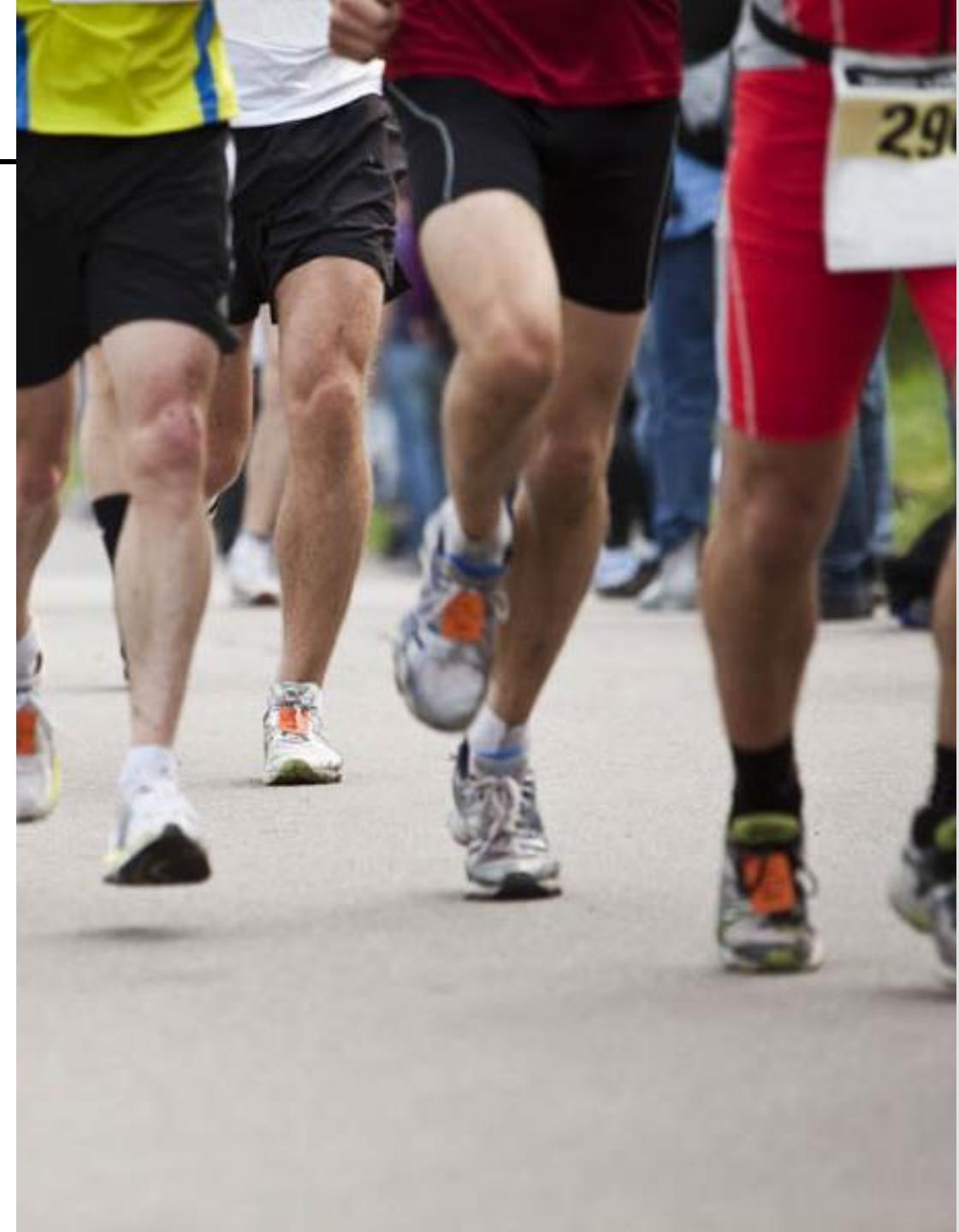
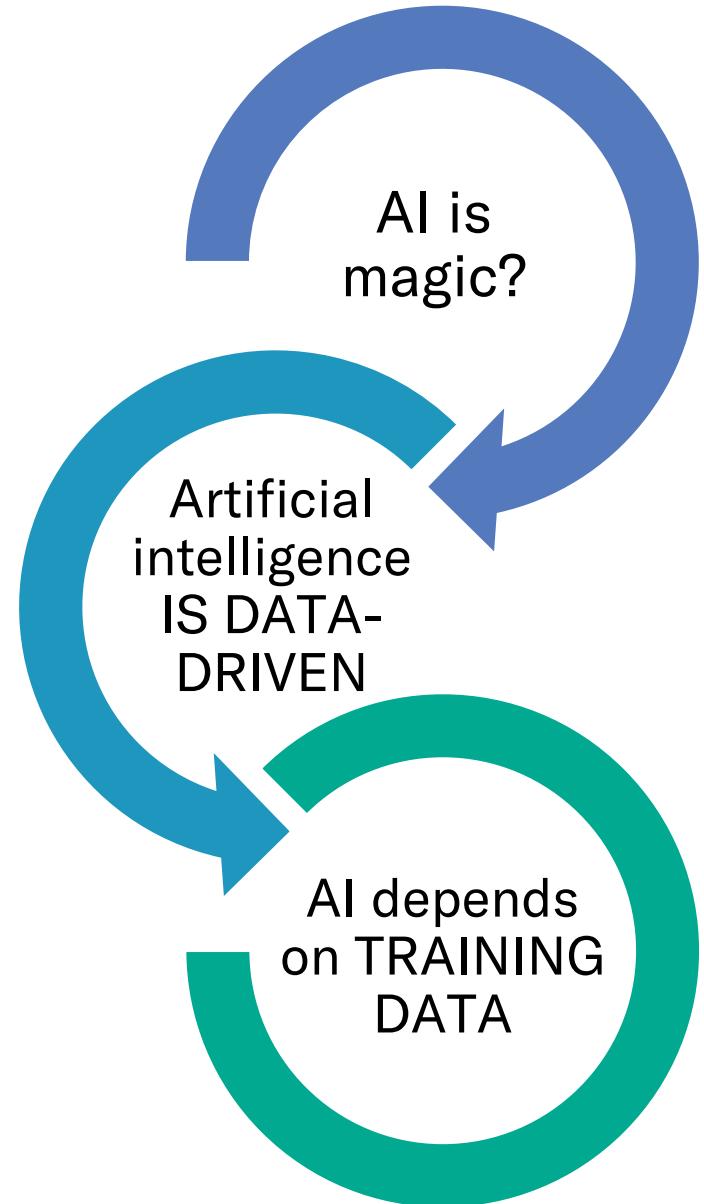
ARTIFICIAL INTELLIGENCE

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?**

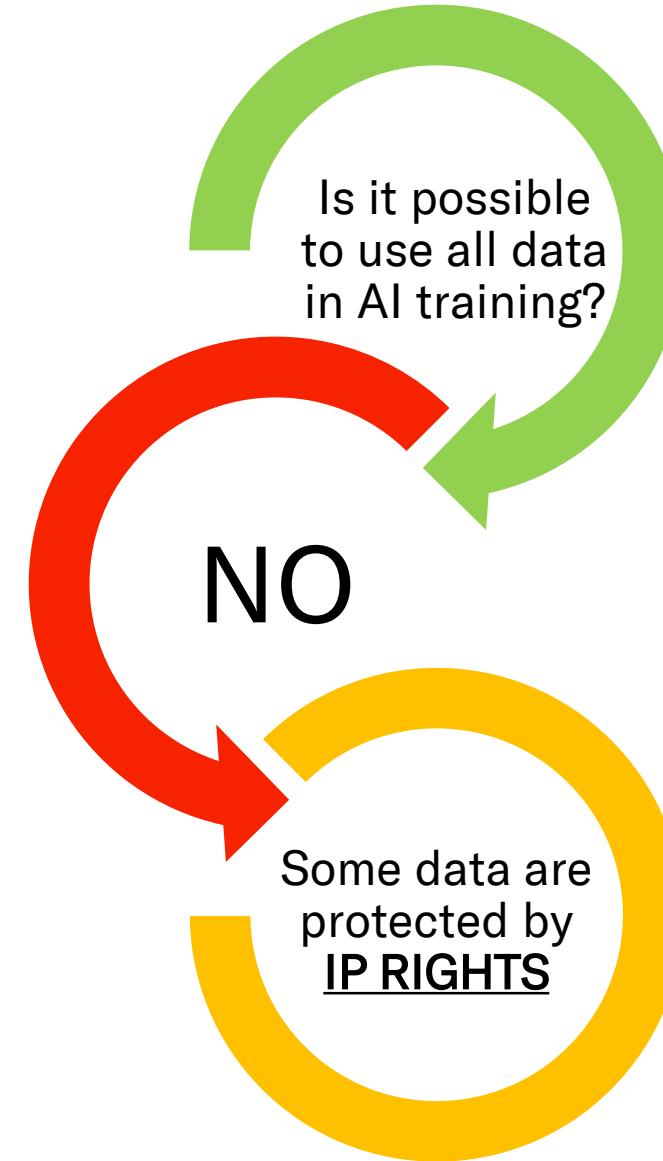
**Who is responsible for the
use of data in AI training?**

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



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



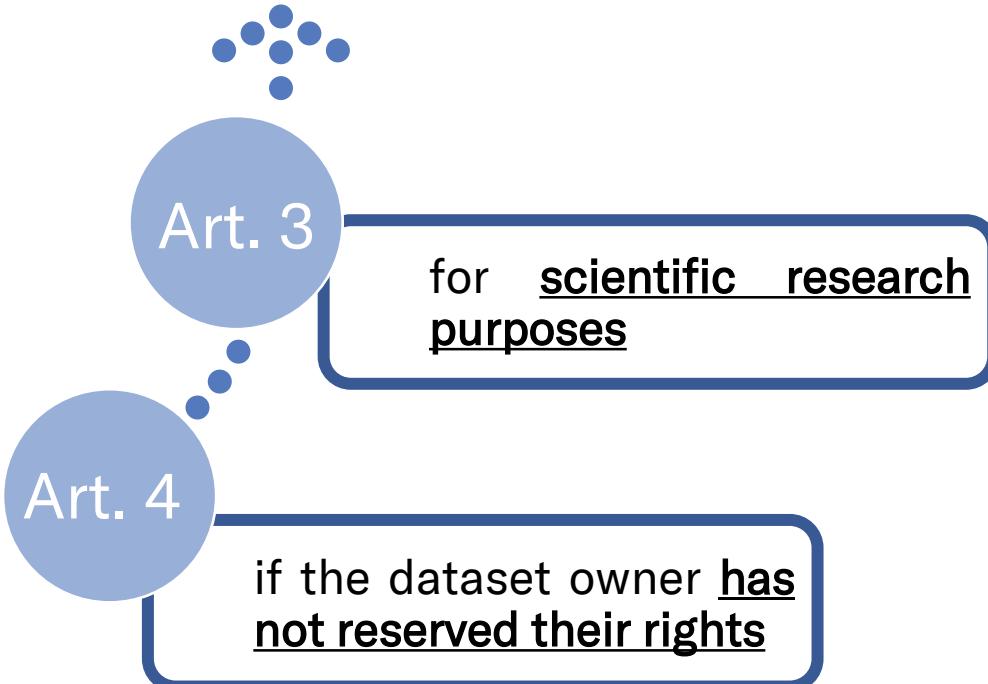


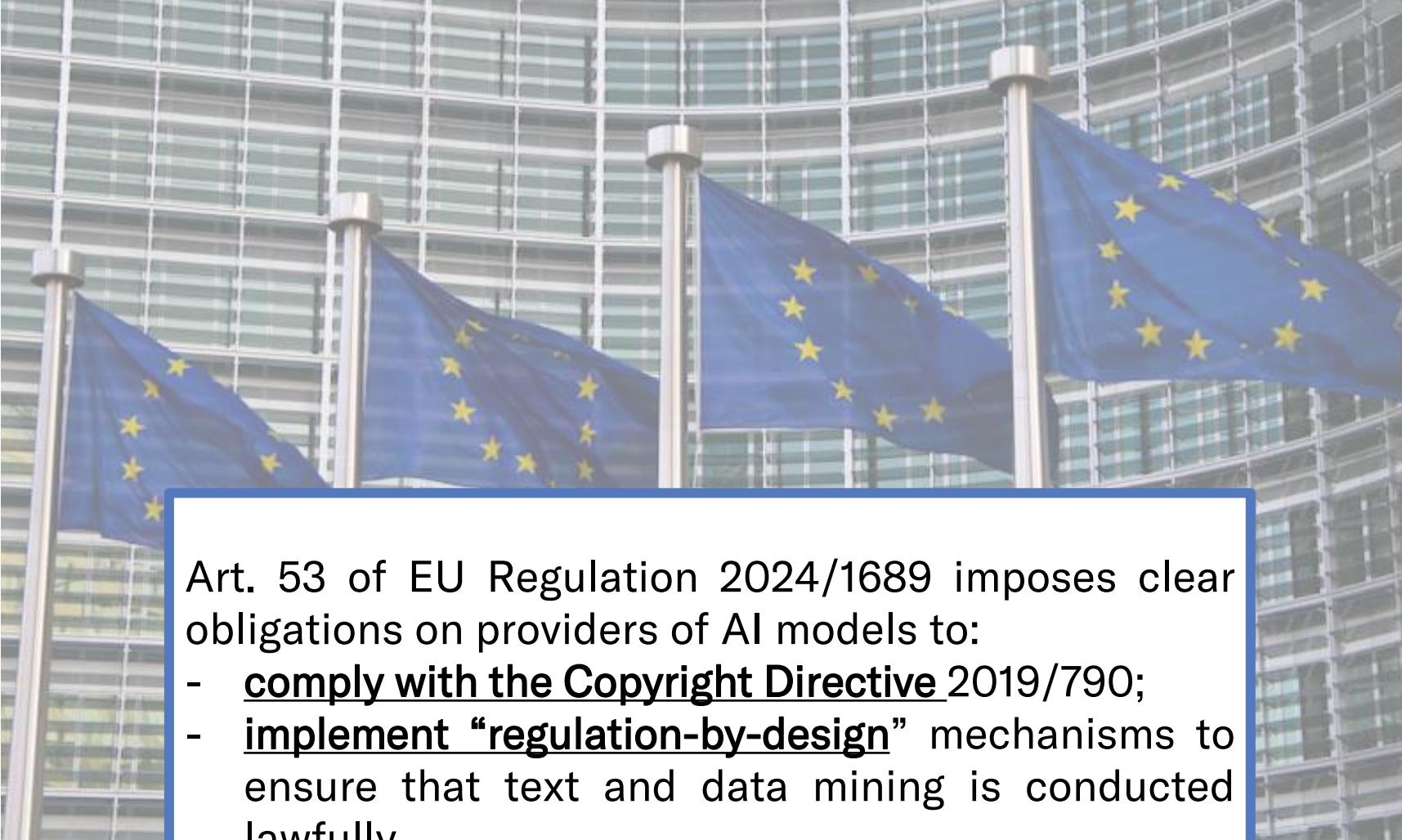
The database owner has the exclusive right to **EXTRACT** or **REUSE** all or a substantial part of its contents



EXCEPTION FOR TEXT AND DATA MINING

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

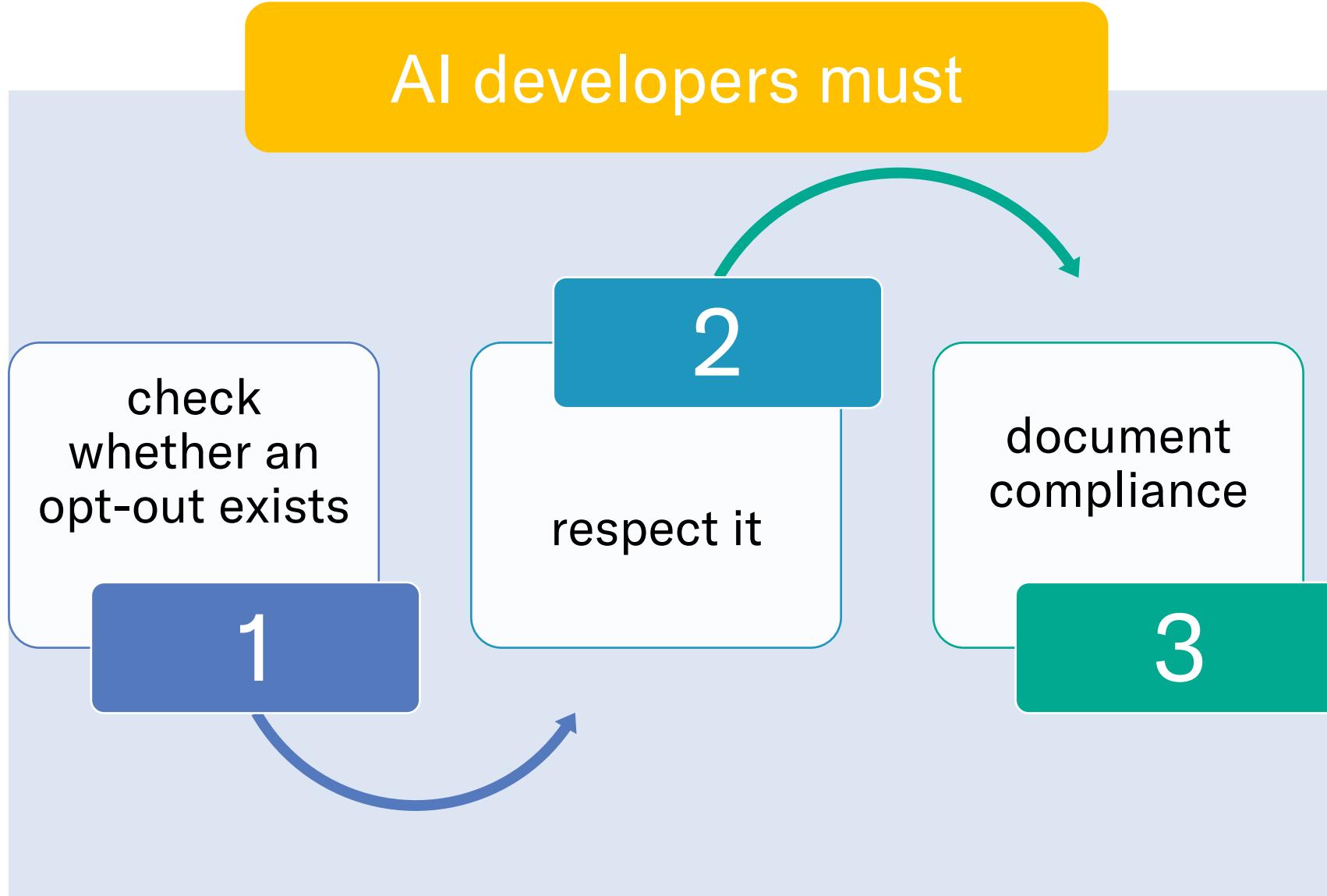




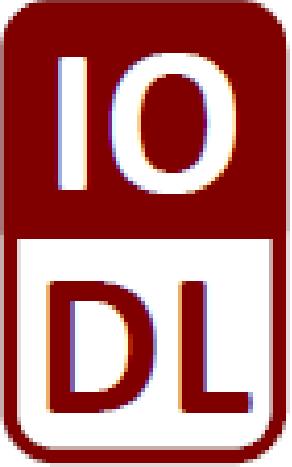
Art. 53 of EU Regulation 2024/1689 imposes clear obligations on providers of AI models to:

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

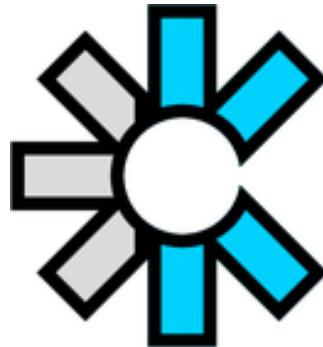
WHAT TO DO



OPEN DATA LICENSES



ITALIAN OPEN
DATA LICENSE



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

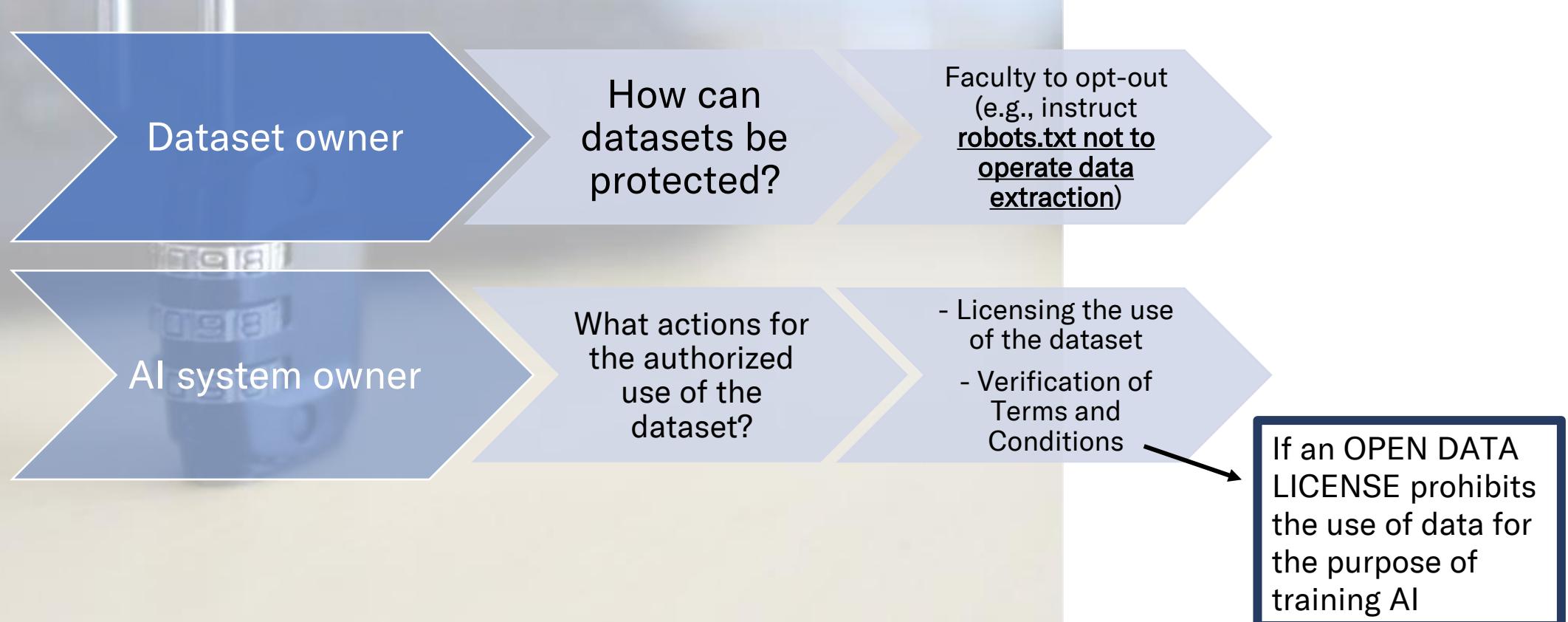
WHAT AN OPEN LICENSE GUARANTEES



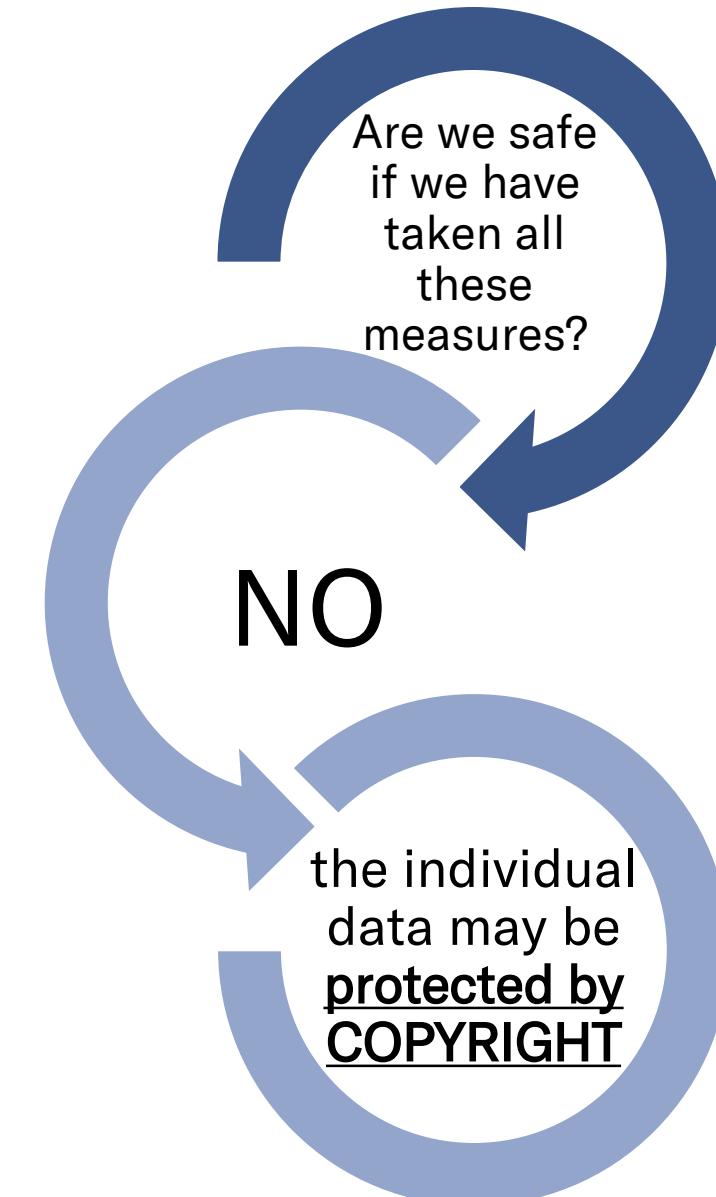
- Legal clarity
- IP right protection
- Ownership
- Transparency
- Share-alike principles

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?





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

WHO IS RESPONSABLE?

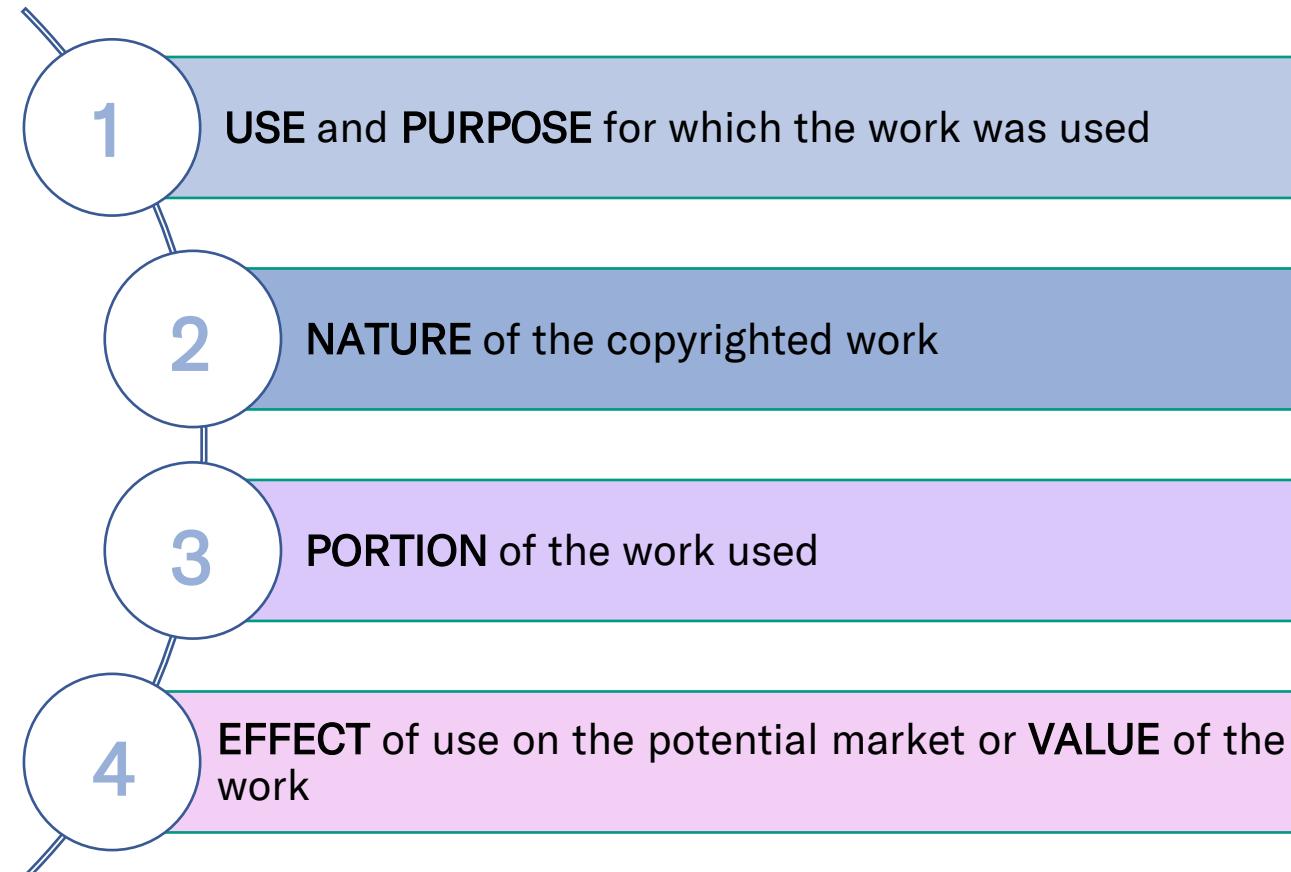


Providers of AI systems must ensure data quality, transparency and documentation

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

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



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"> – Graduated in Law at the University of Padua in 2022 – Member of the Bar Association in Padua in 2024 <p>Career</p> <ul style="list-style-type: none"> – In Rödl & Partner Italy since April 2022 – Part of the Litigation Padua Team – Part of the Intellectual Propriety Team 	<ul style="list-style-type: none"> – Intellectual Property Law – Civil law – Community and International law – National and international civil trial – Debt collection – Contracts 	<ul style="list-style-type: none"> – 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 – Assistance to companies and private individuals in national and international litigation matters
<p>Rödl & Partner Via Francesco Rismundo 2/E 35131 - Padua T +39 049 8046 911 F +39 049 8046 920 veronica.meneghetti@roedl.com</p>		<p>Vocational training and development</p>	
<ul style="list-style-type: none"> – Active member of ELSA – The European Law Students' Association (2017-2020) – Regular attendance in internal and external trainings, seminars, and refresher courses on administrative law – Speaker at training courses 		<p>Languages</p>	
<ul style="list-style-type: none"> – Italian – English 			

Avvocati, Dottori Commercialisti, Revisori
Legali e Consulenti del Lavoro

Attorneys-at-Law, Tax Consultants, Certified
Public Accountants and Labour Consultancy

Rechtsanwälte, Steuerberater,
Wirtschaftsprüfer, Arbeitsrechtsberater

MILANO

Rödl & Partner
Largo Donegani 2
I-20121 Milano

T +39 02 6328 841
Fax +39 02 6328 8420
milano@roedl.com

PADOVA

Rödl & Partner
Via F. Rismundo, 2/E
I-35131 Padova

T +39 049 8046 911
Fax +39 049 8046 920
padova@roedl.com

ROMA

Rödl & Partner
P.zza S.Anastasia, 7
I-00186 Roma

T +39 06 9670 1270
Fax +39 06 3223 394
roma@roedl.com

BOLZANO

Rödl & Partner
P.zza Walther- von- der- Vogelweide 8
I-39100 Bolzano

T +39 0471 1943 200
Fax +39 0471 1943 220
bolzano@roedl.com

