



European IP Helpdesk

Stay ahead of the innovation game.

**The European AI Act
(and other AI regulations)**
Entered into force 1 August 2024

Dr. Robert Harrison





European IP Helpdesk

- Service initiative of the European Commission
- Addressing **current and potential beneficiaries of EU-funded projects, researchers and EU SMEs**
- Free-of-charge first-line support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 43 ambassadors from 26 EU countries





The EC IP Helpdesks





New Fact Sheet!

[IP Management in Horizon Europe Marie](#)

[Skłodowska-Curie Actions](#)

[Commercialising Intellectual Property: Franchising](#)
[Design Regulation in the EU](#)

New IP guide!

[Your Guide to IP in Europe](#)

New Case Study!

[dotLumen: Advancing Pedestrian Autonomy for the](#)
[Visually Impaired Through Patented Innovation](#)

[LUBIS EDA: Debugging for Faster Time to Market](#)





Upcoming events



10
DEC
2025

Training and workshops
[EU - Webinar AI Act](#)
⌵ Live streaming available

11
DEC
2025

Info days
[Horizon Europe Day 2025](#)
📍 Esch-sur-Alzette, Luxembourg

18
DEC
2025

Training and workshops
[EU - Webinar: Patents and Trade Secrets](#)

11
DEC
2025

Training and workshops
[EU Webinar: Navigating IP in Collaborative research](#)
⌵ Live streaming available

17
DEC
2025

Training and workshops
[EU - Webinar: Knowledge Valorisation: Concepts, Policies, and Practices](#)



Thank you!

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- helpline@iprhelpdesk.eu
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Agenda



Definition



Main Objectives



Risk Classification



Fostering Innovation



**Protecting Intellectual
Property**



Global Implications



Criticisms



Image Source: https://www.freepik.com/free-photo/qualified-technicians-brainstorm-ways-use-ai-cognitive-computing-extract-usable-information-from-complex-data-team-specialists-implement-artificial-intelligence-process-massive-datasets_77716947.htm#fromView=image_search&page=1&position=0&uuid=9a75c82b-a208-4254-b4f6-5ba3f9d8h027



Robert Harrison

Patent and Trade Mark Attorney



About me

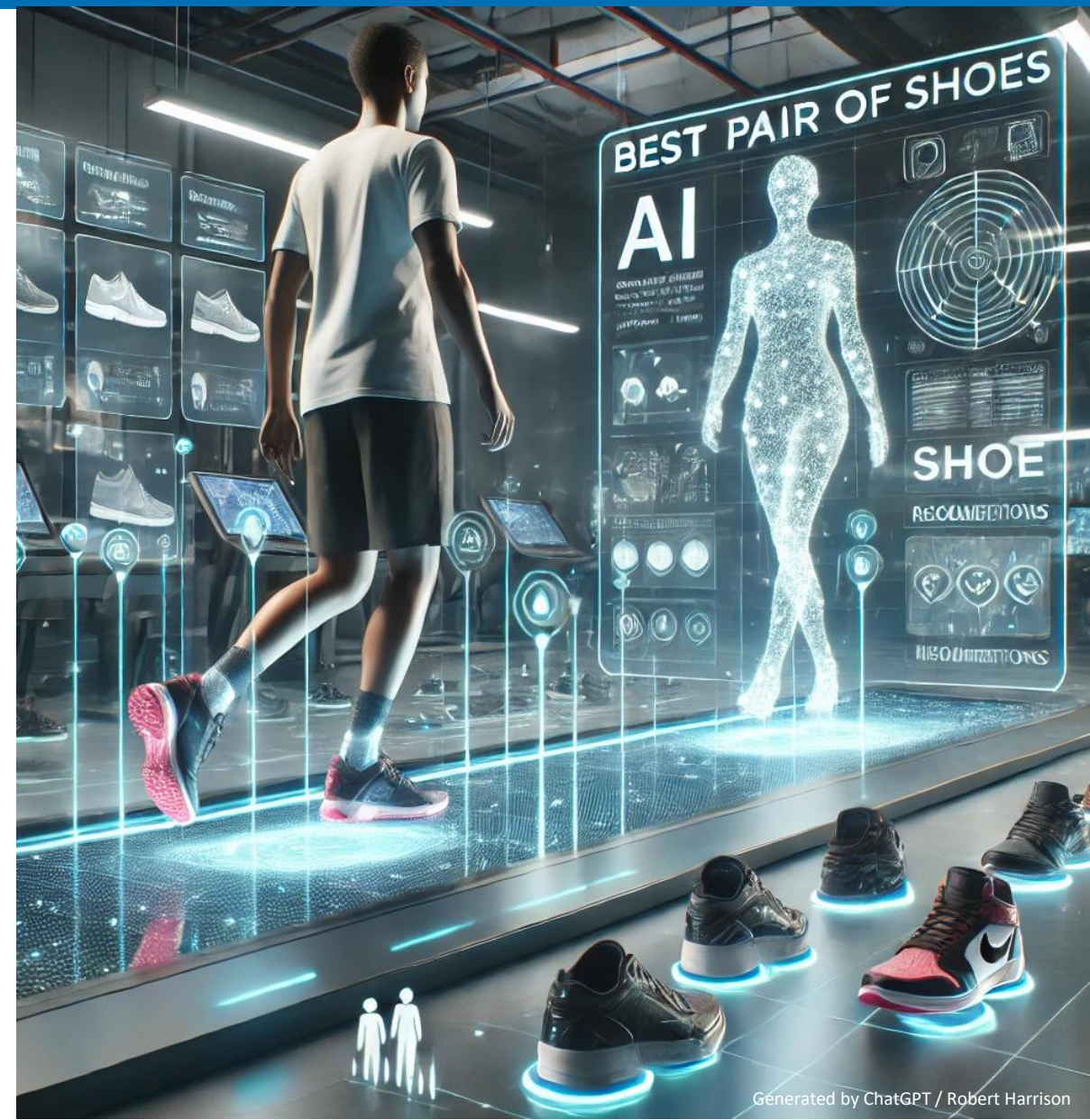
- BA Physics, Oxford University
- MSc Physics, Sheffield University
- PhD Semiconductors Sheffield University
- EPO Examiner – the Hague
- IBM Germany – Patent Engineer
- W.L.Gore & Associates – European IP Counsel
- Founding Partner, Sonnenberg Harrison
- Advisory Board Member
- IP Strategy



Case Study

- ❖ AI System
- ❖ Analyses Gait(Walk) of Person
- ❖ Knows the person's favourite brands
- ❖ Suggest shoes

➤ Is this system legal?





The European AI Act

Definition



- Overview of the European Union's AI regulatory framework
- Aims to create a human-centred, trustworthy, and risk-based AI system

Importance of AI Regulation



- Growing use of AI technologies in daily life and business
- Potential for misuse and unintended harm
- Need for balancing innovation with ethical responsibility



Image Source: https://www.freepik.com/premium-ai-image/robotic-hand-carefully-places-puzzle-piece-into-jigsaw-puzzle-depicting-european-unio_315912287.htm#fromView=image_search&page=1&position=36&uuid=184ac587-27a0-45fd-a9e1-e45ae4ad5f50



AI Act as part of EU Single Digital Market



GDPR



**Medical Device
Regulation**



**Other
Laws**



**EU Data
Act**



**EU AI
Act**



Purpose and Scope of the European AI Act

Main Objectives



- Ensure AI systems respect fundamental rights and values
- Enhance trust in AI systems across the EU
- Prevent market fragmentation through a unified legal framework

Scope of Application



- Applies to all providers and users of AI systems in the EU
- Covers AI systems both within and outside the EU if they affect EU citizens
- Applies also to non-EU companies operating in EU





AI Risk Classification Framework

Risk-Based Approach - Classifying AI systems into four categories:



Unacceptable Risk:

Systems prohibited due to significant harm (e.g., social scoring by governments)



High Risk:

Requires strict regulatory oversight (e.g., AI in medical devices, autonomous vehicles)



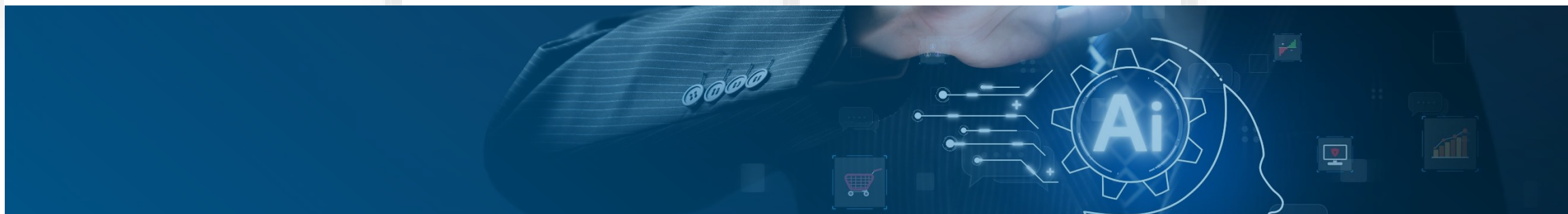
Limited Risk:

Subject to transparency requirements (e.g., AI-generated content or chatbots)



Minimal Risk:

Few or no regulatory requirements (e.g., simple AI applications like spam filters)





Article 5 - Unacceptable Risk – Prohibited

Prohibited AI Practices



Compromise privacy



Human dignity



Human Autonomy



Deep fakes

01

Deploying **subliminal, manipulative, or deceptive techniques** to distort behaviour and impair informed decision-making, causing significant harm, e.g. buying products

04

Social scoring, i.e., evaluating or classifying individuals or groups based on social behaviour or personal traits, causing detrimental or unfavourable treatment of those people.

07

Inferring emotions in workplaces or educational institutions, except for medical or safety reasons.

02

Exploiting vulnerabilities related to age, disability, or socio-economic circumstances to distort behaviour, causing significant harm.

05

Assessing the risk of an individual committing criminal offenses solely based on profiling or personality traits.

08

'Real-time' remote biometric identification (RBI) in publicly accessible spaces for law enforcement.

03

Biometric categorisation systems inferring sensitive attributes (race, political opinions, trade union membership, religious or philosophical beliefs, sex life, or sexual orientation).

06

Compiling facial recognition databases by untargeted scraping of facial images from the internet or CCTV footage.

09

Exemptions generally for law enforcement and security agencies

Non-compliance

- Fines of EUR 35 Mio or 7% of global turnover

Started: 1 Feb 2025

Guidelines Available



High Risk AI Practices

Harmonised Guidelines not yet available

Can be used, but needs
risk assessment



Annex I (starts: 1 August 2026 – **Change to August 2028**)

Used as a safety component or a product covered by EU laws
AND
required to undergo a third-party conformity assessment.

Annex III Use Cases (starts 1 August 2027 - **Change to December 2027**)

- Biometric identification system
- Critical infrastructure – safety components
- Educational and vocational training
- Employment
- Access and enjoyment of essential public and private services
- Law enforcement
- Migration, asylum and border control management
- Administration of justice and democratic processes.



Key Provisions of the AI Act



High-Risk AI Systems

- Risk and quality management system
- Data governance, transparency, accuracy, and robustness
- Technical documentation – to demonstrate compliance
- Record-keeping
- Instructions for use to downstream deployers
- Mandatory risk assessments and continuous monitoring

Transparency Obligations

Users must be informed when interacting with AI systems (e.g., chat bots, AI-generated content)



Opt-Out for Copyright Training

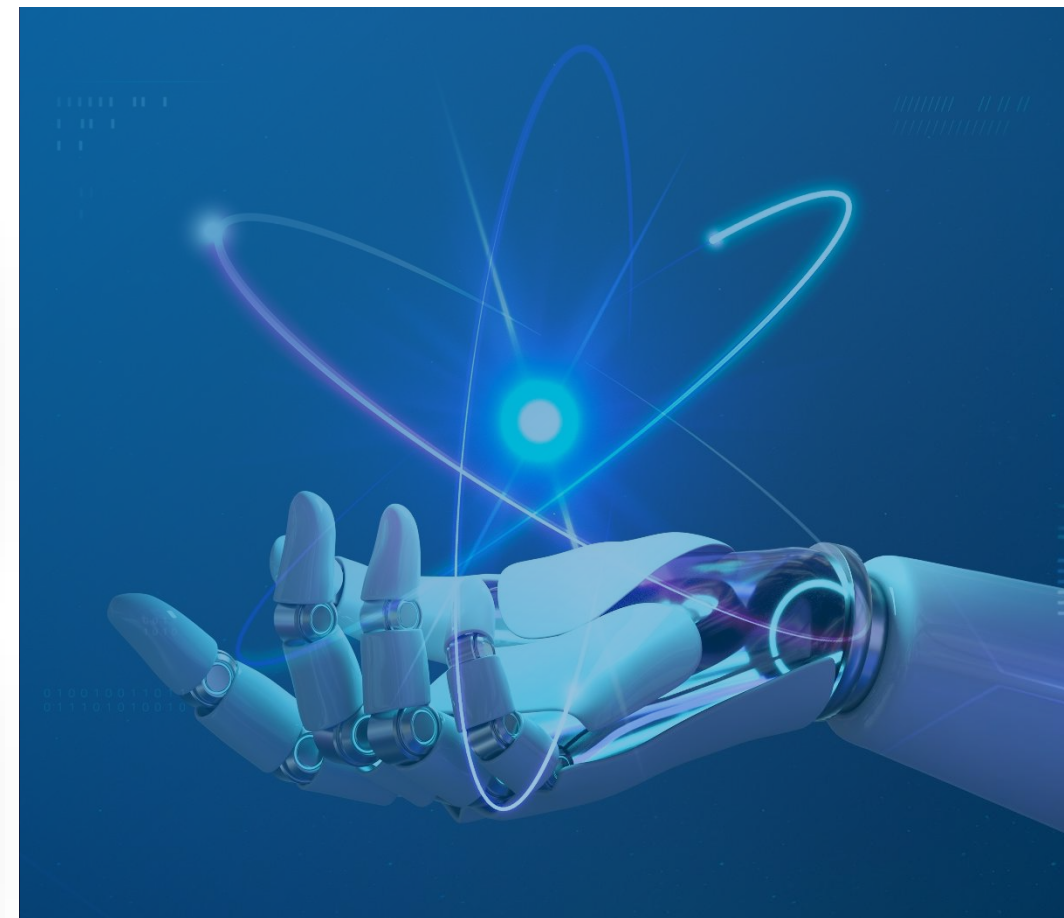
Transparency and User awareness

Consent and data protection

- Consent and data protection
Opt-out for data protection – like GDPR; e.g. automated decision making (such as credit scoring or job applications)
- Biometric Images

Retroactive Opt-Out?

- Is this possible?
- What is effect?





Court Case: Kneschke v LAION e.V. – District Court of Hamburg



LAION provides
large-scale
data sets and tools
Kneschke is a
photographer and
provided open
source photos



Text and Data Mining
is allowed in
European Union – as
long as copies are
not retained, as long
as this is not
excluded by the
owner of the
copyright.

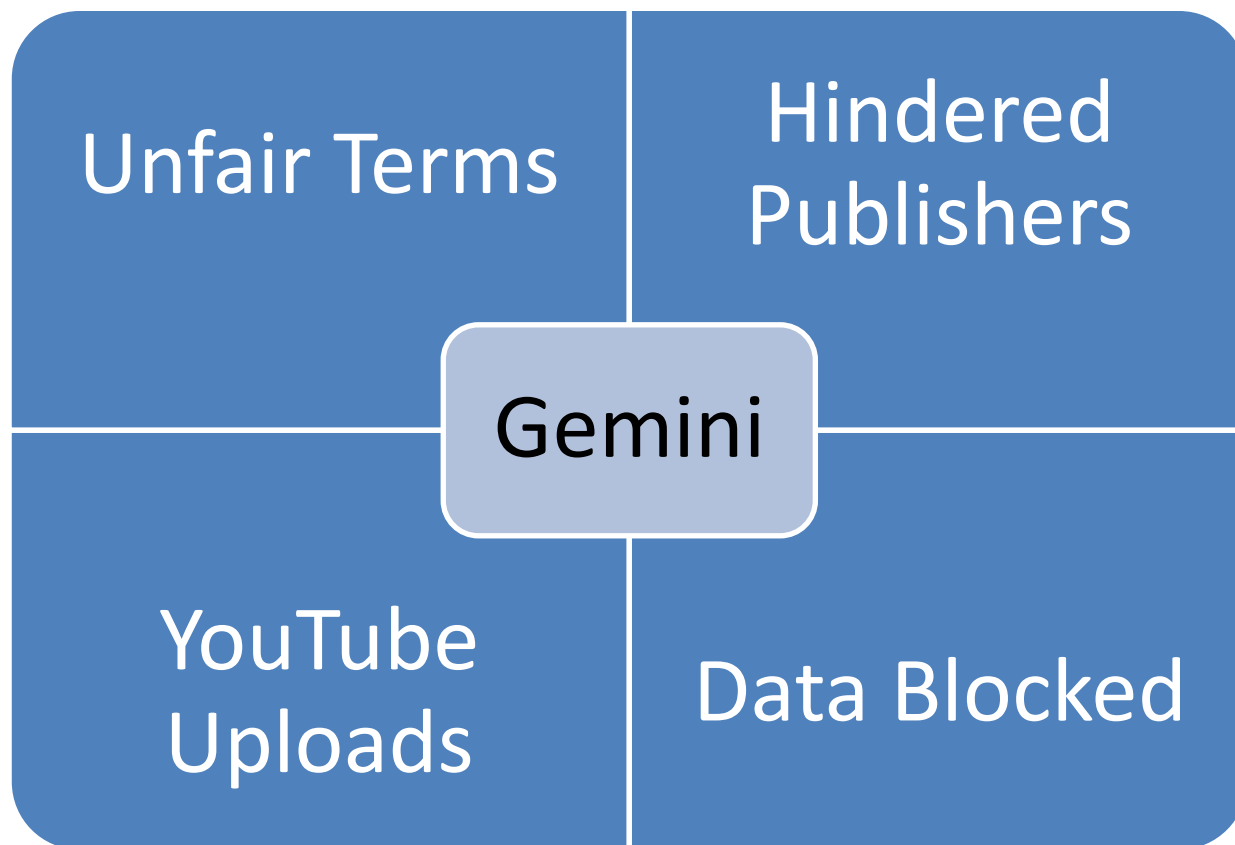


Decision 27
September 2024 –
non-profit
organization and
therefore TDM
allowed
Appeal Filed





EU Commission vs Google – 9 December 2025



Unfair Competition?



Generative AI

Same risk-based approach

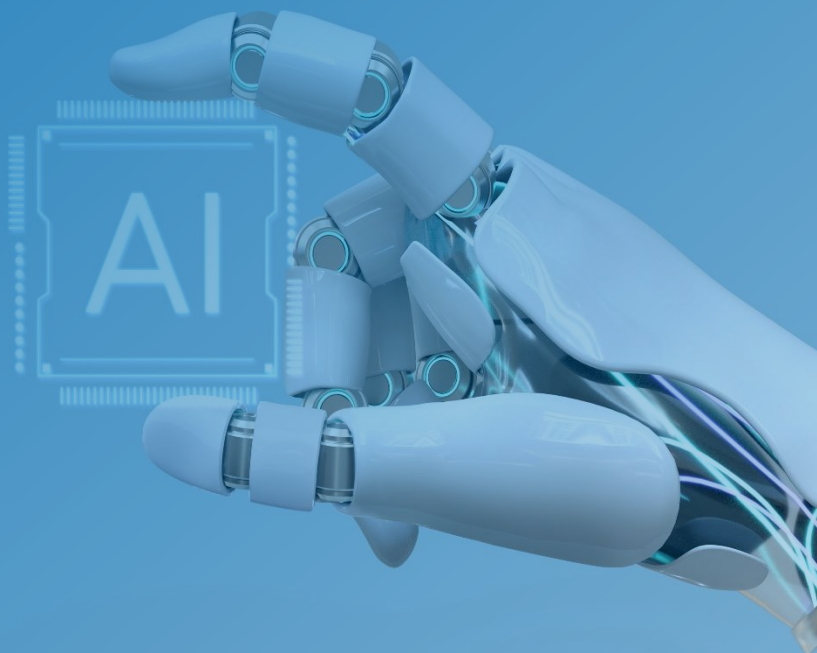


Image Source https://www.freepik.com/free-photo/ai-chip-artificial-intelligence-future-technology-innovation_17850485.htm#fromView=image_search&page=1&position=0&uuid=63153c76-fd56-4793-8c35-0b7b66e5347e

Transparency

01

How do AI systems operate

03

Labelling generated content (Art. 50(2))

02

Inform that content was generated by AI (Art 50(1))

04

Mitigating harmful content



Impact on Innovation and AI Development

Fostering Innovation



- **Regulatory sandboxes (Art 57)** for safe experimentation under regulatory supervision – set up by August 2025?
- Encouragement of **innovation** that aligns with **ethical principles and societal benefits**
- Does not apply to AI models **solely** for R&D (Art 2(6) or Open Source (Art 2(12))

Challenges for Businesses



- Increased **compliance** costs for high-risk AI systems
- Impact on **startups and SMEs** developing AI technologies
- The potential effect on global competitiveness
- Compliance systems in place





Governance



European AI Board

- Coordinating national authorities for a consistent enforcement of the AI Act
- Advising the EU on emerging AI risks and new regulations



AI Office

- Part of European Commission, monitoring effective implementation and compliance



Monitoring and Reporting

- Ensuring compliance through audits, data collection, and transparency reports from AI providers





Global Implications of the AI Act

Influence on Global AI Policy



- The EU as a leader in AI governance, setting international standards
- Potential for other regions (e.g., the US, China) to adopt similar regulations
- Reaction of US Administration

Challenges for International AI Providers



- Non-EU companies must comply when targeting EU markets or handling EU citizen data
- Encouragement of global cooperation on AI ethics and regulations





Implications for Intellectual Property

Authorship



- Not addressed in AI act
- Copyright protection requires human author
- Can be AI-assisted

Patentability



- Inventor must be human
- Dabus patent inventorship case

Copyright works for AI training



Liability for IP infringement



Image Source: https://www.freepik.com/free-photo/qualified-technicians-brainstorm-ways-use-ai-cognitive-computing-extract-usable-information-from-complex-data-team-specialists-implement-artificial-intelligence-process-massive-datasets_77716947.htm#fromView=image_search&page=1&position=0&uuid=9a75c82b-a208-4254-b4f6-5ba3f9d8b027



Criticisms and Concerns

Commission proposing Simplification



Overregulation and Innovation Stifling

- Concerns about the potential to limit AI innovation in Europe
- Balancing regulation with allowing space for AI research and development



Complexity and Enforcement

- Challenges in interpreting and enforcing regulations across different industries



Need for Further Clarity

- Ambiguity in certain provisions, especially concerning cross-border AI applications



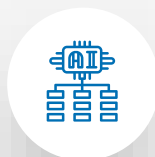


Conclusion



Image Source: https://www.freepik.com/free-photo/building-business-success-hands-with-puzzles_8096940.htm#fromView=image_search&page=1&position=0&uuid=ec13b22d-126a-4a5b-89a4-5d42983e5510

Summary of Key Points



Importance of a
balanced AI regulation
framework



Impact on innovation,
society, and
fundamental rights

Future Outlook



Role of the AI Act in
shaping global AI
governance



The evolving landscape
of AI regulation as
technology advances



Q&A Session

Questions and
clarifications



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