



# European IP Helpdesk

Stay ahead of the innovation game.

EU AI Act

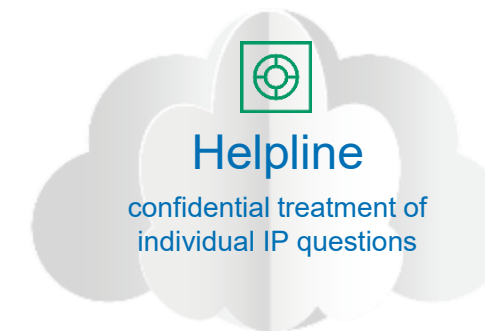
European IP Helpdesk 07.07.2026





# 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



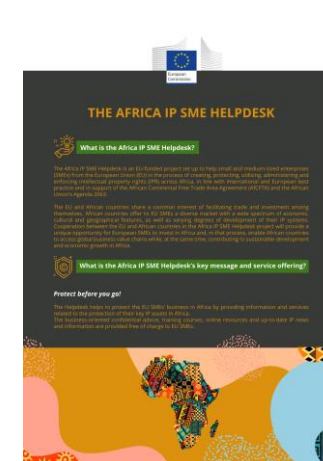
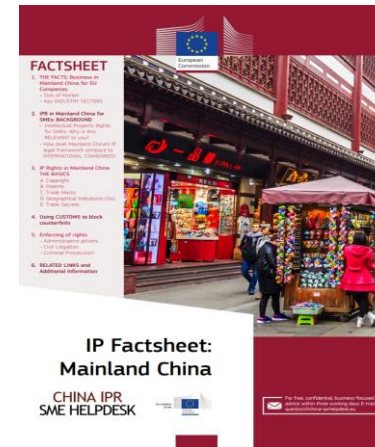
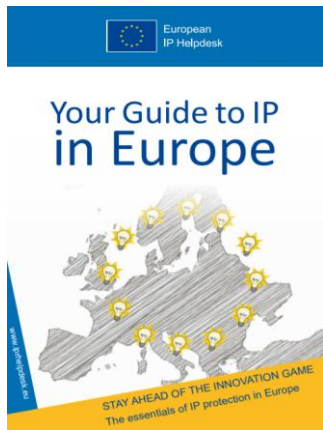


# The EC IP Helpdesks





# EC IP (SME) Helpdesk Hub – Gateway to Information



- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



# Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 43 ambassadors – 26 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local awareness and **training events**





# Thank you!

- [www.ec.europa.eu/ip-helpdesk](http://www.ec.europa.eu/ip-helpdesk)
- [helpline@iprhelphdesk.eu](mailto:helpline@iprhelphdesk.eu)
- [training@iprhelphdesk.eu](mailto:training@iprhelphdesk.eu)
- Twitter [@iprhelphdesk](https://twitter.com/iprhelphdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





# Agenda



**Definition**



**Protecting Intellectual  
Property**



**Main Objectives**



**Global Implications**



**Risk Classification**



**Criticisms**



**Fostering Innovation**



**Simplification**



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-c208-4254-b4f6-5ba2f0d8b027](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-c208-4254-b4f6-5ba2f0d8b027)



## Robert Harrison

Patent and Trade Mark Attorney



### About me

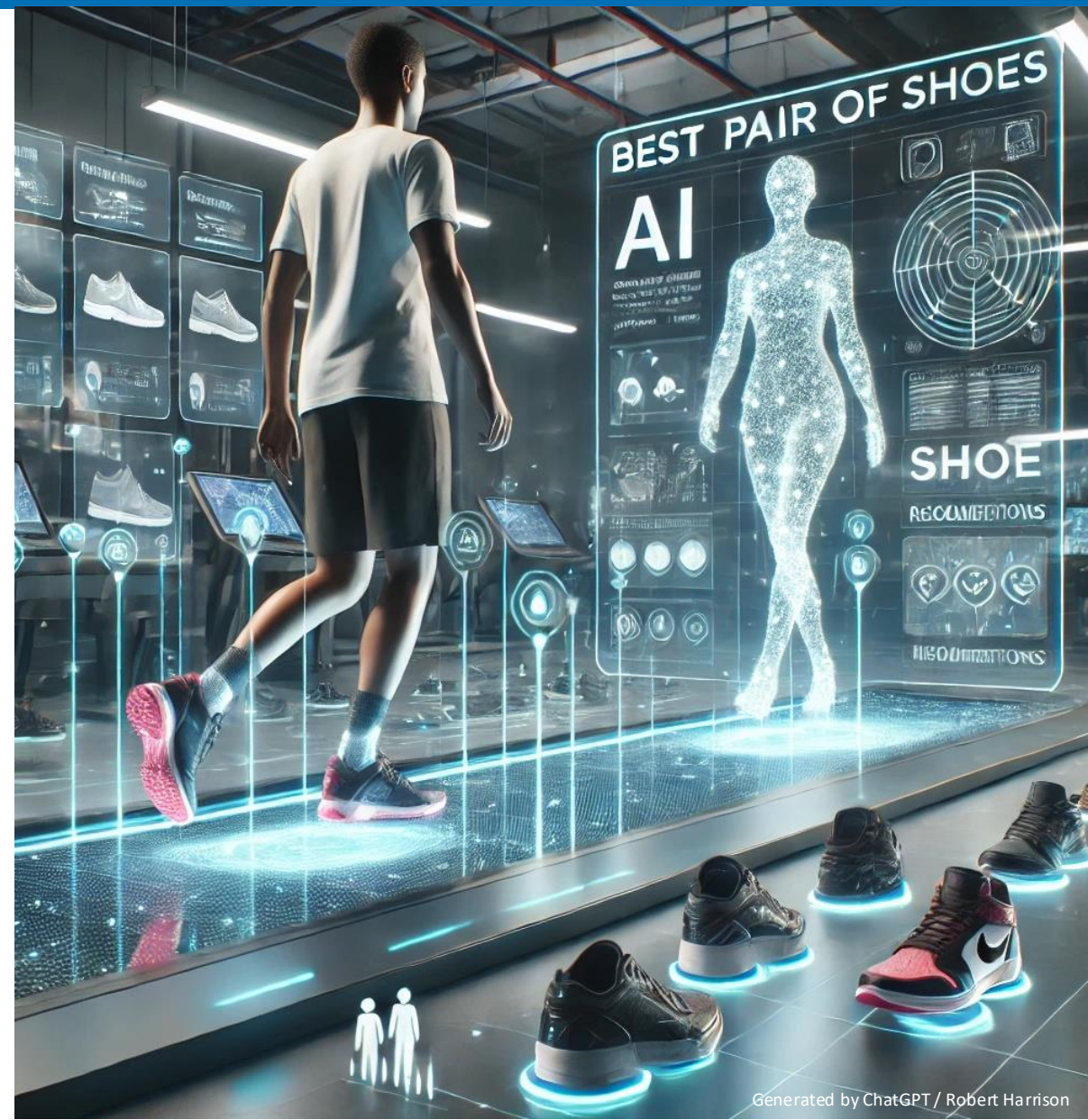
- BA Physics, Oxford University
- MSc Physics, Sheffield University
- PhD Semiconductors Sheffield University
- EPO Examiner – the Hague
- IBM Germany – Patent Engineer
- W.L.Gore & Associates – European IP Counsel
- Founding Partner, Sonnenberg Harrison
- Advisory Board Member
- IP Strategy



## 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





# 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)

**New: One Stop Certification**



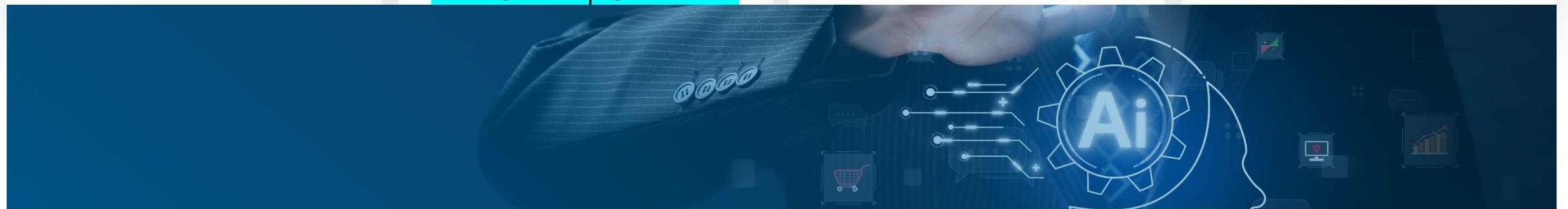
### Limited Risk:

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.

New

09

AI systems designed to generate or manipulate non-consensual sexually explicit imagery/videos (popularly called "nudifier" apps) or create Child Sexual Abuse Material (CSAM)  
**From 2 December 2026**

### Non-compliance

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

**Started: 1 Feb 2025**

**Guidelines Available**

Exemptions generally for law enforcement and security agencies



# High Risk AI Practices



## Annex I (starts: 1 August 2026 – **Change to 2 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 2 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, incl text, audio, video)

**Comes into force 2 August 2026 - old systems after 2 December 2026**



# Opt-Out for Copyright Training

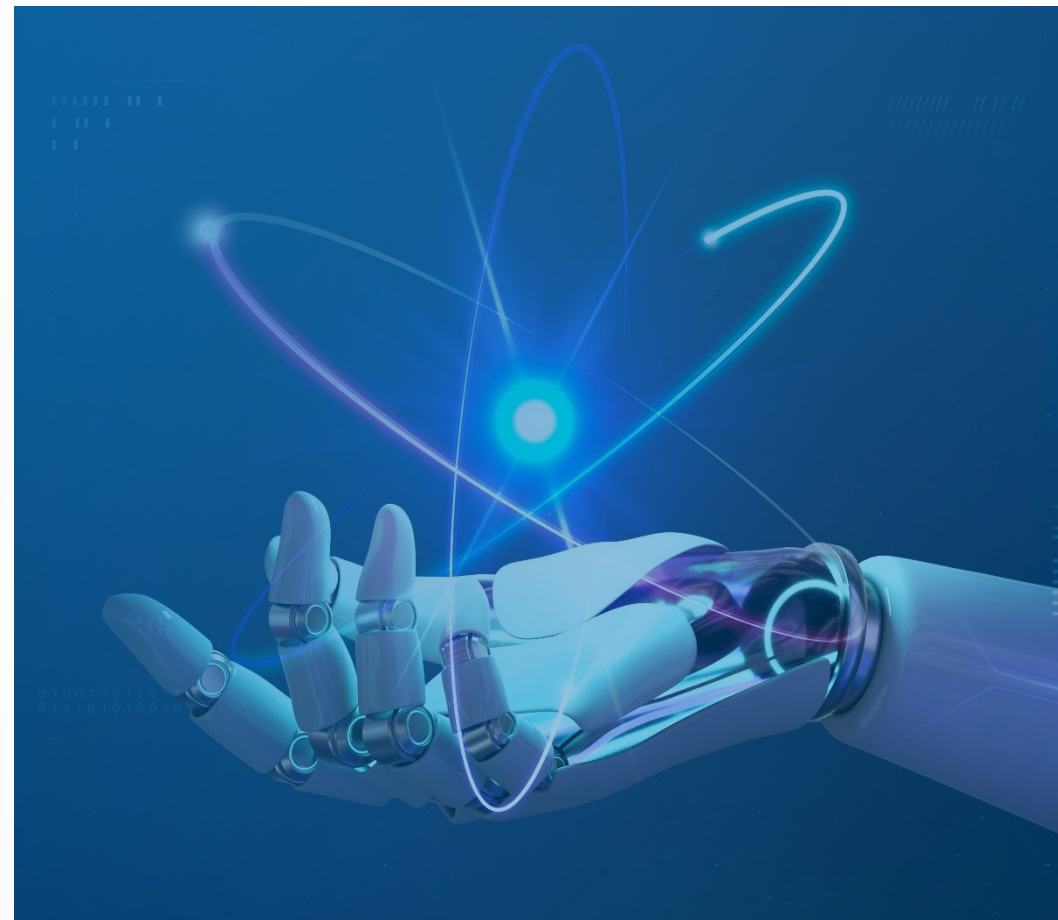
## Transparency and User awareness

## 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.

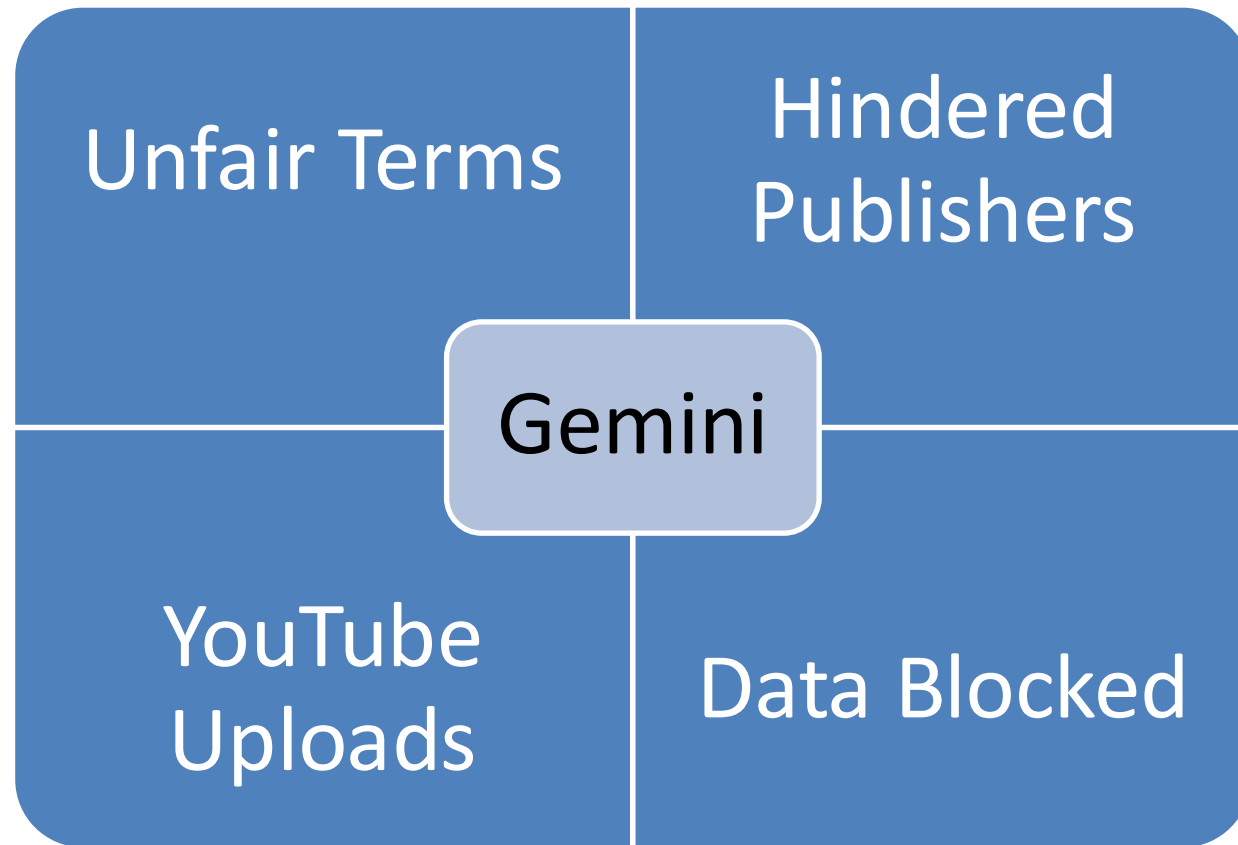


Decision 27 September 2024 – non-profit organization and therefore TDM allowed  
Appeal Filed  
**BGH: 3 Sept 2026**





## EU Commission vs Google – 9 December 2025



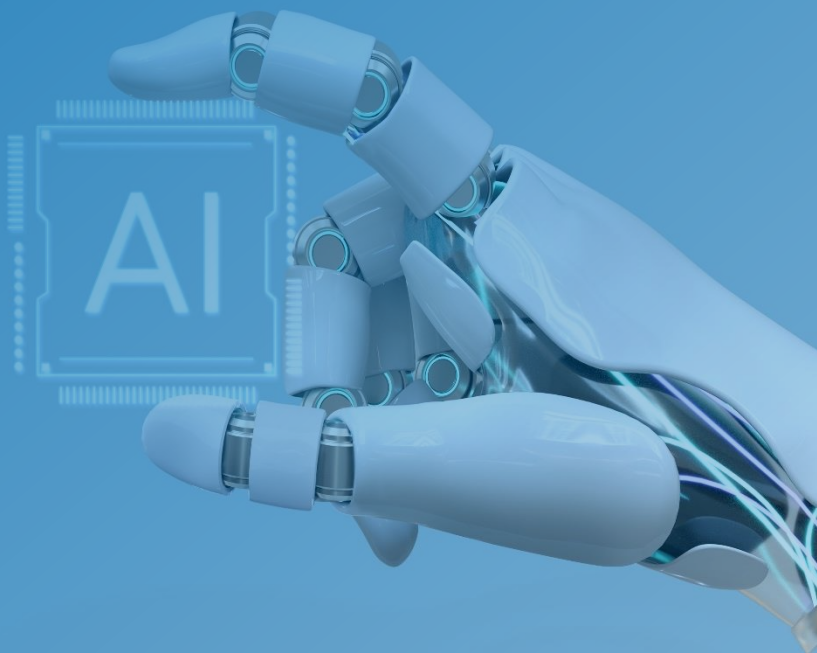
**THE TIMES**

Unfair Competition?



# Generative AI

Same risk-based approach



## Transparency

01

How do AI systems operate

03

Labelling generated content (Art. 50(2))  
2 December 2026

02

Inform that content was generated by AI (Art 50(1))  
2 August 2026

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 **2027**?
- 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

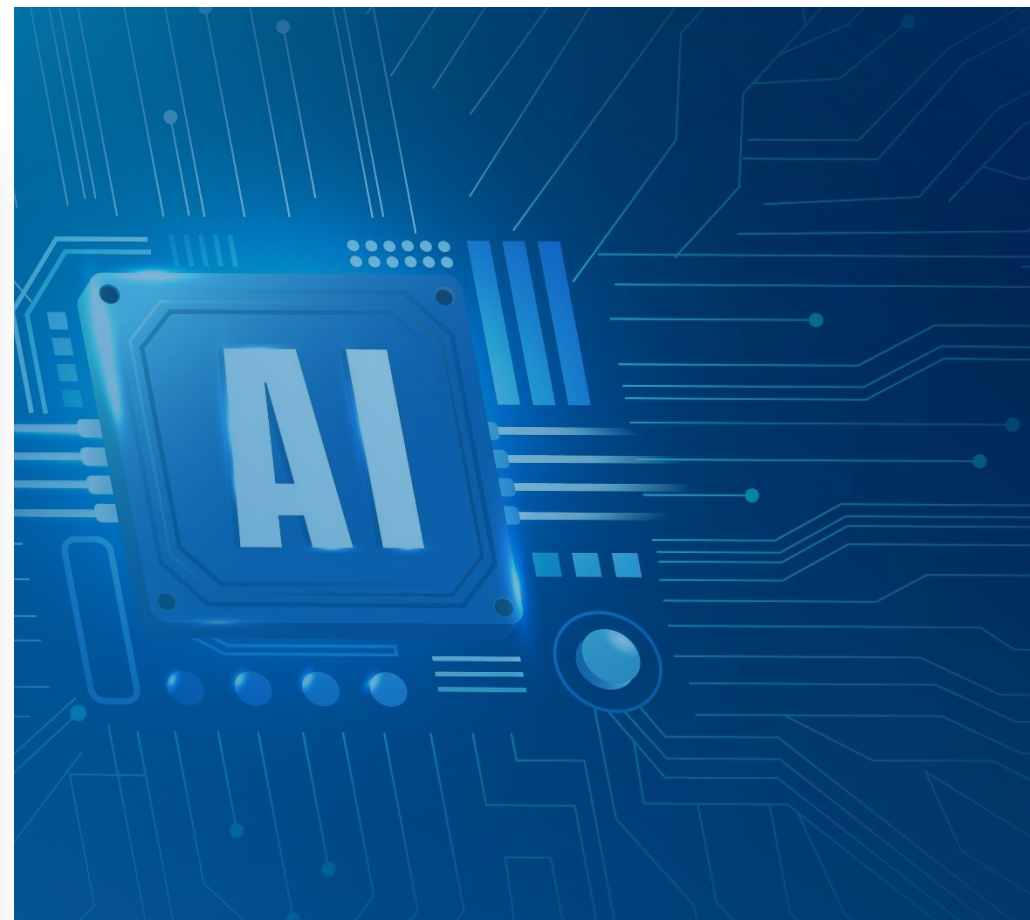


- The EU as a leader in AI governance, setting international standards
- Potential for other regions (e.g., the US, China) to adopt similar regulations
- Reaction of US Administration

## 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





# Criticisms and Concerns

Commission adopted Simplification  
29 June 2026



## Overregulation and Innovation Stifling

- Concerns about the potential to limit AI innovation in Europe
- Balancing regulation with allowing space for AI research and development
- **Small midcaps eligible for simplified framework**



## Complexity and Enforcement

- Challenges in interpreting and enforcing regulations across different industries



## Need for Further Clarity

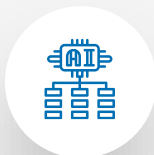
- Ambiguity in certain provisions, especially concerning cross-border AI applications



# Conclusion



## 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

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Questions and  
clarifications



# Contact

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