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



Introducing the AI Act Service Desk

Possibility for stakeholders to **submit queries about the AI Act to the AI Office** and **receive tailored feedback**

- **Multilingual** support
- **Complementary** to other schemes such as the Regulatory sandboxes, EDIHs, and national helpdesks



Integrated into a **Single Information Platform**

(launch in EN only – multilingual support to be available soon)

- **AI Act Explorer**
- **Compliance Checker**
- **FAQs**
- Repository of **Commission's and national resources**

EUROPEAN ARTIFICIAL INTELLIGENCE OFFICE

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

Training
free online and on-site sessions

Website
frequent updates from the world of IP and innovation

Helpline
confidential treatment of individual IP questions

Publications
practical IP knowledge through high-level publications

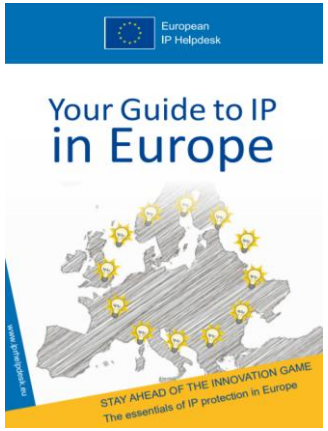
Ambassadors
local IP support throughout Europe

Events
info point at key networking events and conferences

The EC IP Helpdesks



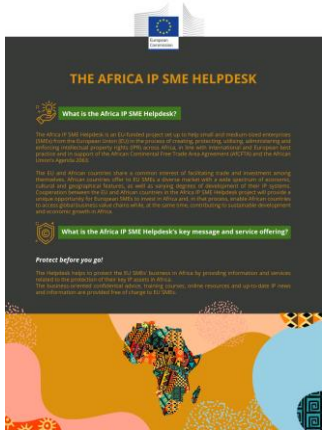
EC IP (SME) Helpdesk Hub – Gateway to Information













- 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**



Upcoming events



13 NOV 2026
Upcoming
Training and workshops
EU - Webinar AI Act
Live streaming available

17 NOV 2026
Upcoming
Training and workshops
EPO Training Coop: From Lab to Market - Aligning IP with Investment and Growth: Arevo
Online only
Live streaming available

17 NOV 2026
Upcoming
Training and workshops
EU - Webinar: IPR and Software
Live streaming available

18 NOV 2026
Upcoming
Training and workshops
EU - Webinar: Freedom to Operate
Live streaming available

19 NOV 2026
Upcoming
Training and workshops
EU - Webinar: Finding Patents
Live streaming available

26 NOV 2026
Upcoming
Training and workshops
EU - Webinar: Consortium Agreements
Live streaming available

01 DEC 2026
Upcoming
Training and workshops
EU - Webinar: Addressing IP impact and innovation in EU projects
Live streaming available

03 DEC 2026
Upcoming
Training and workshops
Webinar: IP in EU funded projects with a special focus on MSCA
Live streaming available

09 DEC 2026
Upcoming
Training and workshops
EU - Webinar : Unitary Patent
Live streaming available

14 DEC 2026
Upcoming
Training and workshops
EU - Webinar: Patents and Trade Secrets
Live streaming available

Thank you!

- www.ec.europa.eu/ip-helpdesk

- helpline@iprhelpdesk.eu
- training@iprhelpdesk.eu

- Twitter @iprhelpdesk

- LinkedIn /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-



Robert Harrison

Patent and Trade Mark Attorney

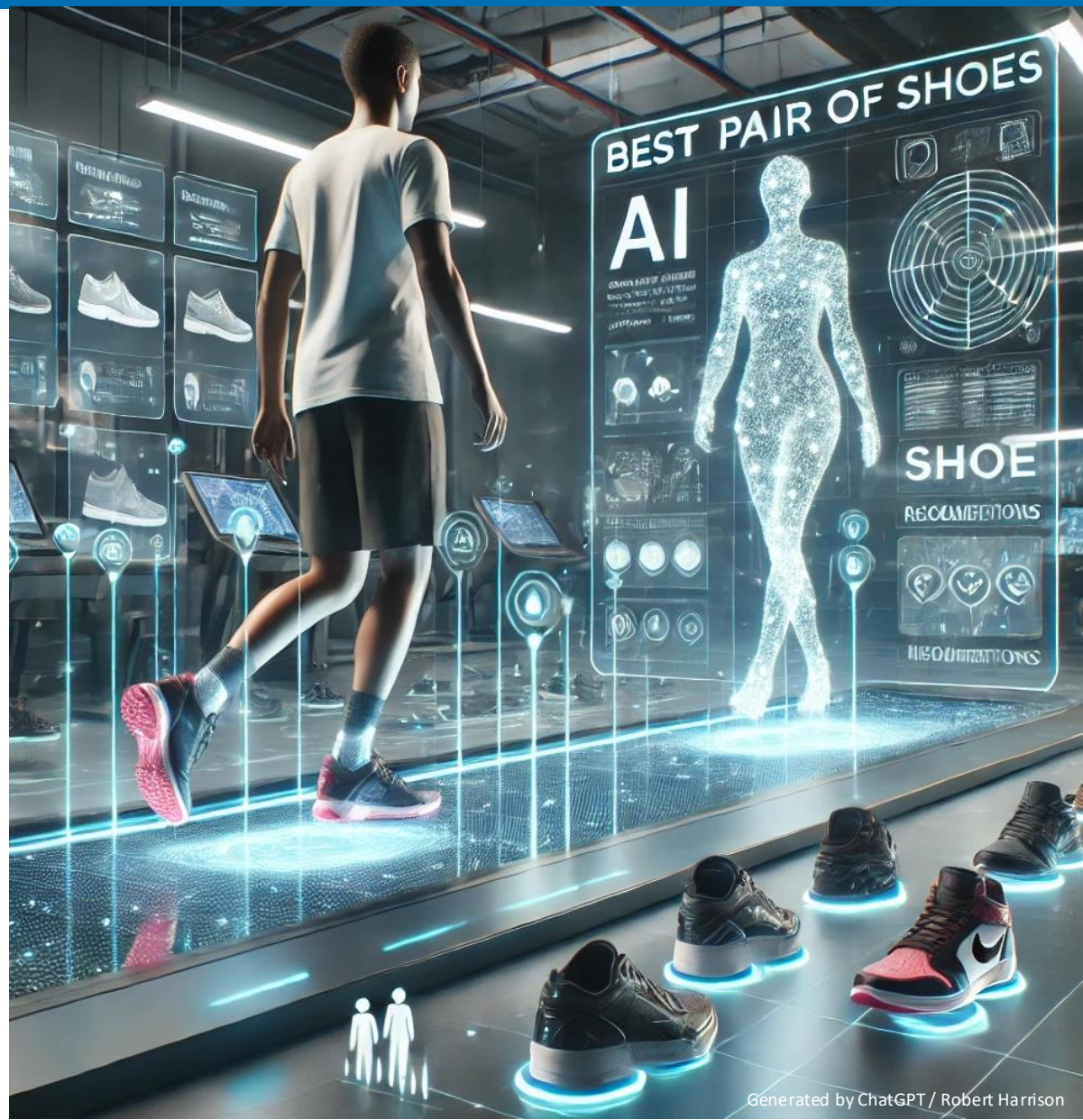
About me

- 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?



Generated by ChatGPT / Robert Harrison

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

Image Source: https://www.freepik.com/premium-ai-image/roylaty-free-images-uhd-wallpaper_335129857.htm#fromView=image_search&page=1&position=43&uuid=2df2f910-84b8-475a-923a-d05a428911ca

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



Image Source: https://www.freepik.com/free-photo/european-union-alliance-soldier-control-room-uses-military-tech_233158944.htm#fromView=image_search&page=1&position=0&uuid=d9914810-4744-42d3-8331-9b3bb9d55844

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)

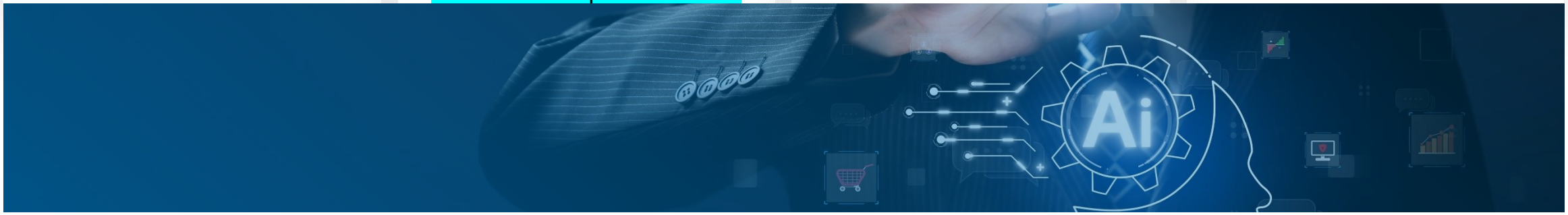
New: One Stop Certification

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)



https://www.freepik.com/premium-photo/human-interact-with-ai-artificial-intelligence-brain-process-generative-ai-faas_301165757.htm#fromView=image_search&page=1&position=40&uuid=f4b68050-97e1-4611-9fab-5ccf1b7d0e5a

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

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

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

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.

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

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

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

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

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.

Image Source: https://www.freepik.com/premium-photo/generative-ai-virtual-assistant-tools-prompt-engineer-end-user-snugly_308567388.htm#fromView=image_search&page=1&position=24&uuid=19756a6e-0811-4f66-ab5c-dd1740ffeaa7

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

Image Source: https://www.freepik.com/premium-photo/ai-technology-artificial-intelligence-man-using-technology-smart-robot-ai-artificial-intelligence_292068522.htm#fromView=image_search&page=1&position=46&uuid=8acfe15e-7c63-4fbd-a29e-ff49532ff1d6

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?

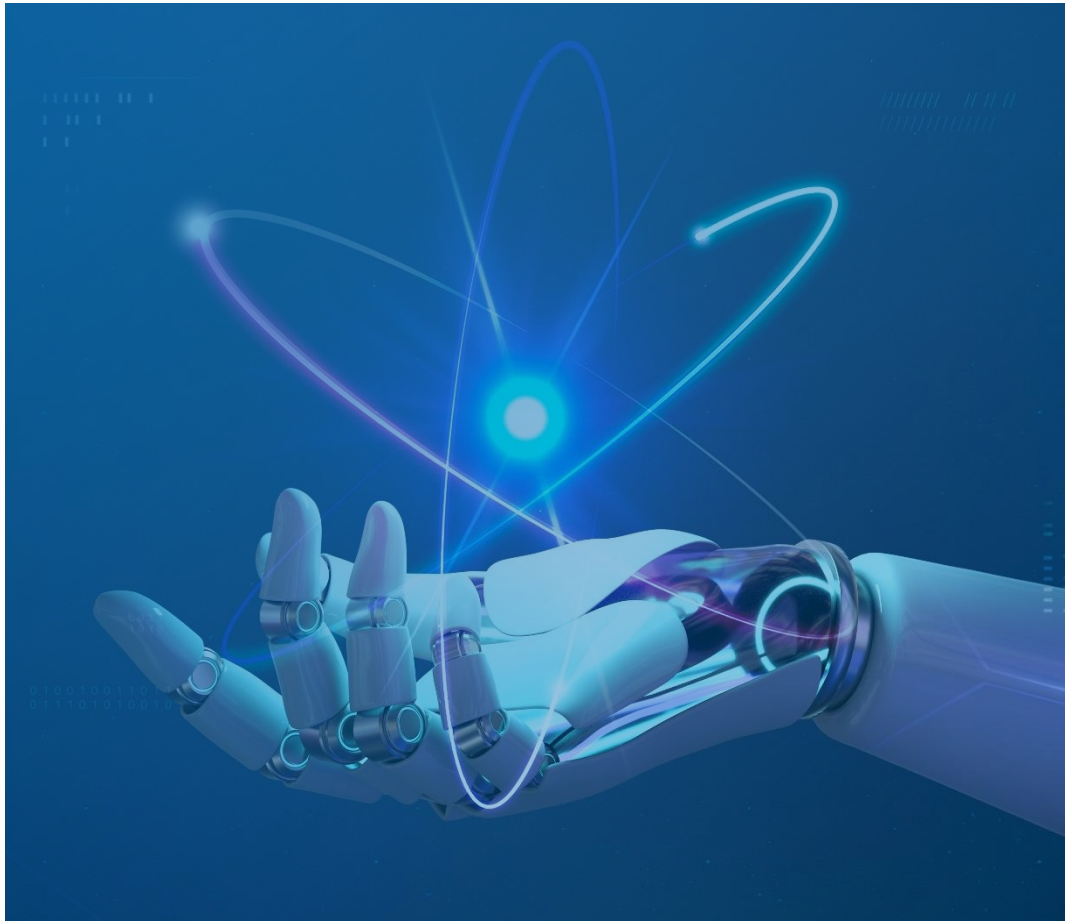


Image Source: https://www.freepik.com/free-photo/ai-nuclear-energy-background-future-innovation-disruptive-technology_17850501.htm#from_view=detail_alsolike

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

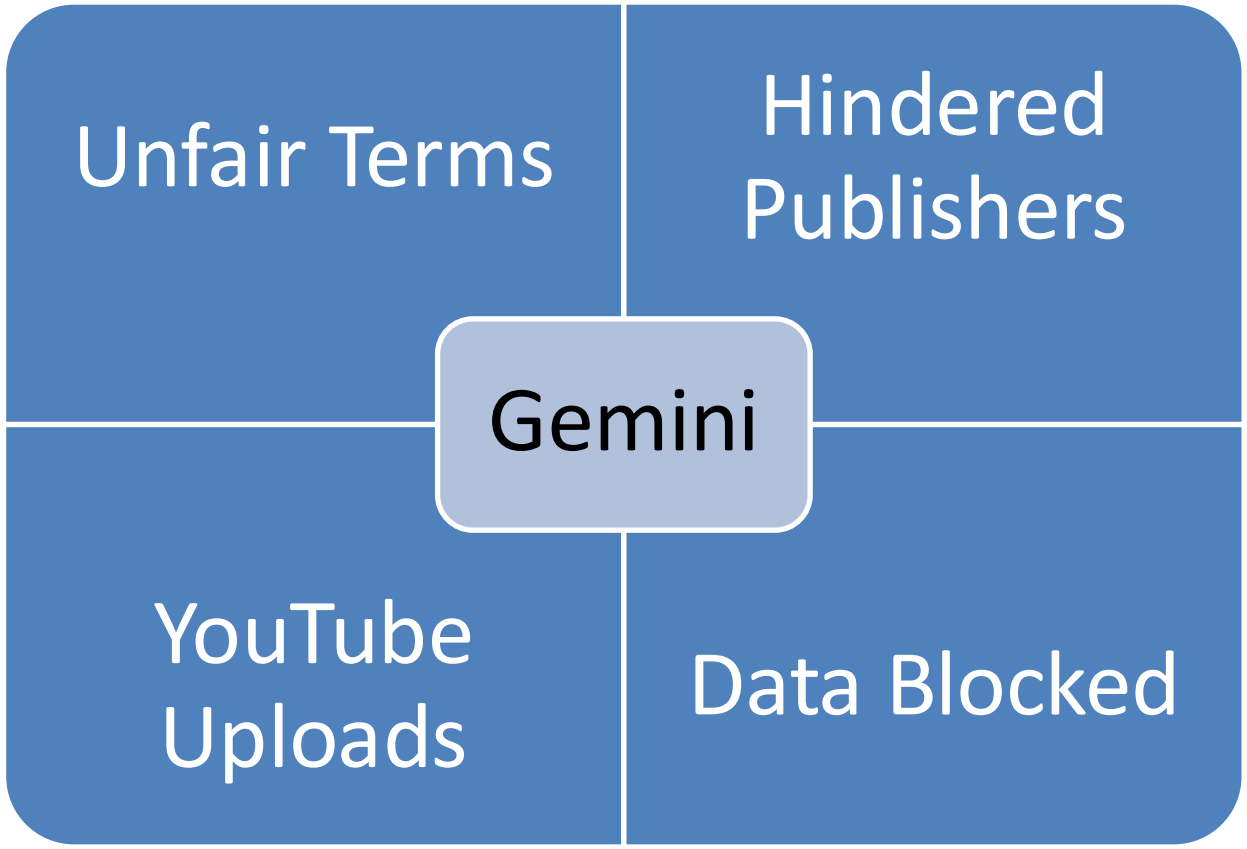
Text and Data Mining is allowed in European Union – as long as copies are not retained, as long as this is not excluded by the owner of the copyright.

Decision 27 September 2024 – non-profit organization and therefore TDM allowed
Appeal Filed
BGH Announcement: 17 December 2026
Reference to ECJ



https://www.freepik.com/premium-photo/building-hanseatic-higher-regional-court-hanseatisches-oberlandesgericht-hansolg-city-hamburg-germany_41795399.htm

EU Commission vs Google – 9 December 2025



THE TIMES

Unfair Competition?

Google Provides Tools to Exclude Sites from AI

https://www.thetimes.com/business/economics/article/live-latest-news-uk-companies-ftse-100-shares-hmzldlt8w

Generative AI

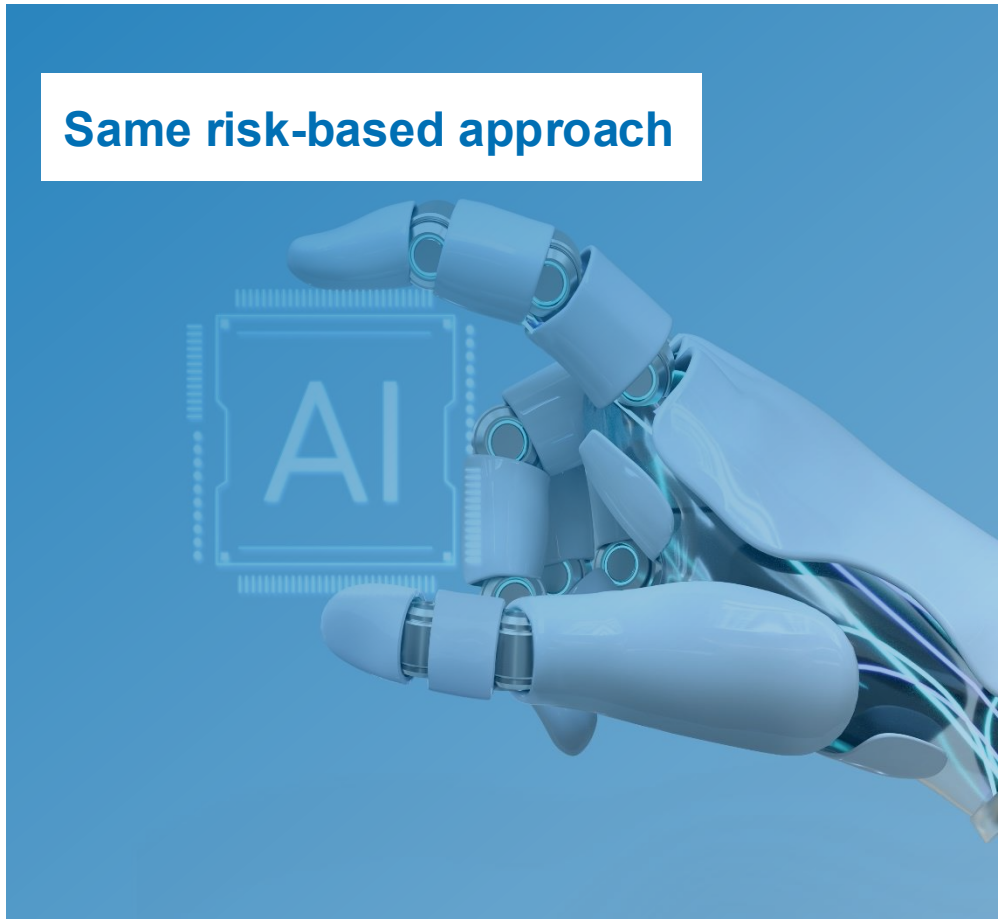


Image Sourcehttps://www.freepik.com/free-photo/ai-chip-artificial-intelligence-future-technology-innovation_17850485.htm#fromView=image_search&page=1&position=0&uuid=63153c76-fd56-4793-8c35-0b7b66e5347e

Transparency

01 How do AI systems operate

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

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



Image Source: https://www.freepik.com/free-photo/close-up-idea-concept_12975336.htm#fromView=image_search&page=1&position=0&uuid=8141a55e-fc6c-4848-ab20-3673932debd5

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



Image Source: https://www.freepik.com/premium-photo/compliance-rule-law-regulation-graphic-interface-business-quality-policy_14527284.htm#fromView=image_search&page=1&position=13&uuid=0875d427-3f73-4d87-83c2-87039dd099e6

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

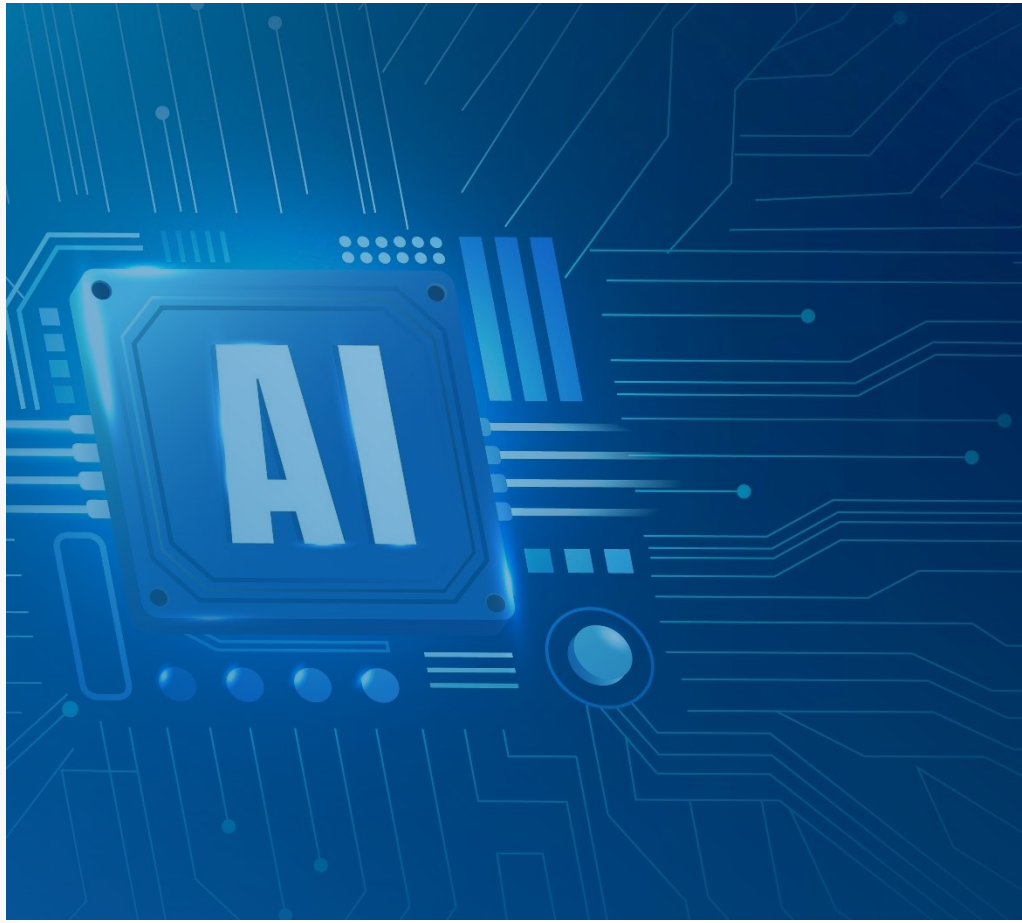


Image Source: https://www.freepik.com/free-photo/ai-technology-microchip-background-digital-transformation-concept_17122726.htm#fromView=image_search&page=1&position=1&uuid=ab58fa2f-22e3-47b3-93cb-c6e5e175040b

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

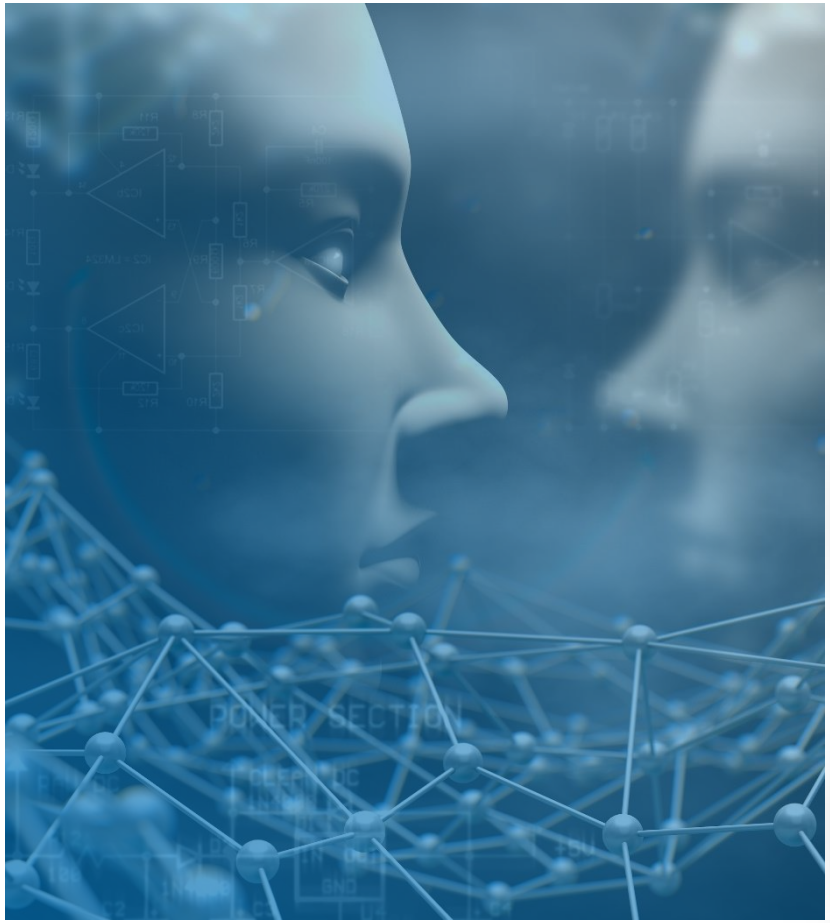
Liability for IP infringement



Image Source: 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 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

Image Source: https://www.freepik.com/premium-photo/technology-science-abstract-background_31539532.htm#fromView=image_search&page=1&position=18&uuid=e4971017-455b-46fa-8d8d-20544fa0810c

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

Image Source: https://www.freepik.com/premium-photo/speaker-conference_28117812.htm#from_view=detail_alsolike



Contact

Dr. Robert Harrison
rob@rh-deeptech-strategy.com

https://www.linkedin.com/in/robertharrison/
https://robharrisoneu.substack.com/

Image Source: https://www.freepik.com/premium-photo/businessman-hand-holding-smart-phone-with-icon-mobile-phone-mail-telephone-address-customer-service-call-center-contact-us-concept_5348660.htm#fromView=image_search_similar&page=2&position=6&uuid=3c5e7f64-b6ad-4faf-828d-fdf3d589c2a9