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AI Dilemma in the Healthcare industry: Creation, Control, Compliance

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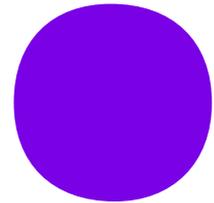
Global Trademarks, Domain Names & Copyright. Anti-Counterfeit

PTMG Autumn Conference

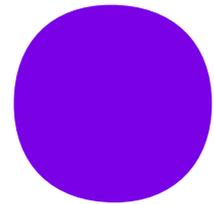
Budapest, 09.10.2025

Topics to cover today

- **Copyright questions related to the Input side**
- **Copyright questions related to the Output side**
- **Practical recommendations for compliant innovation**



Legal status of inputs of AI systems



Introduction to the US and the EU framework of AI inputs

USA legal framework

Generative AI Copyright Disclosure Act of 2024 – dataset to register, did not enter into force yet

Copyright and Artificial Intelligence, Part 3: Generative AI Training Pre-Publication Version

Anthropic decision vs. Anthropic settlement

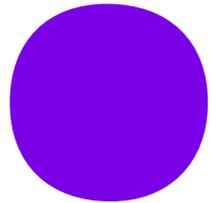
EU legal framework

EU AI act – obligations for service providers

TDM: Works might be used for text and data mining (AI) purposes ---> except if the rightsholders reserved their rights in an appropriate manner

Hungarian CJEU case for preliminary decision

Legal status of outputs of AI systems

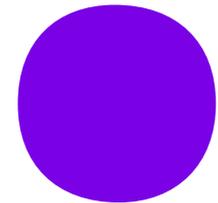


Two bedrock requirements for Copyright protection

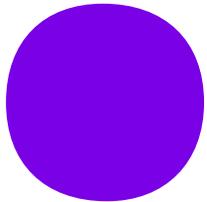
- **Originality**
- **Human authorship**

“the author [of a copyrighted work] is . . . the person who translates an idea into a fixed, tangible expression entitled to copyright protection.”

Com. for Creative Non-Violence v. Reid
("CCNV"), 490 U.S. 730, 737 (1989)



Challenging the interpretation of human authorship have been quite rare until recently



A world famous selfie taken by a monkey in 2011.

Source: [Monkey selfie copyright dispute - Wikipedia](#)

Tools used for creation



According to the international caselaw, the original character of a photo might be based on:

- the **subject**;
- the **moment captured**;
- the **setting** chosen;
- the **technical solutions** used.



Prompt used by the USCO and the output

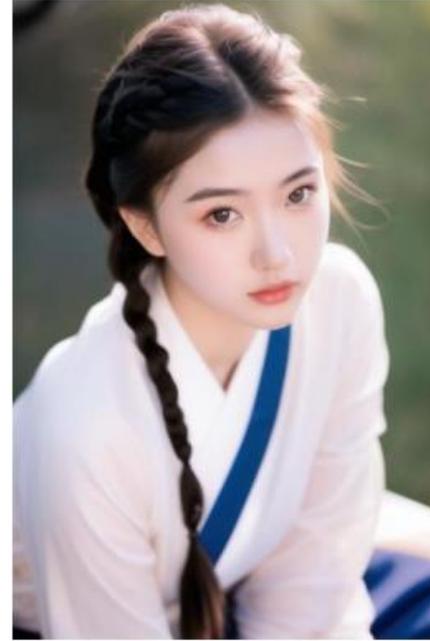
*„professional photo, bespectacled **cat** in a robe **reading the Sunday** newspaper and smoking a **pipe, foggy, wet, stormy, 70mm**, cinematic, highly detailed wood, cinematic lighting, intricate, **sharp focus, medium shot**, (centered image composition), (professionally color graded), ((bright soft diffused light)), volumetric fog, hdr 4k, 8k, realistic”*

[Copyright and Artificial Intelligence, Part 2 Copyrightability Report](#)

USA and CHINA



The Work



(Figure 6)

“The spring breeze brings tenderness” by Li Yunkai,
Source: [The Beijing Internet Court ruling \(2023\) Jing 0491 Min Chu No. 11279](#)

A Single Piece of American Cheese



The initial AI-generated output and the final work, *A Single Piece of American Cheese*, for which the USCO granted copyright protection

Source: *IPKat A single piece of US copyright: Are AI-generated images original artistic works or banal compilations? - The IPKat*

- Created with AI
- Registered for protection in January 2025
- 35 modifications were accepted as significant
- Detailed evidences, including a timelapse video

Timelapse video of the creation:

<https://vimeo.com/1054656471>

Interesting international examples

CZECHIA – no copyright without human contribution, first EU decision (2024)

“create a visual representation of two parties signing a business contract in a formal setting, for example in a commercial room or in a law firm office in Prague. Show only the hands.”



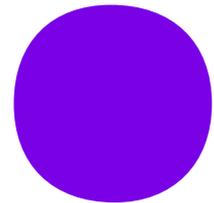
[Source: Czech Court denies copyright Protection of AI-Generated Work in First Ever Ruling - Bird & Bird](#)

VATICAN – Guidelines on Artificial Intelligence (dated December 2024)

The moral and economic rights of the outputs as results of using AI tools, regardless of the purpose, shall belong to the Vatican City State within its borders.

Practical recommendations for ethical innovation

– insights from an in-house counsel's perspective in the healthcare industry -



AI governance

RECOMMENDATIONS REGARDING AN ETHICAL AI GOVERNANCE:

- Clear, up-to-date governance, that is easily accessible for teams
- Global legal solutions
- Constant monitoring of the rapidly evolving legal framework
- Copyright participation is highly recommended
- Use case agnostic and use case centered assessments
- Agile workflow to meet Digital needs
- Policies, guidelines, trainings



AI Tool assessment

- Overall information on the provider – does it comply with AI laws – especially, EU AI Act?
- Are legal debates, lawsuits related to the provider? (specific due diligence)
- Overall information on the training dataset

what to look for in the Terms & Conditions?

- Management of inputs and data (is the tool being trained on prompts or on outputs?)
- Ownership of outputs (who will own the outputs, the user or the service provider?)
- IP indemnification clauses



Strategies and good practices to avoid copyright infringement

RECOMMENDATION FOR USING AI TOOLS FOR CREATION:

- use assessed and approved AI tools
- conduct data clearance
- refrain from crafting prompts that could result in outputs mimicking a distinct artistic style, especially if closely resembling copyright protected works, avoid prompts heavily inspired by fictional characters
- do not reproduce the identity of a real person (celebrity or otherwise) without proper authorization
- never use GenAI outputs in a manner that is misleading or deceptive, neither internally nor externally



Strategies and good practices for demonstrating significant afterwork – for protecting assets

RECOMMENDATION FOR TEAMS WHO ARE USING AI TOOLS FOR CREATION:

- use detailed, specific and unique prompts
- add original elements to your creation
- apply significant human modifications and added value to the generated outputs
- document the afterwork for future reference

Example of a good practice:

For the afterwork on the AI generated images, graphic designer teams create layered PDF files that have all edits captured.



Labelling – transparency requirements on the outputs

RECOMMENDATIONS RELATED TO DISCLAIMERS:

- Legal requirements
- Labels suggested to use (AI assisted, AI supported)



When working with agencies

RECOMMENDATION FOR WORKING WITH VENDOR AGENCIES:

- Special terms for AI:
 - Disclosure
 - Warranty
 - Indemnification
- Clear contractual framework to govern responsibility



Key takeaways



When it comes to using GenAI, we have to operate very cautiously to comply with the rapidly evolving legal system. Copyright involvement is essential.

For Copyright protectability of AI supported assets

- using significant afterwork for creation
- documenting such processes should improve the chances.



As a lawyer, using AI is not the future but reality, but we must pay great attention to the training of junior lawyers to ensure that their subject matter expertise and practical experience also develop. With this approach, we can make sure, there is a next generation of qualified lawyers.

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Thank *you!*

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