

NEW AI STRATEGY TO MAKE BRITAIN GLOBAL AI SUPERPOWER

On 22 September the Government published a [National AI Strategy](#) which sets out a ten-year plan to make Britain a 'global AI superpower'. The strategy comes hot on the heels of its *Data: A new direction* consultation, which suggests ways in which the UK's data protection regime could be amended and simplified, including in relation to the use of AI.

Three pillars

The strategy aims to build on the UK's already strong position in AI - it is ranked third in the world for private venture capital investment and is home to a third of Europe's total AI companies - and comprises three pillars:

Pillar 1: Investing in the long-term needs of the AI ecosystem. The Government's aim is to increase the type, frequency and scale of discoveries that are developed and exploited in the UK and recognises that investment is required (in R&D, and access to skilled people, data, computing resource, markets etc.) to achieve this.

Pillar 2: Ensuring AI benefits all sectors and regions. This involves supporting UK AI businesses, understanding the drivers for organisations to adopt AI and leveraging the public sector's capacity to create demand for AI and a market for new services.

Pillar 3: Governing AI effectively - getting national and international governance of AI technologies right is needed to encourage innovation and investment and protect the public.

The pillars are underpinned by a number of key assumptions, including that "governance and regulatory regimes will need to keep pace with the fast-changing demands of AI" - suggesting regulatory change could be on the horizon.

Key actions

The strategy covers a wide range of issues, from developing AI talent and supporting the government's

levelling up and net zero policies, to reviewing the UK's future computing capacity (and its environmental impact) and establishing a new National AI Research and Innovation programme.

As well as the usual high level and ambitious goals, the strategy includes a helpful table summarising key actions for the short, medium and long term:

Short term: Over the next 3 months, plans include:

- Publishing the CDEI's AI assurance roadmap (the Government predicts that AI assurance will play an important role in AI adoption and is a potential strength for the UK);
- Determining the role of data protection in wider AI governance following its *Data: A new direction* consultation; and
- Launching a consultation on IP through the UK's Intellectual Property Office. This will look at the extent to which copyright and patents should protect AI generated inventions and creative work and is a welcome development for AI developers and investors as well as tech and IP lawyers. Recent case law has highlighted some of the IP issues raised by AI, particularly where a creator of IP was a machine rather than human (see box: Can AI be an inventor?), and the government wants to ensure that the UK can capitalise on the ideas and inventions it generates.

Medium term: Over the next 6-12 months plans include:

- Piloting an AI standards hub to co-ordinate UK engagement in AI standardisation globally; and
- Rolling out a new visa regime to attract AI talent to the UK; and
- Publishing a white paper on a pro-innovation national position on governing and regulating AI. It will consider whether the UK's position to-date of relying on sector specific regulators to best manage AI developments is still valid or whether there is now a case for greater cross-cutting AI regulation or greater consistency across regulators.

Long term: Over the next 12 months and beyond, plans include:

- Considering what open and machine-readable government datasets can be published for AI models;
- Updating guidance on AI ethics and safety in the public sector;
- Ensuring that international trade deals include provisions on emerging technologies including AI; and
- Considering the development of an AI technical standards engagement toolkit. The strategy confirms the Government's plans (first set out in its [Plans for Digital Regulation](#)) to 'use digital technical standards to provide an agile and pro-innovation way to regulate AI technologies...as part of a wider suite of governance tools complementing traditional regulation.'

Global ambitions among a web of strategies

The strategy is one of many in this area, with overlapping and interlinked actions and goals. It builds on the AI sector deal which originally came out of the 2017 Industrial Strategy and followed the recent Innovation and Data Strategies and the UK's plan for digital regulation. The upcoming Cyber, Digital and National Resilience Strategies will also all be relevant for AI development and there will be further AI strategy work in the areas of defence and health.

While it can be confusing to follow developments given this web of strategies, common themes that emerge are the importance of the UK maintaining and building on its reputation for research, innovation and ethics, embracing digital/data developments, creating a pro-innovation regulatory environment and adopting a global approach.

The UK's global ambitions can be seen in a number of areas of the AI strategy (aside from the headline grabbing global superpower goal) - from its engagement in global standards and involvement in the [Global Partnership on AI](#), to including AI in future trade deals. It will, however, be interesting to see how successfully it can influence the global stage, given the international competition it is facing from the EU and countries such as China and the US.

This briefing was first published on Practical Law Company and is available [here](#): It is reproduced with permission.

Can AI be an inventor?

The Court of Appeal has recently joined the ongoing international debate of whether an AI machine called DABUS can be an inventor for patent purposes. Put simply, the Court of Appeal's answer is no, although the reasoning behind that answer is more complex. In dismissing the appeal, the court found that a patent cannot be granted where an AI system is named as the inventor. Also, Dr Thaler (who filed the patent) failed to show how he derived the right to be granted the patent by virtue of being the owner of DABUS. (See *Stephen Thaler v Comptroller General of Patents Trade Marks And Designs* [2021] EWCA Civ 1374). However, the importance of this judgment (and any appeal to the Supreme Court) may be limited as the UKIPO is set to consult on IP protection in this area later this year. See above.

CONTACT



ROB SUMROY
PARTNER
T: +44(0)20 7090 4032
E: rob.sumroy@slaughterandmay.com



NATALIE DONOVAN
PROFESSIONAL SUPPORT LAWYER
T: +44(0) 20 7090 4058
E: natalie.donovan@slaughterandmay.com

London
T +44 (0)20 7600 1200
F +44 (0)20 7090 5000

Brussels
T +32 (0)2 737 94 00
F +32 (0)2 737 94 01

Hong Kong
T +852 2521 0551
F +852 2845 2125

Beijing
T +86 10 5965 0600
F +86 10 5965 0650

Published to provide general information and not as legal advice. © Slaughter and May, 2021.
For further information, please speak to your usual Slaughter and May contact.

www.slaughterandmay.com