DESAFIOS DA SOBERANIA TECNOLÓGICA NO MUNDO PÓS-TRUMP E A ASCENSÃO DE OUTROS PAÍSES EMERGENTES

PROF. VITOR IDO,

FACULDADE DE DIREITO DA USP

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Doy, who recently worked for Scale AI in the Philippines, says complaints about pay issues were ignored by the data annotation company. (Martin San Diego for The Washington Post)

The AI Copyright Battle: Why OpenAI And Google Are Pushing For Fair Use

By **Virginie Berger** , Contributor. ⓘ Virginie Berger, based in L.A. covers music in... ⌄ | Follow Author |

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Artificial intelligence powerhouses OpenAI and Google are aggressively lobbying the U.S. government to classify AI training on copyrighted data as "fair use." Their objective, framed as a matter of national security, is positioned to secure a competitive advantage against international rivals, particularly China. However, this proposal raises profound legal, ethical, and economic questions, illustrated sharply by recent high-profile cases involving companies like Meta and recent lawsuits by French publishers.

SOBREPOSIÇÃO DA REGULAÇÃO JURÍDICA EM SAÚDE DIGITAL:

DIREITOS AUTORAIS +
PROTEÇÃO DE DADOS PESSOAIS +
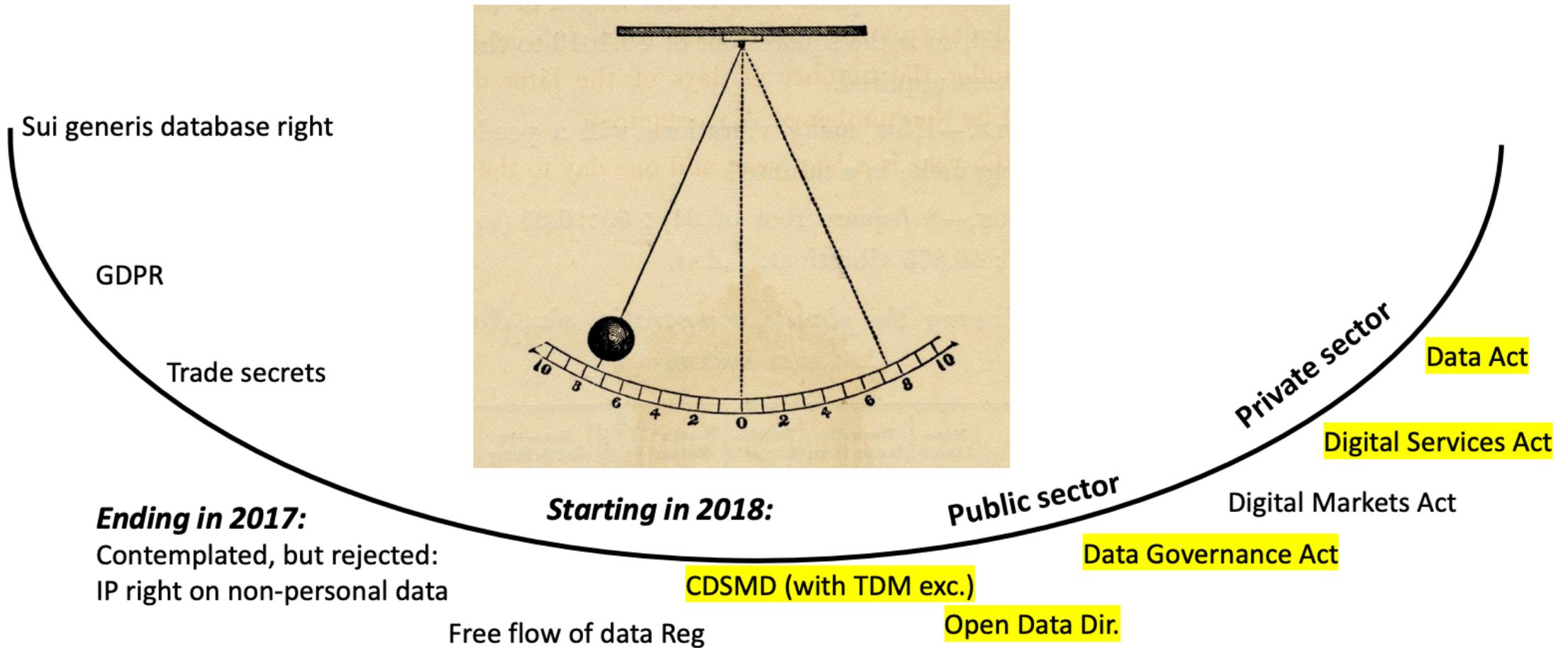GOVERNANÇA DE DADOS INDUSTRIAIS +
CONCORRÊNCIA + ETC.

LEVEL 1: Relatively Open
LEVEL 2: Restrictive
LEVEL 3: Highly Restrictive
LEVEL 4: Extremely Restrictive
Not Reviewed

Mas:
Todos países têm várias restrições comerciais à circulação de dados!
(Ex: informações financeiras, segurança nacional)

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LEVEL 2: Restrictive
LEVEL 3: Highly Restrictive
LEVEL 4: Extremely Restrictive
Not Reviewed

A pendulum movement in EU data/IP regulation

Sui generis database right

GDPR

Trade secrets

Ending in 2017:
Contemplated, but rejected:
IP right on non-personal data

Free flow of data Reg

Starting in 2018:

CDSMD (with TDM exc.)

Open Data Dir.

Public sector

Data Governance Act

Private sector

Data Act

Digital Services Act

Digital Markets Act

1. Increased control/propertization

2. Promoting access to data

DIGITAL ECONOMY REPORT 2021

Cross-border data flows and development:
For whom the data flow

UNITED NATIONS

Cross-border data flows are not trade and should be treated differently

The particular characteristics of data suggest that they need to be treated differently from conventional goods and services, including in their international transfers. In the new context of the data-driven digital economy, concepts such as ownership and sovereignty are being challenged. Rather than trying to determine who "owns" the data, what matters is who has the right to access, control and use the data.

There are significant difficulties in reconciling the notion of national sovereignty traditionally associated with country territories and the borderless nature, globality and openness of the digital space in which data flow. Digital sovereignty is often associated with the need to store data within national borders, but the link between the geographic storage of data and development is not evident. Assigning territoriality to cross-border data flows is also a challenge. Data can be better understood as shared, rather than as traded or exchanged.

International trade governance is informed by statistics that rely on the types, values and locations of trade (including source and destination). Such approaches are challenging, if not impossible, when tracking cross-border data flows, for which no official statistics exist. Well-established approaches applied to international trade across different territories (for example, rules of origin) cannot be easily applied to data, given their nature. The flows of raw data that are not linked to a specific exchange of a good or service are not included in the concept of "digital trade", according to the Handbook on Measuring Digital Trade developed by several international organizations.

DEMANDAS DE SOBERANIA DE DADOS

Indigenous Peoples, Data Sovereignty, and Self-Determination: Current Realities and Imperatives

Chidi Oguamanam

Professor, Faculty of Law, University of Ottawa; Senior Fellow, Centre for International Governance Innovation (CIGI), Waterloo, Canada; and Steering Committee Member, Open African Innovation Research (Open AIR) network

iD https://orcid.org/0000-0003-4301-9388

Abstract

This study explores the current state and dynamics of the global Indigenous data sovereignty movement—the movement pressing for Indigenous peoples to have full control over the collection and governance of data relating to their lived realities. The article outlines the movement's place within the broader push for Indigenous self-determination; examines its links to big data, open data, intellectual property rights, and access and benefit-sharing; details a pioneering assertion of data sovereignty by Canada's First Nations; outlines relevant UN and international civil society processes; and examines the nascent movement in Africa. The study identifies a fundamental tension between the objectives of Indigenous data sovereignty and those of the open data movement, which does not directly cater for Indigenous peoples' full control over their data. The study also identifies the need for African Indigenous peoples to become more fully integrated into the global Indigenous data sovereignty movement.

The Bletchley Declaration by Countries Attending the AI Safety Summit, 1-2 November 2023

This was published under the 2022 to 2024 Sunak Conservative government

AI SAFETY SUMMIT

IN THE CONTEXT OF OUR COOPERATION, AND TO INFORM ACTION AT THE NATIONAL AND INTERNATIONAL LEVELS, OUR AGENDA FOR ADDRESSING FRONTIER AI RISK WILL FOCUS ON:

IDENTIFYING AI SAFETY RISKS OF SHARED CONCERN, BUILDING A SHARED SCIENTIFIC AND EVIDENCE-BASED UNDERSTANDING OF THESE RISKS, AND SUSTAINING THAT UNDERSTANDING AS CAPABILITIES CONTINUE TO INCREASE, IN THE CONTEXT OF A WIDER GLOBAL APPROACH TO UNDERSTANDING THE IMPACT OF AI IN OUR SOCIETIES.

BUILDING RESPECTIVE RISK-BASED POLICIES ACROSS OUR COUNTRIES TO ENSURE SAFETY IN LIGHT OF SUCH RISKS, COLLABORATING AS APPROPRIATE WHILE RECOGNISING OUR APPROACHES MAY DIFFER BASED ON NATIONAL CIRCUMSTANCES AND APPLICABLE LEGAL FRAMEWORKS. THIS INCLUDES, ALONGSIDE INCREASED TRANSPARENCY BY PRIVATE ACTORS DEVELOPING FRONTIER AI CAPABILITIES, APPROPRIATE EVALUATION METRICS, TOOLS FOR SAFETY TESTING, AND DEVELOPING RELEVANT PUBLIC SECTOR CAPABILITY AND SCIENTIFIC RESEARCH.

IN FURTHERANCE OF THIS AGENDA, WE RESOLVE TO SUPPORT AN INTERNATIONALLY INCLUSIVE NETWORK OF SCIENTIFIC RESEARCH ON FRONTIER AI SAFETY THAT ENCOMPASSES AND COMPLEMENTS EXISTING AND NEW MULTILATERAL, PLURILATERAL AND BILATERAL COLLABORATION, INCLUDING THROUGH EXISTING INTERNATIONAL FORA AND OTHER RELEVANT INITIATIVES, TO FACILITATE THE PROVISION OF THE BEST SCIENCE AVAILABLE FOR POLICY MAKING AND THE PUBLIC GOOD.

THE COUNTRIES REPRESENTED WERE:

AUSTRALIA

BRAZIL

CANADA

CHILE

CHINA

EUROPEAN UNION

FRANCE

GERMANY

INDIA

INDONESIA

IRELAND

ISRAEL

ITALY

JAPAN

KENYA

KINGDOM OF SAUDI ARABIA

NETHERLANDS

NIGERIA

THE PHILIPPINES

REPUBLIC OF KOREA

RWANDA

SINGAPORE

SPAIN

SWITZERLAND

TÜRKIYE

UKRAINE

UNITED ARAB EMIRATES

UNITED KINGDOM OF GREAT BRITAIN AND
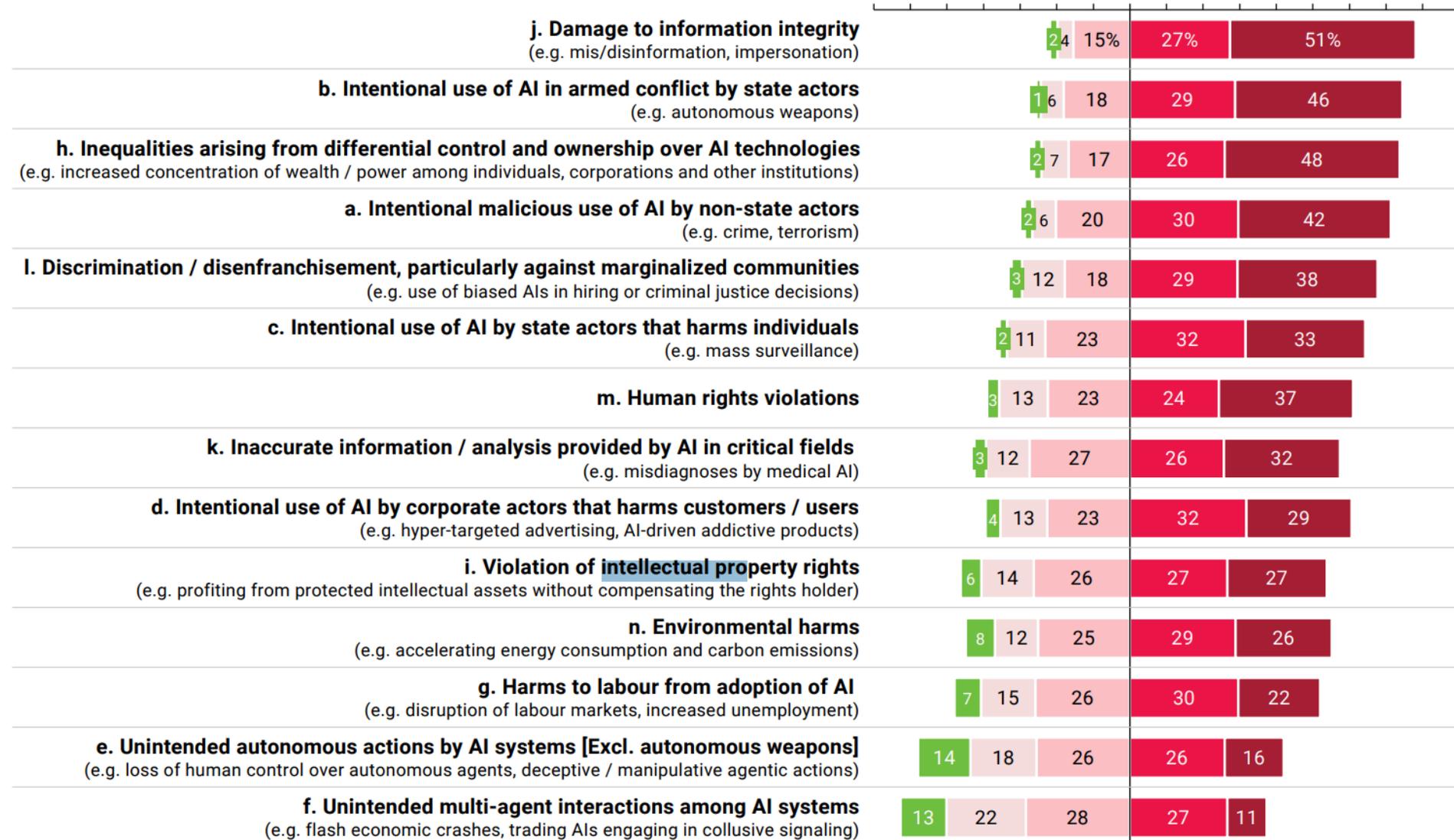
NORTHERN IRELAND

UNITED STATES OF AMERICA

Figure 2: Experts' levels of concern about AI risks across multiple domains

"Please rate your current level of concern that (existing or new) harms resulting from AI will become substantially more serious and/or widespread in the next 18 months for each area." (n = 348)

Legend:
- 1 Not concerned
- 2 Slightly concerned
- 3 Somewhat concerned
- 4 Concerned
- 5 Very concerned

Domain	1	2	3	4	5
j. Damage to information integrity (e.g. mis/disinformation, impersonation)	2	4	15%	27%	51%
b. Intentional use of AI in armed conflict by state actors (e.g. autonomous weapons)	1	6	18	29	46
h. Inequalities arising from differential control and ownership over AI technologies (e.g. increased concentration of wealth / power among individuals, corporations and other institutions)	2	7	17	26	48
a. Intentional malicious use of AI by non-state actors (e.g. crime, terrorism)	2	6	20	30	42
l. Discrimination / disenfranchisement, particularly against marginalized communities (e.g. use of biased AIs in hiring or criminal justice decisions)	3	12	18	29	38
c. Intentional use of AI by state actors that harms individuals (e.g. mass surveillance)	2	11	23	32	33
m. Human rights violations	3	13	23	24	37
k. Inaccurate information / analysis provided by AI in critical fields (e.g. misdiagnoses by medical AI)	3	12	27	26	32
d. Intentional use of AI by corporate actors that harms customers / users (e.g. hyper-targeted advertising, AI-driven addictive products)	4	13	23	32	29
i. Violation of intellectual property rights (e.g. profiting from protected intellectual assets without compensating the rights holder)	6	14	26	27	27
n. Environmental harms (e.g. accelerating energy consumption and carbon emissions)	8	12	25	29	26
g. Harms to labour from adoption of AI (e.g. disruption of labour markets, increased unemployment)	7	15	26	30	22
e. Unintended autonomous actions by AI systems [Excl. autonomous weapons] (e.g. loss of human control over autonomous agents, deceptive / manipulative agentic actions)	14	18	26	26	16
f. Unintended multi-agent interactions among AI systems (e.g. flash economic crashes, trading AIs engaging in collusive signaling)	13	22	28	27	11

PROBLEMAS DE DEPENDÊNCIA TECNOLÓGICA

- Debate internacional sobre a transferência de tecnologia

- Contexto de descolonização do sul global

- Tratativas no âmbito no sistema das Nações Unidas (UNCTAD, 1980)

- 1994 e TRIPS: promessa de que PI levaria à transferência de tecnologia

- 4a Rev. Industrial: promessa de *leapfrogging*

- E agora?

DEPENDÊNCIA TECNOLÓGICA

- Aspectos de infraestrutura

- Aspectos de capacidade humana

- Aspectos regulatórios (*race to the bottom?*)

- Aspectos de acesso às tecnologias (PI crucial)

- É necessário manter uma posição sobre todos.

AMÉRICA LATINA NÃO É A CHINA...

MAS...

Maritaca AI

Brasil quer acelerar revolução da inteligência artificial com estratégia do MCTI

País pretende desenvolver modelo próprio de inteligência artificial para promover bem-estar social e melhorar serviços públicos

Compartilhe:

AO MESMO TEMPO...

ENCONTRO DO DEBATE DE REGULAÇÃO TECNOLÓGICA COM A DISCUSSÃO MAIS AMPLA SOBRE DEPENDÊNCIA TECNOLÓGICA

- Necessidade de reorientar o debate em direção ao controle do poder econômico → debate sobre um **acesso justo ao conhecimento**
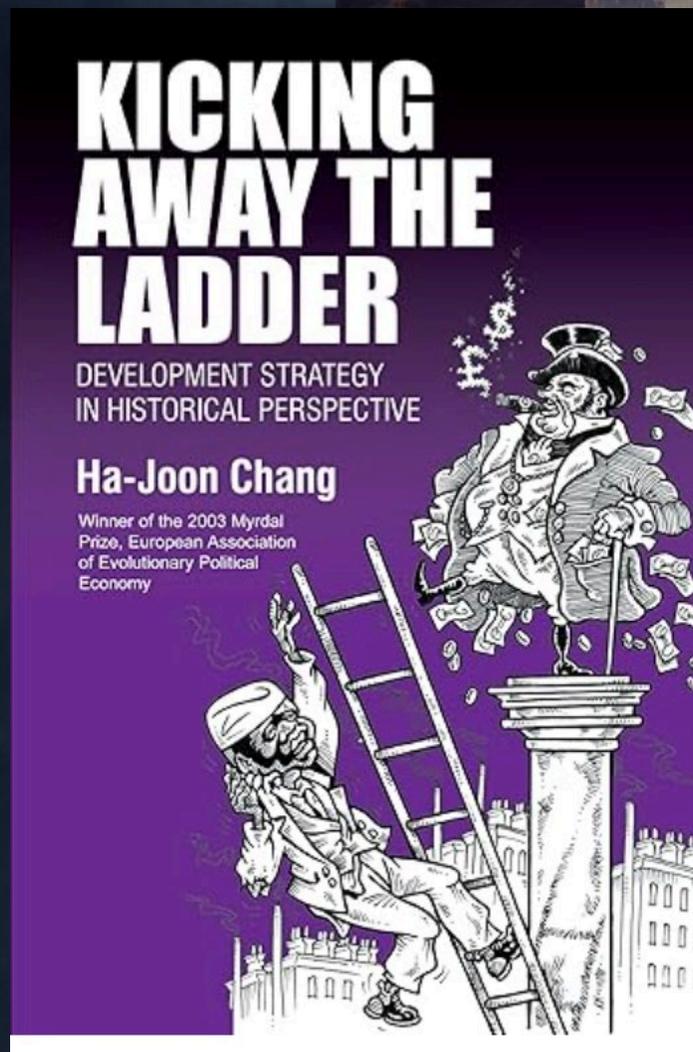
- O que significa justo neste contexto?

PROMOVER INOVAÇÃO V. PROTEGER DIREITOS?

PROMOVER INOVAÇÃO V. PROTEGER DIREITOS?

[É ESTA A ÚNICA DICOTOMIA POSSÍVEL?]

AINDA HÁ ESPAÇO OU A ESCADA JÁ FOI CHUTADA?

DIANTE DESTE CENÁRIO, QUAIS PRIORIDADES (POSSÍVEIS) PARA PAÍSES DO SUL?

IA E PROPRIEDADE INTELECTUAL

Mas o que não está sendo discutido?

Justiça

Reparação

Viés (algorítmico ou não)

Desigualdades (por exemplo, acesso a tecnologias)

Democracia

A PROMESSA DO MULTILATERALISMO ENTRE PALÁCIOS DA ESPERANÇA E TIGRES DE PAPEL

- ONU e outras organizações multilaterais como 'Palácios da Esperança' – instituições paradoxais e utópicas que refletem uma certa visão ideacional do(s) mundo(s) e se materializam em edifícios/instituições, conversas de corredor, recepções, bate-papos informais, performances, etc.

- Mas, ao mesmo tempo: vidas comuns e burocráticas do direito internacional por meio de documentos, burocratas, pessoas da vida real com objetivos e aspirações individuais. (ver Mathur, 2015)

At UN, robot Sophia joins meeting on artificial intelligence and

A REALIDADE DAS NEGOCIAÇÕES INTERNACIONAIS EM PI

- As disparidades concretas/materiais dos processos de negociação (nível granular)

- \+

- As disparidades geopolíticas

CENÁRIO ATUAL

- Oportunidades ou limites da mudança de posição dos EUA?

- Dominação tecnológica de poucas empresas afeta o multilateralismo?

- A impossibilidade de avançar legislações + poucos investimentos em planos nacionais de IA nos *obriga* a ir para o cenário "global"?

- As possibilidades de alternativas (ex: BRICS) são suficientes?

TRANSFORMAR OS DESAFIOS EM OPORTUNIDADES REALISTAS

- Revisitar o arcabouço normativo do Brasil em matéria de tecnologia, dados, propriedade intelectual e inteligência artificial

- Reorientar prioridades para fortalecimento de infraestruturas públicas (*digital public infrastructure*)

- Criar mecanismos de salvaguarda para reduzir dependência tecnológica com provedores estrangeiros (ex: armazenamento de dados em nuvem)

- No âmbito multilateral, maior atenção para aspectos de poder econômico e dependência tecnológica na OMS e na UIT.