

Your AI update, every two months on AI & IP Developments for Africa - September 2025

Two Minute Read: Recent developments in AI and intellectual property law mark significant shifts in regulation, compliance, and policy across multiple jurisdictions, shaping the future of AI training and usage.

- **Anthropic settles \$1.5bn over pirated training data:** The settlement requires Anthropic to pay approximately \$3,000 per pirated work for around 500,000 books, delete illicit files, and halt their use, setting a precedent for licensed AI training globally. This impacts negotiations, compliance, and licensing practices, especially for platforms using Claude and in regions like Africa where contracts must strengthen indemnities and deletion obligations.
- **EU AI Act enforces GPAI transparency and copyright duties:** General-purpose AI providers in the EU must now comply with binding obligations including publishing training-data summaries and respecting copyright opt-outs and a Commission-endorsed Code of Practice. This affects vendors and users globally, requiring due diligence and compliance roadmaps, with implications for education, research, and policy beyond the EU.
- **USPTO memo clarifies AI patent eligibility:** The USPTO emphasises that AI-related patent claims must demonstrate concrete technical improvements rather than abstract ideas, encouraging claim drafting focused on system-level benefits such as latency, accuracy, and security. This guidance influences prosecution, litigation, and public sector procurement.
- **UK IPO consults on design law reforms amid AI concerns:** The UK Intellectual Property Office is exploring prior-art searching, AI-assisted examination, and anti-abuse measures to address low-quality filings and AI-generated design disputes, aiming to balance speed, validity, and innovation in design rights enforcement, with global relevance including for Africa.
- **Australia debates text-and-data-mining exception for AI training:** A fair-dealing exception for text and data mining to support AI training on legally acquired content is proposed, sparking debate between tech proponents and creator groups over compensation. This could become a common-law model influencing global AI training frameworks and is pertinent to African policy discussions.
- **Advances in African AI governance:** Kenya is developing an AI Adoption Policy for justice delivery, while UNESCO and the African Union work on implementing a continental AI strategy. Additionally, Research ICT Africa published a paper on IP policy for equitable AI, providing important context for ongoing copyright and training data debates in Africa.

Further information: links and takeouts

Anthropic agrees to \$1.5bn author settlement over pirated training data - a line in the sand for AI datasets - [Associated Press, 6 September 2025]

Summary: Landmark class settlement sets cash payouts and deletion duties for pirated book datasets, raising global pressure for licensed AI training.

It's the first mega-settlement to resolve claims that an AI company trained on pirated books. The deal, if approved, pays roughly \$3,000 per work for about 500,000 books and requires Anthropic to delete the illicit files and stop using them. It comes on the heels of Judge Alsup's June order in *Bartz v Anthropic* that said training on lawfully acquired copies can be fair use, while leaving pirated sources exposed.



For rights-holders, the numbers will shape negotiations with other model developers (and the risk calculus of litigating). For platforms and enterprises using Claude, the compliance angle is practical: confirm your supplier's

provenance warranties, audit data supply chains, and check for deletion/transition plans. Expect tighter model-card disclosures and more publisher licensing, especially around Books3/LibGen/PLM-type corpora.

WHY THIS MATTERS TO YOU: the settlement is U.S.-centric, but it raises the bar globally. Local contracts should now assume stronger indemnities, clearer takedown/deletion obligations, and notice mechanisms if a supplier switches training sources. Education users and public bodies should review any reliance on outputs tied to contested datasets and keep an audit trail for procurement. Scholars will be watching whether the court pushes for broader transparency undertakings; businesses should watch knock-on effects in music, news, and images.

Link: <https://apnews.com/article/anthropic-copyright-authors-settlement-training-f294266bc79a16ec90d2ddccdf435164>

EU AI Act: GPAI obligations now live, with a final Code of Practice focused on copyright and transparency - [Latham & Watkins, 4 September 2025]

Summary: EU GPAI duties kick in, with a Code of Practice tightening copyright and transparency expectations for model providers and downstream users.

General-purpose AI (GPAI) providers placing models on the EU market now face binding obligations. The Commission-endorsed Code of Practice is in place alongside Article 53 requirements that push transparency, copyright safeguards, and systemic-risk management. Providers must publish training-data summaries and implement mechanisms to respect copyright reservations and TDM opt-outs.

For educators and researchers: the template for training-data disclosures will influence grant compliance and ethics approvals.

For policy folks: we're seeing de-facto global effects, as non-EU vendors publish EU-style disclosures. South African and broader African deployments serving EU users should treat these as minimum standards.

WHY THIS MATTERS FOR IN-HOUSE TEAMS: if your products or internal tools rely on GPAI models that touch the EU, you inherit diligence duties. Ask vendors for their compliance roadmap (data-source summaries, opt-out handling, and risk governance). Product counsel should map where EU-facing functionality triggers high-risk or GPAI overlays and prepare for the 2026 waves when most obligations bite.

Link: <https://www.lw.com/en/insights/eu-ai-act-gpai-model-obligations-in-force-and-final-gpai-code-of-practice-in-place>

USPTO reminds examiners on §101: AI claims must show concrete technical improvements, not abstract ideas - [USPTO Memorandum, 4 August 2025]

The USPTO issued a new memo to examiners on subject-matter eligibility under 35 U.S.C. §101. It reinforces that claims reciting generic ML/AI steps risk being treated as abstract unless integrated into a practical application that improves technology. This aligns with the 2024 AI eligibility update and gives

prosecutors fresh language to argue technical benefits and avoid pure data-manipulation framing.

Educators can use the memo as a teaching tool on claim strategy; public sector teams should factor it into procurement specs where they want defensible IP.

WHY THIS MATTERS: for patent applicants, it nudges claim drafting toward system-level improvements (latency, accuracy, resource use, security) and away from result-oriented black boxes. For litigators, it may shape invalidity/eligibility arguments, especially for legacy filings that lean on functional claiming. Businesses should expect tighter scrutiny and potentially stronger patents around AI pipeline innovations (pre-/post-processing, hardware acceleration, privacy-preserving training).

Link: <https://www.uspto.gov/sites/default/files/documents/memo-101-20250804.pdf>

UK IPO opens major consultation on design law—probing AI tools, prior-art searching, and anti-abuse measures - [UK Intellectual Property Office, 3 September 2025]

Summary: New USPTO memo sharpens AI eligibility practice: show a concrete technical improvement or risk \$101 ineligibility.

SmartAI IP Content: The UK has launched a significant consultation on reforms to the designs framework. Alongside re-introducing prior-art searching and a two-stage system, the IPO is testing how AI tools might

assist examination and tackle take-down abuse on e-commerce platforms. The paper flags concerns over low-quality filings used to trigger platform removals and invites solutions.

WHY THIS MATTERS: design rights are increasingly weaponised in online marketplaces, often colliding with AI-generated 'lookalikes'. For brands and SMEs, better screening could reduce nuisance notices; for platform counsel, expect more rigorous provenance and counter-notice processes. Educators get a live case study on balancing speed, validity, and innovation tools inside an IP office. UK policy continues to be the global test kitchen for AI-adjacent IP process reform—worth tracking from South Africa where similar marketplace dynamics play out.

Link: <https://www.gov.uk/government/consultations/consultation-on-changes-to-the-uk-designs-framework/consultation-on-changes-to-the-uk-designs-framework>

Australia's Productivity Commission floats a text-and-data-mining exception to enable AI training—debate intensifies - [Lexology (summary of PC interim report), 22 August 2025]

Summary: Australia is weighing a TDM exception for AI training, pitting access and innovation against creator compensation concerns.

Australia's Productivity Commission interim report proposes a fair-dealing-style exception for text and data mining (TDM) to support AI training on legally acquired materials. Industry and creator groups are split: tech

sees certainty and investment upside; authors, media and music bodies warn of uncompensated use. Unions and big tech are exploring a compensation-friendly framework in parallel.

WHY THIS MATTERS: if Australia codifies a TDM exception with licensing back-stops, it could become the most explicit common-law blueprint for AI training outside Japan/Singapore. For global businesses, watch for import/export effects—models trained under Australian rules may still face EU disclosure and U.S. litigation risks. For universities, a clear TDM path could unlock corpus access with governance guardrails. Policy makers will study whether collecting-society mechanisms (à la music) can scale to text and images without crushing newcomers. South African readers: this debate is highly relevant as local policymakers weigh POPIA, copyright exceptions, and competition policy in the AI supply chain.

Link: <https://www.lexology.com/library/detail.aspx?g=b5c66a7b-a475-4efc-9769-b2dcf6730d33>

African AI Governance Note

- Kenya's Judiciary announced it is developing an Artificial Intelligence Adoption Policy to support justice delivery (11 August 2025).
- UNESCO and the African Union advanced work on an implementation plan for the AU Continental AI Strategy (updates noted in August).
- Research ICT Africa published a new paper on IP policy for 'Just AI' in Africa (late August 2025), useful context for copyright-and-training debates.

How we can help:

Vetting Services, Policy Creation, Education, Intellectual Asset Management Services, Contract Drafting

