# IP Policy Brief

February 2025

## An overview of AI regulation and policy in Latin America

### Text and Data Mining

Unlike the European Union, which allows TDM exceptions for both scientific research and commercial purposes under the Digital Single Market Directive, Latin American copyright laws generally treat TDM as an act of reproduction, requiring prior authorization from rights holders.

### Copyright and AI

Some countries have begun to explicitly regulate the distinction between human-assisted AI creations and fully AI-generated works, but none currently allow AI to hold copyright.

**Did you know?**

While Brazil and Mexico account for nearly 95% of all AI patents in Latin America, their patent laws remain strictly human-centric and do not recognize AI-generated inventions. Similarly, copyright laws in most jurisdictions explicitly reject AI-generated content as protectable works.

### Situation in Latin America

In Latin America there are no initiatives foreseen to regulate AI at a regional level.
In 2023, The Ministers of Latin America and the Caribbean issued the "Declaración de Santiago para promover una inteligencia artificial en América Latina y el Caribe" and The Ibero-American Data Protection Network has developed General Recommendations for data processing in AI and a Declaration on neurodata, both in line with the Organisation of American States (OAS). In 2024, 16 Latin American and Caribbean countries signed the "Declaración de Cartagena para la gobernanza, la construcción de ecosistemas de inteligencia artificial y el fomento de la educación en IA de manera ética y responsable en América Latina y el Caribe".

### Overview of some selected countries in Latin America

The major developments of AI regulation in the region are happening at national level, where Brazil has approved a general AI law, whereas other countries have law proposals in place or are addressing the topic via policy tools.

#### Argentina

Argentina does not yet have a specific and binding regulation on AI, but it has made progress on initiatives to address its ethical and privacy implications with the proposed reform of the Personal Data Protection Law, and the Bill 2505-D-2023.

#### Chile

The Chilean Project of Law No. 16821-19 regulating AI systems was introduced to the Parliament in May 2024, the regulation draws inspiration from the EU IA Act on the risk-based approach.

#### Costa Rica

Costa Rica presented in May 2023 Law No. 23771 for the Regulation of Artificial Intelligence.

#### Mexico

Mexico is making progress on the regulation of AI with initiatives such as the one presented in February 2024, which proposes a Federal Law for the Regulation of Artificial Intelligence.

#### Peru

In February 2024, Peru presented the proposal of law 0733/2023 on the Development and use of Artificial Intelligence. The proposal mirrors key aspects of the EU AI Act such as a neutral definition of AI and a detailed risk-focused approach.

#### Venezuela

In November 2024, the Venezuelan parliament approved the Artificial Intelligence Bill, which aims to promote and strengthen the country's productive sectors.

#### Brazil

On 10 December 2024, the Brazilian Federal Senate approved Bill No. 2338/2023, which establishes a legal framework for AI and is now being debated in the Chamber of Deputies.

#### Colombia

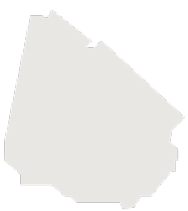
Colombia introduced Law Proposal 447/24 on "supply, exchange, and utilization of the Colombian State Data Infrastructure (IDEC) and the interoperability of public entities' information system, " including some AI-related provisions.

#### Ecuador

Ecuador is moving forward with three different initiatives. The most comprehensive proposal is the draft Organic Law for the Regulation and Promotion of Artificial Intelligence in Ecuador, which follows the EU's risk-based regulatory framework.

#### Panama

In September 2024, Panama signed the Political Declaration on the Responsible Use of Artificial Intelligence and Autonomy in the Military. The declaration complements Panama's Bill No. 162 of 2024, which emphasises the responsible use of AI, privacy protection, and technological development.



#### Uruguay

In November 2024, Uruguay approved the National Strategy for AI under Law No. 20.212, which aims to promote its ethical use, improve public services and investments, and manage its risks. The strategy establishes a governance framework to regulate AI.

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