Dear Ulrike Till,

Geneva, 10 February 2020

While I thank you for inquiring about WIPO's Public Consultation on Artificial Intelligence (AI) and Intellectual Property (IP) Policy, it gives me great pleasure to get in touch with you and sharing my opinions on relevant subjects. I agree with the matters raised in the draft paper. But as part of the governance-process, I respectfully advise to include the theme of the "Governance Committee to Develop consultation Process on AI and IP Policy" in the last draft issue paper.

Concerning the second question, I suppose that the governance-process has a significant role in the formulation of AI and IP Policy. In our globalized world, AI is progressively driving substantial developments in technology and industry with great potential to benefit us solve common global challenges, which are the main aims of the IP system. As so far, there is almost no law on AI-generated inventions; consequently, it is confronting policy complexity for IP policy decision-makers. Besides, the complexity of today's challenges makes it difficult for a range of telecommunications, and autonomous vehicles, as well as concerned citizens across the globe to identify specific levels of governance- process, relevance on AI, and IP Policy. They do not always realize the rationale behind the impact of AI-generated inventions faces IP policymakers. For this reason, they have difficulties in accepting them; so, there is a need for a better understanding of governance-processes.

Governance-processes start with the identification of a problem and end with the implementation of an acceptable solution. Governance is a process of interactions between several actors for solving shared difficulties leading to decision making and implementation of the agreed solution. The parts of governance separated into three different levels, three phases, and three types of actors. Accordingly, I point out the " the international level, the national level, and the subnational level."

1. WIPO as the International level of IP and AI governance:

WIPO maintains to use its convening power and position as the international organization responsible for IP policy to continue Public Consultation on AI and IP Policy. WIPO has been encouraged by its Member States to collate the main government instruments of relevance to AI and IP with the aid of the Member States. WIPO works with all member States, including the developing and Least Development Countries (LDCs), to help them realize the benefits of the IP system for economic and social development. For instance, the issue of Technology Gap and Capacity Building raised in issue draft paper, 12 as well as Accountability for IP Administrative Decisions,13, and Accountability for Decisions in IP associated in the domain of WIPO power.

2. WIPO's member States as National level:

The national level stands at the center of all public governance-processes as they are sovereign Stats with their own rules and regulations. The national levels interact directly in the identification of common problems and solutions. The luck of accepted standards and laws on AI-generated inventions not only prompting policy questions for IP policy decision-makers but also encouraging some member States to practice various approaches.

We are witness of different gradual approaches to recent developments in copyrights law concerning AI in the United Kingdom and the United States of America.

The United Kingdom is the first country which has provided explicit copyright protection for AI or "computer-generated" works. In contrast, the United States Copyright Office has applied a "human authorship policy," which prohibits copyright protection of works that are not created by a human author. In governance-process, harmonizing of different attitudes in the scope of Copyrights and Related Rights at national levels strengthens the standardizing of relevant approaches at the international level. As AI has become a strategic capability for many countries, some issues raised in the draft paper need to harmonize and regulate at the national level to reach formulating on AI policy at the international level, including the related matters mentioned in draft paper 6, Authorship, and Ownership 7.

3. The Subnational level:

This level mainly regulated by the national level as top-down to solve the problem, even if necessary, in an authoritarian manner. It interacts with Hybrid Organizations (Public/Private Partnership) and a range of industrial companies. For instance, the issues of Data solicited in the draft paper as issue 10, Further Rights concerning Data, Designs Issue, 11, and relevant Authorship and Ownership mostly associated with industrial Companies. While ownership rights can pass from an individual to a company in several ways, some inventors do not own their patents and most patents owned by businesses. Thus, the subnational level interacts simply in this regard with the national level as top-down for appropriate response in objections to the Artificial Inventor Project.

Governance-process has an essential role in the formulation of Artificial Intelligence and Intellectual Property Policy; hence, it must be improved at all three levels, and not to address the different levels separately. It is not logical to solve the problems of the top without solving the challenges of the bottom and vice versa. National and international structures are dealing with problem-solving. If they cannot deliver, they miss their authority and by this their acceptability. If any level of governance does not have the sense of sharing a problem with other levels of governance or actors, there will be no discussion about formulating rules on AI or finding possible solutions.

The interaction process for finding a mutually acceptable solution to problems exists at the base of governance. It means a relevant Governance Committee needs to facilitate the implementation of solutions by providing technical comments and advice. Now, we are far from making rules on AI-generated inventions. Still, to have a focused dialogue and to reach this point, I humbly counsel establishing the "Governance Committee to Develop consultation Process on AI and IP Policy." The Governance Committee will comprise at least three to five representatives from all three levels of governance-process. The Governance Committee Charters will state the powers of the Committee according to the WIPO's rules and procedures. It will work closely with the Office of the Director-General and Related Programs under the direction of the Division of Artificial Intelligence Policy.

Best regards,

Sayed Hashemi

Master of Advanced studies in European and International Governance

University of Geneva in collaboration with the UNOG