WIPO public consultation on Artificial Intelligence (AI) and Intellectual (IP) policy

Do you agree with the issues raised in the draft issues paper?

Largely. However, we would like you to consider some of the points that we have below for inclusion in the draft issues paper:

Page 4: Issue Number 4: Disclosure

Inclusion of the following question:
How would 'working of a patent' related to AI be assessed as per requirements of patent law in different countries?

New Issue inclusion:

Issue Number 5: Utility requirements

Should AI based patent applications disclose specific utility?

(as otherwise application may disclose utility that is general only - broad)

Issue 5: General Policy Considerations for the Patent System

Inclusion of the following questions:

Will the creation of an 'AI collective' help in fostering innovation?

How will public health system be impacted by patent rights of AI in healthcare?

(Justification: Diagnosis is the area which has been predominantly impacted by the role of AI in Healthcare. This being the case we need a serious deliberation jointly conducted by WIPO and WHO on such issues)

Section on 'DATA':

Per se data should not be subject matter of IP protection. Rather data rights should be regulated through a contractual framework. To this end, it is suggested that WIPO create an 'AI clearing house' that will serve as a repository for deposition of data.

Section: TECHNOLOGY GAP AND CAPACITY BUILDING

Inclusion of the following:

Encouraging technology transfer and cooperation in relevant sectors

- **Do you consider there are other areas related to AI that need to be considered in IP policy?**

Yes. Evidentiary considerations for tracking AI, Regulation of AI, standardisation are some aspects that need to be included

- **What are the open questions for IP in the AI field for you?**

How to develop complementarity in the use of AI and other technologies for IP generation?

Will a need for a 'validation score/confidence ranking' be needed if AI is examining a patent application?

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