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# How UK Intellectual Property Office is supporting and fostering innovation in the AI field

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# AI and IP in the UK

- UK National AI strategy and Research & Development Road Map
- AI considered by UK IPO's Futures Group
- DABUS UK patent applications published (August 2019)  
In 2021, court ruled grant of UK patent requires human inventor to be named
- UKIPO launches a Call for Views on AI and IP (September 2020)
- UKIPO consultation on AI and IP: copyright and patents published (October 2021)

# Call for views

- Scope – what questions does AI pose for IP law AND impacts of IP law for AI
- considered patents, copyright and related rights, designs, trade marks and trade secrets.
- Key Conclusions
  - General agreement that present legal frameworks could meet future challenges. But:
    - ❖ question whether patents or copyright should protect inventions or creations made by AI
    - ❖ do copyright and related rights hinder the use of data mining techniques for e.g. AI machine learning
    - ❖ need for more certainty when UK IPO applies patent exclusion law to inventions relating to AI

# AI and Patents

We consulted on 4 policy options:

- Option 0:** Make no legal change
- Option 1:** “Inventor” expanded to include humans responsible for an AI system which devises inventions;
- Option 2:** Allow patent applications to identify AI as an inventor
- Option 3:** Protect AI-devised inventions through a new type of protection

## AI patent and copyright consultation conclusions

### 1. Patent or other IP protection for inventions if the inventor is not human

No change to current law. Most said:

- UK patent law currently sufficient to protect inventions where AI has been involved.
- Changes may be needed as AI systems develop.
- Concern that unilateral approach to AI inventorship risks global patent filing strategies.
- Strong message from innovators for international community to work together as AI systems are advancing at pace.

### 2. Copyright protection for works if there is no human creator

No change to UK law which currently protects computer-generated works with no human creator.

- There is no evidence at present that protection for computer-generated works is harmful. The use of AI is still in its early stages.
- Government agrees the case to remove or change protection is limited but will keep under review.

# AI patent and copyright consultation conclusions

## 3. Licensing or exceptions to copyright to make it easier to use data mining techniques

Change UK law to introduce a new copyright and database exception to allow text and data mining for any purpose.

- The new exception will promote use of AI technology and wider data mining techniques
- The exception is targeted and preserves wider copyright protection.