



# Update on WIPO's AI work and process

SCP/32

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# WIPO's AI work and process: Overview

As AI poses global questions that require a holistic and horizontal approach, WIPO is engaging on all the aspects of AI that are specific to IP. There are several threads to this engagement, including:

- **WIPO Conversation on IP and AI** as a global platform for an international dialogue
- **AI and IP Strategy Clearing House** is a resource that collates main government instruments of relevance to AI and IP
- **WIPO as a convener bridging the information gap between regulators and IP offices and AI players**

# WIPO Conversation on IP and AI

- Open forum since September 2019
- Aimed to hear as many views as possible on the understanding of the role of IP on AI and bridge the information gap between regulators and AI players
- Third Session of the Conversation was held on November 4, 2020 with more than 1,500 registered participants
- Basis of the discussions – revised Issues Paper

[https://www.wipo.int/about-ip/en/artificial\\_intelligence/conversation.html](https://www.wipo.int/about-ip/en/artificial_intelligence/conversation.html)

# WIPO revised Issues Paper

- Published in May 2020 taking into account more than 250 submissions received during the open consultation process on the original draft
- Defines a comprehensive list of issues on IP policy raised by AI
- Addresses 16 issues, including
  - **Patentable Subject Matter and Patentability Guidelines**
  - **Inventive Step or Non-Obviousness**
  - **Disclosure**
- **WIPO/IP/AI/2/GE/20/1 REV.**

[https://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=499504](https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=499504)

# WIPO revised Issues Paper

## Examples of questions on patents

- **Patentability:** Should AI-generated and AI-assisted inventions be treated in the same way as other computer-implemented inventions?
- **Inventive step:** In the context of AI-assisted or AI-generated inventions, is it necessary to retain the traditional requirements of inventive step or non-obviousness, which are fundamentally associated with human acts of invention?
- **Disclosure:** Would a system of deposit for AI applications or training data, similar to the deposit of microorganisms, be useful?

# WIPO Member States on Patent Examination Guidelines

- Many expressed the view that AI-related inventions be treated in the same manner as other computer-related inventions
- Some emphasized a special feature of AI that makes it different from other tools due to its ability of self-learning and independent decision-making
- Several Member States noted the importance of harmonizing the patent system in the context of AI

# Next Steps

- WIPO is currently working on a summary paper and priority issues based on the last two sessions of the Conversation
- Continuation of the Conversation
- Move from conceptual discussions towards concrete actions to assist stakeholders and offices with the challenges they face in the AI field on a daily basis

## More information

[wipo.int/ai](https://wipo.int/ai)

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