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Response to:

WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI)

The draft seems to make a basic assumption that appears worrisome: that AI will generate results roughly with human speed/at human comparable volume.

That seems to be a naive assumption.

Even today's systems can generate a huge variety of outputs based on the tweaking of a few starting parameters.

The recent papers showing the generation of fake human faces without real life counterparts are such an example.

One can reasonably assume the development of future systems that can do similar things with functioning technology or high quality entertainment.

Allowing such systems to be used for patents or give copyright to the produced works would generate a situation where the first entity with access to such AIs would corner the market on basically every form of IP imaginable. Literally.

At the very least it would lead to constant lengthy and costly lawsuits regarding ownership.

Patent application costs money, perhaps sufficient amounts to discourage a flood of automated patents but copyright claims are not as protected.

So one of the questions under consideration should be if and how to prevent a scenario where a few or even a single player(s) claim(s) authorship of the vast majority of patents/copyrighted materials, blocking all future developments.

The easiest solution would be to outright ban AI authorship but that is impossible.

One can easily imagine a scenario where an expert is hired and paid to pretend to be the author, allowing to hide AI involvement.

Equally, discerning AI authorship in various AI/Human collaboration schemes will be all but impossible.

This not only opens the way for easy abuse of AI systems to outperform humans but also for countless lawsuits claiming that a given product or patent was not truly created by a human being.

Taken together these two reasonable assumptions would make it seem that the reality of modern AI systems does not just challenge existing copyright and patent laws, but rather the practicality and possibility of copyright and patents laws themselves.

Therefore one question should be: Will AI systems render copyright/patent laws obsolete? And how can lawmakers adapt to this situation?