

Questions on IP and AI

1. Legal protection of AI-generated „inventions“ or „gadgets“

It is questionable if a machine-generated „invention“ is new at all since it is the inevitable result of feeding the generator with data and algorithms. So - if at all - the legal protection of such an invention should be rather short (five years at most) since the reason for exclusivity (the reward and the return for the living of the inventor, i.e. a HUMAN BEING) is not existent. An AI does not need a living.

The difficulty is, however, to find out whether the invention has been made by a human being or by an AI.

2. Obligatory share of the benefits of an AI-generated proceeding with the owners of the data processed by the AI.

Machine learning is based on data mining. The data – inter alia - come from living entities, be that human beings or animals. Data stemming from humans are aggregated and anonymized in order to be proceeded. Without the data, the AI-generated result would not occur. In order to share the proceeds, the results of the AI-generated results should end up in the public domain very soon – after five years at most.

3. Hostile neural networks.

It is unclear, what the results of hostile neural networks would be. It can be a mutual enhancement or a mutual destruction. So it is unclear what would happen if neural networks would be engaged in warfare. Research in these areas should be controlled by an international independent body.

4. Judgments handed down by neural networks.

Any research in replacing human beings as judges of cases by neural networks should be ostracized. The data are compromised since the judicial process is kept secret and the legal reasoning given in a judgement is not the real motive of the deciding body. A legal body like a jury is governed by group dynamics and other influences and the reasons given in a judgment are just another way to make the judgment sound plausible.

5. Taxation of AI.

Imagine an AI controlled entity in a tax haven. This would be a permanent establishment in the sense of article 5 of the OECD Model treaty. What about taxation of the proceeds that end up in this tax haven? This question can only be answered fairly if you pierce the veil of this tax haven.