

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

Second Session

DRAFT ISSUES PAPER ON INTELLECTUAL PROPERTY POLICY AND ARTIFICIAL INTELLIGENCE

prepared by the WIPO Secretariat

TECHNOLOGY GAP AND CAPACITY BUILDING

25. The number of countries with expertise and capacity in AI is limited. At the same time, the technology of AI is advancing at a rapid pace, creating the risk of the existing technology gap being exacerbated, rather than reduced, with time. In addition, while capacity is confined to a limited number of countries, the effects of the deployment of AI are not, and will not be, limited only to the countries that possess capacity in AI.

26. This evolving situation raises a considerable number of questions and challenges, but many of those questions and challenges lie well beyond IP policy, involving, for example, questions of labor policy, ethics, human rights and so forth. This present list of issues, and WIPO's mandate, concerns IP, innovation and creative expressions only. In the field of IP, are there any measures or issues that need to be considered that can contribute to reducing the adverse impact of the technology gap in AI?

Issue 12: Capacity Building

- (i) What policy measures in the field of IP policy might be envisaged that may contribute to the containment or the reduction in the technology gap in AI capacity? Are any such measures of a practical nature or a policy nature?

Добавлено примечание ([A1]): *Opinion of dr. Andrey Neznamov, representing sberbank.ai and also Russian Academy of Sciences.*

Suggest to reconsider the very necessity of this issue. It appears to be a bit out of the main scope of analysis and seems to be less connected to the IP problems and more to the political issues and general repercussions. Here are a lot of other similar problems could be easily found (say, the accountability issue, manipulative challenges, problem of discrimination etc). There are lots of AI issues, but thinks that here we should not go beyond certain point and mandate. Any AI gaps and AI races are apparently beyond the IP legal issues

ACCOUNTABILITY FOR IP ADMINISTRATIVE DECISIONS

27. As indicated in paragraph 2(a), above, AI applications are being increasingly deployed in IP Administration. The present list of issues is not concerned with questions relating to the development and possible sharing of such AI applications among Member States, which are being discussed in various working meetings of the Organization and in various bilateral and other relationships between different Member States. However, the use of AI in IP Administration also raises certain policy questions, most notably the question of accountability for decisions taken in the prosecution and administration of IP applications.

Issue 13: Accountability for Decisions in IP Administration

- (i) Should any policy or practical measures be taken to ensure accountability for decisions made in the prosecution and administration of IP applications where those decisions are taken by AI applications (for example, the encouragement of transparency with respect to the use of AI and in relation to the technology used)?
- (ii) Do any legislative changes need to be envisaged to facilitate decision-making by AI applications (for example, reviewing legislative provisions on powers and discretions of certain designated officials)?

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