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COMMENTS To :

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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

COMMENTS of date 2020-02-14 from Michel de la Bruyere Vincent (dane)

re PATENTS

re 7. In the case of inventions autonomously generated by AI:

(i) It should be required that a human being is named as the inventor (of the initial algorithm or program)

(iii) The law should exclude from the availability of patent protection any invention that has been generated autonomously by an AI application.

re Issue 2: Patentable Subject Matter and Patentability Guidelines

Issue 2 .8 .1-3 Abandoned (If used AI is only a technological tool processing , AI is not the invention)

Issue 3: Inventive Step or Non-Obviousness

re Issue 3.9.1-4 AI is only a technological tool , the context AI invention is false. Issue 3 is abandoned

re Issue 4: Disclosure

re (iv) The data used to train an algorithm should be disclosed and described in the patent application

re (v) The human expertise used to select data and to train the algorithm should be disclosed

re Issue 5: General Policy Considerations for the Patent System

re Issue 5: No specific re+assessments or impact on policy measures of the patent system

re COPYRIGHT AND RELATED RIGHTS

re Issue 6: Authorship and Ownership

re Issue 6 (i) : A human creator should be required (the copyright holder/owner)

re Issue 7: Infringement and Exceptions

re 13 : Context abandoned , data used for training depend on the initial algorithm AI invention, the machine learning process require authorization. (License).

see

(re Issue 4: Disclosure

re (iv) The data used to train an algorithm should be disclosed and described in the patent application

re (v) The human expertise used to select data and to train the algorithm should be disclosed)

re Issue 8: Deep Fakes

re Issue 8.15 The Copyright system should NOT take cognizance of deep fakes or fakes at all.

(In case deep fakes or fakes are used in art works, its a part of the specific final work of art)

re Issue 9: General Policy Issues

re 16. Comments :

re 7. In the case of inventions autonomously generated by AI:

(i) It should be required that a human being is named as the inventor (of the initial algorithm or program)

(iii) The law should exclude from the availability of patent protection any invention that has been generated autonomously by an AI application.

re DATA

re Issue 10: Further Rights in Relation to Data

re (i) No further IP new rights , but probably supplement to existing IP rights , needed in future.

re DESIGNS

re Issue 11: Authorship and Ownership

re (i): A human designer is required. The law should permit or require that design protection be accorded to an original design that has been produced autonomously by an AI application. A human designer is required, the law should give indications of the way in which the human designer should be determined.

re (ii) The ownership follow from authorship and any relevant private arrangements, such as corporate policy, concerning attribution of authorship and ownership.

re TECHNOLOGY GAP AND CAPACITY BUILDING

re 26.

re Issue 12: Capacity Building

re (i)

In the field of IP and to reduce the technology gap in AI capacity, the countries without capacity should be kept informed of and about all activities by Wipo IP about AI.

re ACCOUNTABILITY FOR IP ADMINISTRATIVE DECISIONS

re Issue 13: Accountability for Decisions in IP Administration

No comments

[End of comments mbv 20200214]

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