

PERDUE IP LAW, APC

Intellectual property law for the life sciences

4368 Charger Blvd, San Diego, CA 92117, USA 619.865.7576

www.perdueiplaw.com

Donna O. Perdue, PhD, JD

Admitted to practice in California

Registered to practice before the United States Patent and Trademark Office

donnaperdue@perdueiplaw.com

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Re: Invited comments on WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI) (Document WIPO/IP/AI/2/GE/20/1, Dec. 13, 2019)

With respect to issues of AI in IP administration, please consider the following comments on 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)?

Comments: Transparency should inform near-term measures regarding the use of "AI" in IP administration. As a practical measure, applicants should be notified of any steps that relied on AI-assisted tools as well as any steps where an IP professional such as an examiner was actively involved in evaluating the application and/or search results. If the applicant thinks the AI-assisted tools did not use an accurate understanding of the specification and claims, then the applicant should have an opportunity to provide guidance on how to improve the search process for their application. This approach could provide additional data that can be used to improve the quality of the data sets that are used to train AI-assisted tools. This approach would also protect the examiner's discretion and accountability for the steps that involved active examine participation.

Sincerely,

Donna O. Perdue, PhD, JD

Owner & Principal, Perdue IP Law, APC