
From: Grzesik Axel (C/IPE1) <Axel.Grzesik@de.bosch.com>
Sent: Thursday, 13 February 2020 8:51 PM
To: ai2ip
Subject: INTELLECTUAL PROPERTY POLICY AND ARTIFICIAL INTELLIGENCE

Dear Sir or Madam,

you have kindly asked for feedback regarding your proposed catalogue of questions on the implications of artificial intelligence and IP.

We believe that by and large the identified list of issues is fairly exhaustive. We only have a few comments to make:

- 1) While we are confident that everyone involved at WIPO has a very good understanding of these issues, we have occasionally observed that discussion on these matters among people who are not experts on artificial intelligence are sometimes not as focussed as they should be. We therefore believe that terms like "AI application" or "AI invention" should be strictly defined to facilitate a good discussion. For example, we believe that the below document (which unfortunately is available in German only) which discusses some of the issues that are included in your list of Issues provides a good example of a clear layout of the arguments in this matter. https://www.plattform-i40.de/PI40/Redaktion/DE/Downloads/Publikation/kuenstliche-intelligenz-und-recht.pdf?__blob=publicationFile&v=6
- 2) Specifically, 10 ii) appears to be potentially misleading - if the algorithm changes with time, this change in turn has to occur according to some predefined rules. It should be clarified whether the question is to be construed in such a way that these "rules of changes" are part of the algorithm, or whether it is to be assumed that they are outside the algorithm.
- 3) Issue 4, Item 10 asks iii) whether algorithms should be deposited and iv) how training data should be treated for disclosure. We believe the question should be touched whether a system of deposit should also be established for training data.
- 4) The following question should also be asked: "If it is concluded that in the future a highly autonomous AI might be considered to be an inventor, which national law does apply in questions that hinge on the nationality and/or citizenship and/or location of the invention (e.g. regarding inventor's rights or first filing requirements), especially if the AI is run in a distributed system and the location of the servers is virtually impossible to ascertain (as is the case e.g. with so-called serverless computing)?"
- 5) The following question should also be asked, possibly in the context of Issue 5: If the answer to Issue 3 (i) is that for inventions which are at least partly conceived by AI the standard for the art that the POSITA has access to is higher than it is for human inventors, should the level for human inventors also be raised concurrently?

We would welcome the opportunity to support WIPO by providing further feedback and input.

Mit freundlichen Grüßen / Best regards

Dr. Axel Grzesik

Intellectual Property - Patents Electronics, Section 1 (C/IPE1)
Robert Bosch GmbH | Postfach 30 02 20 | 70442 Stuttgart | GERMANY | www.bosch.com
Tel. +49 711 811-52808 | Fax +49 711 811-5196025 | Axel.Grzesik@de.bosch.com

Sitz: Stuttgart, Registergericht: Amtsgericht Stuttgart, HRB 14000;
Aufsichtsratsvorsitzender: Franz Fehrenbach; Geschäftsführung: Dr. Volkmar Denner,
Prof. Dr. Stefan Asenkerschbaumer, Dr. Michael Bolle, Dr. Christian Fischer, Dr. Stefan Hartung,
Dr. Markus Heyn, Harald Kröger, Christoph Kübel, Rolf Najork, Uwe Raschke, Peter Tyroller