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American Intellectual Property Law Association

Global Dossier Task Force Virtual Meeting

IP5 Industry Feedback on NET/AI Issues and Task Force

March 10, 2021

Transparency

- It is of paramount importance that the development of AI-related technology and procedures be transparent for the benefit of all participants

Document Sharing

- Industry believes this is one of the most important topics for the Global Dossier Task Force

- Inter-office document sharing creates great potential for harmonization

- An AI Task Force directed to improved methods for document sharing and should investigate different approaches to utilizing AI to improve overall efficiencies and reduced prosecution costs

Sharing Tools

-   Industry encourages the IP5 Offices to share AI tools. Such sharing increases efficiency, cost savings, and further harmonizes examination.

- We also believe the IP system benefits when the Offices regularly provide notice to users of the AI tools used by the Offices, and we encourage that as well.

Legal Aspects

- There are a number of legal aspects that may need to be considered:
  - Should common definitions be identified?
  - What is the role of trade secret law in protecting AI innovations and big data?
  - Is there a need for a new class of IP rights to be considered to allow for the sharing of data across market participants for training and/or development of AI models?
  - Is a deposit system for algorithms necessary?

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Industry Task Force Formation

-   Industry believes that the time is right for
the formation of an industry task force mirroring the Task
Force to take on the initiative in this matter.

- Particularly, we believe Industry should form a Task Force
on NET/AI in order to facilitate communications
with the IP5 Offices.

Industry Task Force Formation (cont'd)

- With the possibility of a Task Force in mind, consideration needs to be given as to whether the NET/AI discussion belongs with the Global Dossier or if separate discussions are warranted within ICG.

- With the question of the appropriateness of where the NET/AI discussions correctly belong, it may be that the best solution would be to view this from two separate areas
  - One area would be the utilization of AI tools
  - The other area would be the legal aspects of AI

Thank You

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