Impacts of and Preparation for New and Emerging Technologies (NET)/Artificial Intelligence (AI)

IP5 Heads of Office with IP5 Industry Meeting

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AIPLA

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Substantive

- 1) Legal aspects of AI

Procedural

- 2) Utilization of NET/AI
- 3) Interaction with users

Legal Aspects of AI

- Main challenges of patenting AI – is the current system adequately equipped?
  - Discussions ongoing in multiple fora
    - *Colloquium on IP Protection for AI -Turin, Italy 28-29 March 2019 - AIPLA, AIPPI and FICPI*
    - *([Patent Primer](#))([Copyright Primer](#))*
- Different aspects of AI can raise different issues and require separate consideration
  - An AI algorithm itself
  - One or more AI algorithms incorporated into an information processing system / circuit
  - An AI algorithm trained with a particular data set
  - The output of a trained AI system

Legal Aspects of AI

- Each aspect of AI can give rise to different considerations in the areas of:
  - Patent eligibility
  - Assessment of inventiveness
  - Adequacy of disclosure
  - Inventorship
- IP5 offices should take into account the different considerations for the various distinct aspects of AI-related inventions
- Industry IP5 welcomes the opportunity to work with IP5 offices on these issues

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Utilization of NET/AI: Present AI Capabilities

- Image search/recognition
- Text/Language analysis
- Source data
- Initial Classification
- Help Desk Services
- Patent Search assistance
- Office Action (OA) Response tools
- Machine translation
- Copyright registration

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Utilization of AI: Near term enhancements and tools

- Contract drafting
- Enhanced OA response tools
- Claim analysis tools
- Search tools images and text

Impact of New Tools on Harmonization

- New emerging technologies, including artificial intelligence (AI), block chain (BC) and access to big data are likely to have a significant impact on future patent practice and procedure

- Already recognized by Offices and stakeholders alike

- New AI and BC products for searching, drafting, tracking and analysis are already available.

Access to and Consideration of Public Disclosures as Prior Art

- Digital patent and Non-Patent Literature (NPL) data

- Authenticate, date and confirmation of origin of a document

- Comparison of documents, disclosures and patent applications

Access to and Consideration of Public Disclosures as Prior Art (cont'd)

- AI and other technologies will facilitate functionalities that are currently difficult or impossible
  - Matching pre-filing disclosures by/for/from an Applicant with patent applications and third party uses
  - Authentication of documents
  - Etc

Utilization of NET/AI

- Technologies such as AI and Blockchain applied to Big Data will contribute to the quality of services and efficiency of operations. For example…

  - Matching pre-filing disclosures by/for/from an Applicant with patent applications and third party uses

  - Authentication of documents

- With the number of filings going up globally, AI can help alleviate the burden by enhancing work sharing for search and examination

- Interaction with users

  - Compatibility of systems and processes in the participating Offices would improve interaction with users

Utilization of NET/AI

- Focus on the substantive issues while appreciating that emerging technologies will facilitate the desired functionalities

- In the next 5-10 years, NET/AI is likely to have profound impact on end-users and Offices alike

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Thank You!