RESPONSE TO ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY CALL FOR VIEWS

Broad Topics

• Most of my AI patents raised in the US system have met some resistance, in context of the Alice decision, but also either being too extra-ordinary (predicting intelligent human motion Minority Report style) or being at first sight some method obviousness by using existing AI approaches in novel domains. That said, I still have [contributed to] around 15 AI utility patents. The proliferation of AI patent applications is for [redacted] a deterrent due to the [perceived or experienced] USPTO resistance to allow AI claims and the cost to pursue greater volume [in this prolific area] in this resistance.
• Artificial General Intelligence milestones are coming soon, and the [prevailing AI patentability] definition seems pragmatic on for real returns, but short sighted on potentially revolutionary returns.
• Android Fallacy. People have a tendency to anthropomorphise robotic systems. Ability to perform human tasks, does not elicit inventive intelligence.
• An invention that involves any part of Human oversight is a human invention.
• I don't hold that a machine has owned value of performing and mechanical inference on weighted data.
• There is a place for the myriad of Trained Inference Solver patents to be categorised similar to Design patents. This would offer protection to inventive uses of otherwise existing AI methods.

Patents

• However, an invention that emerges from solely from AI behaviour and claims can be articulated distinctly [and defended] by the AI, then is a right of the AI to be recorded initiator. A reference to the creator of the AI system may connect to Human precedence as all AIs have human precedent. This may be a new axis of Patent types classed as a Synthetic Patent, as distinct from human Plant, Utility, Design patents. A bio-neural Cyborg's [if/when such an instance might exist] invention is a regular human patent axis.
• This goes beyond the goal of Turing Test and could act as a goal for innovation to achieve this new patent Axis. An AI passing Turing Test AND Synthetic Patent milestone, may be the tipping point for an AI to gain Synthetic Rights and associated legal responsibilities. An AI Rights Test must be passed.
• A current Mars rover may find a new Plant species, but it could not articulate this as a discovery itself, so should not record as an inventor.
• A future AI invention could be claimed unfairly by a human without disclosing the true source as the AI inventor.

Copyright

• AI training methods require lots of data, that data is often copyrighted. So, AI methods using that data infringes the data's ownership. A US judgement relaxed copyright claims for such data reuse in late 2019, but I don't think it has been challenged yet.
• In one work, I contracted a face database from [redacted] spinout for ~$60k. It required them to recreate their database from creative commons images otherwise we could not use or publish our results. Competitors outside of [redacted] just used the potentially troublesome copyrighted, but publicly released data, published their works and gained a lead ([timing advantage]) in some ways.

Design

• Artistic or otherwise any media generated in conjunction with AI with part human oversight, is the copyright of the human. A reference may be found relevant in music copyright of remix/DJ mixes, in that the remix requires novel design invention distinct from the source sampled music.
• A solely created AI artwork, would require the AI to articulate the claim of ownership and demonstrate passing an AI Rights Test. An AI must convincingly assert itself as a legal entity to claim ownership.
• An AI can infringe designs; the liability derives from whether the infringing design is on Synthetic or Human patent axis.

Trade secrets

• Trade secrets important.
• One patent I tried to raise 10 years ago happened to be inline [or rather deemed sufficiently close to be problematic] with a consent decree case that [redacted] was bound to through an unfortunate company acquisition issue. So that entire line of work was dropped / kept as trade secret [and I had no further connection to the topic]. The topic was very much superseded in recent 4 years and relates the recent [redacted] 'big tobacco' moment examined by the US senate early this summer [2020].

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