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From: [redacted]
Sent:
To: AI Call For Views
Subject: Solutions: AI Must Not Checkmate Innovation by Good Actors

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Categories: Green Category

AI must not be allowed to stifle or monopolise creativity. Legislation must be futureproofed against the rapid acceleration of innovation by AI. Unskilled IP monopoly by AI design must never become a business model.

Imagine a company like Rolex. Rolex currently has hundreds of active patents. Think of a scenario where Rolex has AI that can, in an afternoon, develop hundreds of watchmaking advancements and also generate the applications for those patents. Rolex have the budget to lodge all of those patents. They could lodge all of the patents, without the intention of ever bringing them to market, solely for the purpose of checkmating competitors, monopolising technology and handicapping future innovation pathways.

If you allow AI to design and lodge IP without restriction you will get huge corporations sitting on innovation for monopoly as a business model, not creating innovation for gain. IP will go the same way as the web domain sitters as companies just sit on IP assets that never see the light of day.

Please do not allow IP checkmating by corporations with the budgets for it. It will be the end of innovation, not the AI innovation renaissance we all want. Applied to medicine and science, IP checkmating will literally cost human life.

I propose the following measures to limit the very human exploit of AI design IP checkmating:

1. Individuals or entities are restricted to how many AI based designs they can lodge per year to a sensible number defined by the IPO – this guarantees prioritisation of IP and removes the ability for application flooding to monopolise whole industries.

2. I believe AI design should have standard protections once registered, like everyone else, but there should be follow up requirements to maintain the IP based on the IP not being cynically exploited - AI design IP should be required to demonstrate:

- That the IP has been brought to market within 2 years of the IP being formally registered. (This criteria must not be easy to fudge)
- The IP holder should be able to demonstrate that the IP is still being utilised as intended 4 years after the IP was formally registered. (This criteria must not be easy to fudge)
- Not meeting these criteria would result in termination of the registered IP. Meeting these criteria would result in an unrestricted and standard IP registration.

I believe a sensible annual AI design application cap combined with a requirement to demonstrate continued non-cynical commercial use of IP will be all that is required to stop companies AI checkmating IP and ensure AI IP is used by good actors intent on contributing to innovation.

Please note: AI designs are the problem, AI applications are not. AI application assistance should be encouraged as this will assist small entities in being confident enough to lodge more complex IP like patents. The IPO should be looking at ways they can commercially leverage AI application assistance to simplify the process for applicants and to alleviate the burden on IPO staff working on non-optimised patent applications.

Thanks.

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Grant Cruickshanks

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