

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Artificial Intelligence (AI) Policy

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Patent Public Advisory Committee quarterly meeting

UNITED STATES  
PATENT AND TRADEMARK OFFICE





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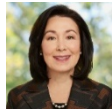
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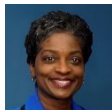
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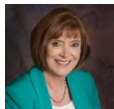
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## CONGRESSIONAL MANDATE

Section 1051 of the Fiscal Year 2019 National Defense Authorization Act (NDAA) established the National Security Commission on Artificial Intelligence as an independent Commission to “consider the methods and means necessary to advance the development of artificial intelligence, machine learning, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.”

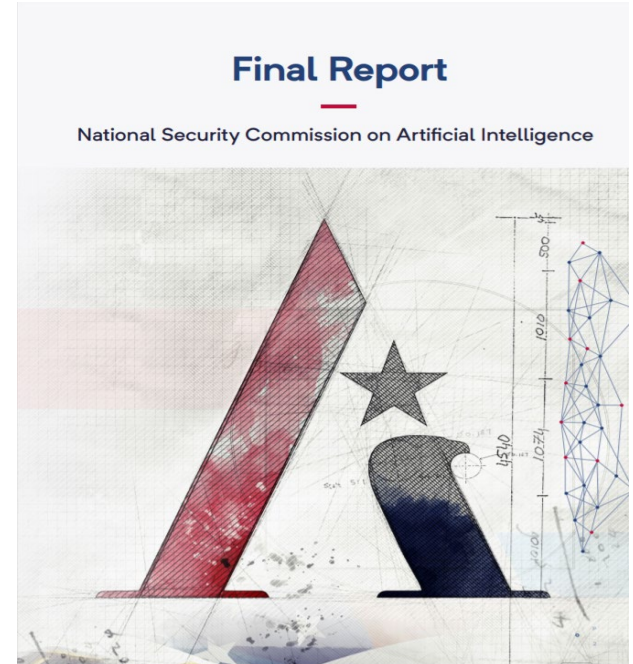
## FINAL REPORT – March 1, 2021

### Chapter 12 – Intellectual Property



# NSCAI final report

- National Security Commission on Artificial Intelligence (NSCAI) issued its final report on March 1, 2021
  - Chapter 12 relates to Intellectual Property



# NSCAI final report – Chapter 12 (IP)

- **Recommendation #1:** Develop and implement national IP policies and regimes to incentivize, expand, and protect AI and emerging technologies as part of national security strategies.

DOC/USPTO should:

- Propose executive and legislative actions for reforming and establishing new IP policies.
- Establish, as necessary, a committee of multidisciplinary experts, from within and outside the U.S. government, to provide technical and IP-related expertise and advice.
- Convene public deliberations, to include at a minimum academia and industry.
- Assess metrics and data necessary to inform IP policy.



# NSCAI final report – Chapter 12 (IP)

- **Recommendation #2:** Assess and examine a non-exhaustive list of “IP considerations” as part of developing and proposing reforms and new IP policies and regimes.

## IP Considerations:

1. Patent Eligibility
2. Counter China’s narrative on winning the innovation competition
3. Impact of China’s patent application filings on USPTO and US inventors
4. Impediments to AI public-private partnerships and international collaboration
5. IP protection for data
6. Combat IP theft
7. Inventorship by AI
8. Global IP alignment
9. Democratize innovation and IP ecosystems
10. Standard essential patents process



# Other AI-related developments

- National AI Research Task Force
  - [Request for Information](#) (RFI) issued on July 23, 2021, to gather public input on the National AI Research Resource implementation plan.
- National AI Advisory Committee
  - Call for nominations in forthcoming Federal Register notice
- IP5 NET/AI Roadmap
  - Identifies four key areas of cooperation between IP5 Offices (statistics, classification, IT, legal)

# **Thank you!**

We welcome any questions or comments at this time.







# Thank you!

## Coke Stewart

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