Artificial intelligence (AI) policy

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The USPTO issued a request for comments (RFC)

- August 27, 2019 RFC on AI/patents
  - Twelve questions touching on topics such as inventorship, eligibility, disclosure, enablement, inventive step, etc.
  - Over 90 comments were received from industry, academia, foreign stakeholders, and individuals
The USPTO issued an RFC

- October 30, 2019 RFC on AI on other intellectual property (IP) issues
  - Thirteen questions touching on topics related to copyright, trademark, trade secret, and data rights
  - Nearly 100 comments were received from industry, academia, foreign stakeholders, and individuals
USPTO report on AI IP policy

• October 6, 2020 report titled “Public Views on Artificial Intelligence and Intellectual Property Policy”

• Some general themes:
  – AI has no universally recognized definition
  – Existing U.S. IP laws are calibrated correctly to address the evolution of AI
  – Encouraged to keep a close eye on legal and scientific developments in AI to ensure the United States maintains its leadership in this critical technology
USPTO report on inventing AI

- October 20, 2020 report titled “Inventing AI”

- Some key findings:
  - AI is increasingly important for invention, diffusing broadly across technologies, inventor-patentees, organizations, and geography
  - Number of AI patent applications received annually by the USPTO more than doubled from 30,000 to 60,000 from 2002 to 2018; share of all patent applications that contain AI grew from 9% to nearly 16%
USPTO AI webpage

Artificial Intelligence

"One of the agency's top priorities is to ensure that the United States maintains its leadership in innovation, especially in emerging technologies such as artificial intelligence (AI). To that end, the USPTO has been actively engaging with the innovation community and experts in AI to determine whether further guidance is needed to promote the predictability and reliability of intellectual property rights relating to AI technology and to encourage further innovation in and around this critical area." —USPTO Director Andrei Iancu
Thank you!

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https://www.uspto.gov/initiatives/artificial-intelligence