Dear Sirs

Please find below in CAPITALS my answers to your questions on https://www.govinfo.gov/content/pkg/FR-2019-10-30/pdf/2019-23638.pdf

1. Should a work produced by an AI algorithm or process, without the involvement of a natural person contributing expression to the resulting work, qualify as a work of authorship protectable under U.S. copyright law? Why or why not? NO IT SHOULD NOT. BECAUSE IT IS NOT HUMAN.

2. Assuming involvement by a natural person is or should be required, what kind of involvement would or should be sufficient so that the work qualifies for copyright protection? For example, should it be sufficient if a person (i) designed the AI algorithm or process that created the work; (ii) contributed to the design of the algorithm or process; (iii) chose data used by the algorithm for training or otherwise; (iv) caused the AI algorithm or process to be used to yield the work; or (v) engaged in some specific combination of the foregoing activities? Are there other contributions a person could make in a potentially copyrightable AI-generated work in order to be considered an “author”? NO. IN NONE OF THE ABOVE CASES. BECAUSE THEY HAVE CREATED OR USED A TOOL OR PROCESS, OR POSSIBLY CURATED, NOT CREATED THE WORK ITSELF.

3. To the extent an AI algorithm or process learns its function(s) by ingesting large volumes of copyrighted material, does the existing statutory language (e.g., the fair use doctrine) and related case law adequately address the legality of making such use? Should authors be recognized for this type of use of their works? If so, how? AS EXPLAINED ABOVE, THE INITIAL AUTHORS ARE THE AUTHORS, AND NOT ONLY ARE THEY OWED RETURNS, THEY ALSO HAVE A SAY IN THEIR WORKS OR LIKENESS BEING USED IN SUCH WAYS. HOW? I LEAVE THAT TO YOU.
4. Are current laws for assigning liability for copyright infringement adequate to address a situation in which an AI process creates a work that infringes a copyrighted work? I DON'T KNOW CURRENT LAWS WELL ENOUGH TO ANSWER.

5. Should an entity or entities other than a natural person, or company to which a natural person assigns a copyrighted work, be able to own the copyright on the AI work? For example: Should a company who trains the artificial intelligence process that creates the work be able to be an owner? ASSUMING MY ABOVE SUGGESTIONS MAKE THIS QUESTION REFER TO AN IMPOSSIBLE SITUATION. EITHER WAY, NO, ABSOLUTELY NOT.

6. Are there other copyright issues that need to be addressed to promote the goals of copyright law in connection with the use of AI? MAY BE.

7. Would the use of AI in trademark searching impact the registrability of trademarks? If so, how? YES: IT WOULD WIDEN THE ALREADY EXISTING GAP BETWEEN LARGE COMPANIES AND SMALLER ONES OR INDIVIDUALS IN THE ABILITY TO PROTECT THEIR IP.

8. How, if at all, does AI impact trademark law? Is the existing statutory language in the Lanham Act adequate to address the use of AI in the marketplace? I AM NOT INFORMED ENOUGH TO ANSWER.

9. How, if at all, does AI impact the need to protect databases and data sets? IT MAKES IT MORE URGENT AND VITAL. Are existing laws adequate to protect such data? PROBABLY NOT.

10. How, if at all, does AI impact trade secret law? Is the Defend Trade Secrets Act (DTSA), 18 U.S.C. 1836 et seq., adequate to address the use of AI in the marketplace? I AM NOT INFORMED ENOUGH ABOUT LAW TO ANSWER THE FIRST. AND IT IS PROBABLY NOT ADEQUATE.

11. Do any laws, policies, or practices need to change in order to ensure an appropriate balance between maintaining trade secrets on the one hand and obtaining patents, copyrights, or other forms of intellectual property protection related to AI on the other? YES.

12. Are there any other AI-related issues pertinent to intellectual property rights (other than those related to patent rights) that the USPTO should examine? LIKELY.

13. Are there any relevant policies or practices from intellectual property agencies or legal systems in other countries that may help inform
USPTO’s policies and practices regarding intellectual property rights (other than those related to patent rights)? POSSIBLY.

Regards
Alève Mine