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**Sent:** Tuesday, November 19, 2019 7:42 AM  
**To:** aipartnership  
**Subject:** AI Questions

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?

It should not. While a natural person may configure the AI to produce a certain outcome, they can not trace back why the outcome occurred or reproduce it themselves. Therefore it is not reasonable to attribute the work to the 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?

There is nothing they can do. By the nature of AI, if the final work is wholly the output of an AI, it can not be attributed to a human.

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?

Not at all. It is no different from a human being inspired by copyrighted content in creating art themselves.

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?

The AI would be **responsible**, and as such it would be up to the copyright holder to decide how to proceed.

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?

Absolutely not. If they can not **understand** the process that is **occurring**, they can not claim to have control over it, and **therefore** can not claim ownership of it's **outputs**.

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?

If legal issues/complications arise, perhaps it should not be **permitted** to copyright an AI generated work.

7. Would the use of AI in trademark searching impact the registrability of trademarks? If so, how?

The AI is the owner of the trademark. If a person is able to get the AI's permission to **hold ownership**, they may have ownership and trademark it. Otherwise, they may not.

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?

AI is **responsible** for itself. If the AI cannot properly communicate this, then AI outputs may not be copyrighted.

9. How, if at all, does AI impact the need to protect databases and data sets? Are existing laws adequate to protect such data?

Data is not created by an individual therefore it can not be copyrighted.

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?

It should not be possible to copyright an AI.

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?

The **development** of AI has been a collaborative process between many people. This should be reflected in the loosening of copyright laws surrounding AI.

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?

Is it legally sound to permit copyrighting of something a computer has made without human supervision or control?

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)?

This is a new field, and most prior policy or practice is not relevant.

Thank you for considering my viewpoint