
From: Jon W Huss III <jon.w.huss@gmail.com>
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To: aipartnership
Subject: Request for Comments on Patenting Artificial Intelligence Inventions

Hello,

I have been a software engineer for over 20 years. I have a master's Degree in Computational Science with an emphasis on Bioinformatics and AI. Here is my opinion on patenting inventions created by Artificial Intelligence

Artificial Intelligence Inventions

Current day Artificial Intelligence is simply another process by which to manipulate information and should be treated as a tool, like any other software program. Inventions created by AI should be the property of the Human that utilized the tool. For example, I could use Adobe's Photoshop program to paint an image. I would be the inventor of that image, not Adobe. The Company Adobe simply supplied the tool (The tool is an invention itself, and Adobe has licensed it for use). In Photoshop I can use filters (procedural algorithms) to modify my image, sometimes dramatically and in unexpected ways. Similarly, I can submit an image to AI and have it modify my image, potentially in dramatic and unexpected ways. There is little difference between both cases, I am still the inventor of the final image created by the process.

Derivative Works

It is important to realize that AI may create derivative works. For example an AI that uses images to replace parts of a different image would create a derivative work based on all included images. Additionally, an AI algorithm that has been trained with a data set is in fact a derivative work of that data set, similar to taking a photo of a statue. A photograph is significantly different medium than a stone statue, but the derivative nature applies. So would it apply if I took a photo of one hundred statues. Each statue is a work that contributes to my photograph. This is no different than using images of statues to train an artificial intelligence algorithm to recognize statues. A data set should be properly licensed for use in training an artificial intelligence (i.e the Algorithm is a derived work of the data set). The algorithm then becomes a tool that can be used to manipulate other data and would need to be licensed to end users as a tool.

Sapient Artificial Intelligence

Only in the (far off and unlikely) event that an algorithm is ever declared sapient and free-willed, would the algorithm itself be an inventor. With that level of Intelligence, it is assumed that the algorithm would be an independent intelligent entity (just like a human), and would be the inventor of anything it created, but still under the rules of patent law.

Thanks for your time,
Jon Huss