

---

**From:** Timothy Rue <timvrue@gmail.com>  
**Sent:** Sunday, December 15, 2019 10:01 PM  
**To:** aipartnership  
**Subject:** Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation  
**Attachments:** USPTO-RFC-AI-Copyrights..pdf

To:  
[AIPartnership@uspto.gov](mailto:AIPartnership@uspto.gov) Dec. 15, 2019 Department of Commerce  
Patent and Trademark Office

RE:  
Docket No. PTO-C-2019-0038  
Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation.

From:  
Timothy Rue ( truecan at [3seas.org](http://3seas.org) )

In response to the RFC questions.

RE: Questions 1 and 2:

The US Copyright Office makes it clear in their "[COMPENDIUM: Chapter 300, Copyrightable Authorship](#), only Human Creativity, and only those "aspects" of a work where requesting human author(s) identify their creativity for the Copyright Office evaluation of copyright-able authorship.

The issue here is muddied by the use of the umbrella term, Artificial Intelligence. Machines are neither artificial nor intelligent and no process and/or layers of abstraction processing complexity dynamics is going to change that. However, natural persons being creative in creating specific and unique process and/or layers of abstraction processing and specific abstract data to process with specific output intent, in sum, "MAY" help qualify as recognizable authorship intention to output a creative fixed work. i.e.

<https://blogs.law.gwu.edu/mcir/case/emi-music-v-papathanasiou/> "During the case Vangelis demonstrated his method of composition by setting up a synthesizer in the court."

The mentioned CHAPTER 300, in sum, provides a vary narrow path for applying copyrights to A.I.(Abstraction Interaction) produced works.

RE: Question 3:

The Copyright Office on Fair Use is a case by case matter. <https://www.copyright.gov/fair-use/more-info.html> In cases determined to be Fair Use it is fair and appropriate to give credit where credit is due where even some use licenses such as Creative Commons and GFDL recognize this.

RE: Question 4:

Again this is a case by case matter taking various factors, including the above responses to questions 1-3, into consideration. Liability cannot be disconnected from humans by claiming the umbrella term "artificial intelligence" when, in fact, humans are responsible for the creation and implementation of such abstraction processing and its abstract data accessing and therefor its output results.

RE: Question 5:

This question is a disconnection from the Natural Person(s) Creativity, so No!

RE: Question 6:

Yes! Drop the umbrella term "Artificial Intelligence" and perhaps replace it with the human tool of "Abstraction Interplay."

RE: Question 7:

Trademark searching tools including of AI (abstraction investigation?) are no more going to impact the registration-ability of trademarks than the USPTO using AI regarding patent searches to assist in determining patent granting issues.

RE: Question 8:

Trademark law is adequate.

RE: Question 9:

There is a flip side to this question when machine complex and dynamic pattern matching be trained (ML) to extract, compile, format, etc. for Abstraction Integration generation of databases at greatly reduced human creativity resources? Might database Intellectual Property law judgments be reduced accordingly?

RE: Question 10:

Defend Trade Secrets Act is adequate for Issues of Abstraction Processing and its Output.

RE: Question 11:

Appropriate Balance is already effort-ed on a case by case basis and regarding what legal aspect the conflicting parties present in argument. To address Abstraction Processing and output is no different than any other subject of the mentioned balance between Intellectual Property Protection possibilities.

Re: Question 12 and 13:

no comment

---

Overall it seems clear the core of the issue the USPTO is trying to address is being complicated by the umbrella and marketing term "Artificial Intelligence" which is a distortion of the actuality of abstraction processing. It is not uncommon when some processing target under the umbrella term of Artificial Intelligence is understood and then taken out from under the umbrella and placed in a more accurately descriptive category. Perhaps it is time to remove the Artificial Intelligence umbrella across the board.

To:  
AIPartnership@uspto.gov  
Department of Commerce  
Patent and Trademark Office

Dec. 15, 2019

RE:  
Docket No. PTO-C-2019-0038  
Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation.

From:  
Timothy Rue ( truecan at 3seas.org )

In response to the RFC questions.

RE: Questions 1 and 2:

The US Copyright Office makes it clear in their ["COMPENDIUM: Chapter 300, Copyrightable Authorship,](#) only Human Creativity, and only those "aspects" of a work where requesting human author(s) identify their creativity for the Copyright Office evaluation of copyright-able authorship.

The issue here is muddied by the use of the umbrella term, Artificial Intelligence. Machines are neither artificial nor intelligent and no process and/or layers of abstraction processing complexity dynamics is going to change that. However, natural persons being creative in creating specific and unique process and/or layers of abstraction processing and specific abstract data to process with specific output intent, in sum, "MAY" help qualify as recognizable authorship intention to output a creative fixed work. i.e. <https://blogs.law.gwu.edu/mcir/case/emi-music-v-papathanasiou/> "During the case Vangelis demonstrated his method of composition by setting up a synthesizer in the court."

The mentioned CHAPTER 300, in sum, provides a vary narrow path for applying copyrights to A.I. (Abstraction Interaction) produced works.

RE: Question 3:

The Copyright Office on Fair Use is a case by case matter. <https://www.copyright.gov/fair-use/more-info.html> In cases determined to be Fair Use it is fair and appropriate to give credit where credit is due where even some use licenses such as Creative Commons and GFDL recognize this.

RE: Question 4:

Again this is a case by case matter taking various factors, including the above responses to questions 1-3, into consideration. Liability cannot be disconnected from humans by claiming the umbrella term "artificial intelligence" when, in fact, humans are responsible for the creation and implementation of such abstraction processing and its abstract data accessing and therefor its output results.

RE: Question 5:

This question is a disconnection from the Natural Person(s) Creativity, so No!

RE: Question 6:

Yes! Drop the umbrella term "Artificial Intelligence" and perhaps replace it with the human tool of "Abstraction Interplay."

RE: Question 7:

Trademark searching tools including of AI (abstraction investigation?) are no more going to impact the registration-ability of trademarks than the USPTO using AI regarding patent searches to assist in determining patent granting issues.

RE: Question 8:

Trademark law is adequate.

RE: Question 9:

There is a flip side to this question when machine complex and dynamic pattern matching be trained (ML) to extract, compile, format, etc. for Abstraction Integration generation of databases at greatly reduced human creativity resources? Might database Intellectual Property law judgments be reduced accordingly?

RE: Question 10:

Defend Trade Secrets Act is adequate for Issues of Abstraction Processing and its Output.

RE: Question 11:

Appropriate Balance is already effort-ed on a case by case basis and regarding what legal aspect the conflicting parties present in argument. To address Abstraction Processing and output is no different than any other subject of the mentioned balance between Intellectual Property Protection possibilities.

Re: Question 12 and 13:

no comment

Overall it seems clear the core of the issue the USPTO is trying to address is being complicated by the umbrella and marketing term "Artificial Intelligence" which is a distortion of the actuality of abstraction processing. It is not uncommon when some processing target under the umbrella term of Artificial Intelligence is understood and then taken out from under the umbrella and placed in a more accurately descriptive category. Perhaps it is time to remove the Artificial Intelligence umbrella across the board.