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To: aipartnership
Subject: Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation

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I have 30 years experience in computer programming, both systems and business, and I have been myself issued utility patent #6390794.

My take on Artificial 'Intelligence' is that computer programs can only do what the program has been created to do. Whatever 'intelligence' a program seems to exhibit can only be the intelligence of the people who created the program.

The programmers may have created a program that gathers, selects, massages, and stores data over time using devices to which it is connected. The program's logic trees may at programmed times, or at times triggered by device input, or data on other data bases, or even at random times, do A, B, or C based on programmed criteria using stored data values as a major determinant.

Regardless, the program does only what it's programmed to do. Just because the programmers are not tracking the moment-to-moment input, logic events, output of the program does not result in actual "intelligence" - unless of course the word is redefined to make the situation fit the definition.

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?

A work should be protectable under copyright law whether done by someone using Microsoft Word to create it, or using an AI program. If an AI program was used, who owned the specific instance of the AI program that created it, and who deployed it, with what intent?

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?

Natural persons are ALWAYS involved at differing levels. If someone uses his own copy of MS WORD to record his created content, s/he is as much the owner as though using a pencil to record it - the programmers of MS WORD have no ownership. If an AI program was used, who owned the specific instance of the AI program that created it, and who deployed it, with what intent?

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?

If I, a natural person, have read the works and learned from other authors, I have no obligation to them when I create original work. Neither should original work generated by AI programming. AI programs should still be constrained by fair use laws when directly including work by other people.

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 believe so. The natural owner of the work can be determined. And the publisher of the work is also liable.

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?

Of course. Today, the programs created by IT employees of a company most often belongs to that company.

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?

The main issue is determining the natural owner of the work.

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

If the reliability of such searching is not as dependable as current search methods, then AI should be excluded as the final method.

8. How, if at all, does AI impact trademark law?

Above my pay grade.

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

I don't see that it does have an impact. AI should have the same access as the natural owner/user of the AI program - no more, no less.

