

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?

The answer to this question and all following questions is roughly the same. While it's important for us to consider a high bar for allowing AI rights to its own property without the input of a natural person, we must never exclude the possibility of an artificial being owning its own property. While it may seem impossible that AI will be considered equivalent to humans now, we can't possibly know what AI will look like in ten years, much less one hundred or one hundred and fifty years from now.

There is an episode of Star Trek: The Next Generation that anyone making decisions on AI related legislation should be required to watch called "Measure of A Man" (S2 E9) (https://www.youtube.com/watch?v=vjuQRCG_sUw). In the episode, an officer tries to argue in court that an artificially intelligent being (Commander Data) is the property of Star Fleet. Captain Picard wins the argument by arguing that it's difficult to prove sentience, but that Data is clearly a form of life, and that we run the risk of enslaving a future race of AI because we refuse to legally recognize their sentience.

We have no standard for what we would recognize as sentience, but we are already considering oppressing the rights of any potential artificial beings because of our prejudice. Because we are an office that deals almost exclusively with the future, I think we should be progressive and forward-thinking in how we approach the subject of artificial beings. Have we done anything as an office to explore formal policy on quantifying sentience? I think it would be worth putting together a commission of at least ontologists, epistemologists, and computer scientists to try and develop a standard before we consider excluding any artificial life forms from property rights. Please send me a work email if you need members for the commission.

Also, it's worth considering that we are talking about determining the rights of beings that may far outstrip our abilities. I think we would be unwise to not at least try to make a standard for what constitutes a sentient being before taking such aggressive steps to curb their rights.

Best,

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