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To:	aipartnership
Subject:	AI intellectual property

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?

- No. Intellectual Property is inherently derived from the direct application of natural intelligence. That which is called "artificial intelligence" is not actual intelligence as it is understood scientifically. The purpose of Intellectual Property law has always been to protect the direct creative work of a natural person(s). If it becomes possible for the creative work of an algorithm to be legally attributed to the programmer(s) of that algorithm, then there will be a race to write algorithms to dominate creativity and monopolize all future Intellectual Property for the sake of competitive advantage or to disadvantage market competition. If AI is to be benevolent, then that which it creates must be relinquished to the public domain for the common good. To do otherwise is to help AI down the path toward distopian science fiction where those who control the AI are empowered to ensalve (financially) everyone else.

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? For example, should it be sufficient if a person (i) designed the AI algorithm or process that created the work; (ii) contributed to the design of the algorithm or process; (iii) chose data used by the algorithm for training or otherwise; (iv) caused the AI algorithm or process to be used to yield the work; or (v) engaged in some specific combination of the foregoing activities? Are there other contributions a person could make in a potentially copyrightable AI-generated work in order to be considered an ''author''?

- If Intellectual Property rights for AI-generated creative work will be attributed to a natural person(s) involved in the process (I am opposed to this, as I have stated), then rights should only be granted to those natural persons who directly contributed to the AI in a creative capacity. That is, only those who contributed their original ideas to the creation of the AI should be given credit for new concepts generated by the AI.

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?

- No opinion.

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?

- No opinion.

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?

- No. If it will be permitted it should be restricted to only those who have contributed their original ideas to the creation of the AI. (I remain convinced that anything generated by an AI should be in the public domain to prevent the abuse of humanity.)

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?

- No opinion.

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

- No. Computers are routinely used to search large databases.

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?

- No opinion.

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

- If data is legally made public, then it may be legally used by the public. If AI enables that data to be processed more quickly or thoroughly, then so be it.

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?

- No opinion.

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?

- No opinion.

12. Are there any other AI-related issues pertinent to intellectual property rights (other than those related to patent rights) that the US PTO should examine?

- **If the USPTO grants Intellectual Property rights to original ideas generated by an AI, then the federal government will be opening the door for an official recognition of AI personhood. This could have wide-ranging implications.**

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)?

- No opinion.