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To: aipartnership
Subject: [Docket No. PTO-C-2019-0038] Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation

In Nov 2019, TorrentFreak and The Verge reported the US Patent Office wants to know the public opinion on the matter of A.I.

(<https://torrentfreak.com/uspto-questions-if-artificial-intelligence-can-create-or-infringe-copyrighted-works-191107/>)

(<https://www.theverge.com/2019/11/13/20961788/us-government-ai-copyright-patent-trademark-office-notice-artificial-intelligence>)

"Can AI create something that violates an existing patent

AND OR

Can an AI create something that is patentable?

Inspired by the question, here's **my video response**: <https://www.youtube.com/watch?v=wyqSUDK1A>

And my written response:

Moving forward I'm extremely glad that the patent office is trying to make up for **past mistakes** by opening it up to the public.

So what is the **past mistake** I'm talking about?

Let me refer you to a wonderful Canadian documentary "The Corporation" (2003).

Jeremy Rifkin, President, Foundation on Economic Trends, at 12mins into the film, reveals:

"Late 1970s, General Electric and Professor Chakrabarty went to the patent office with a little microbe that eats up oil spills. They said they had modified this microbe in the laboratory, and therefore it was an invention.

The patent office and the U.S. government took a look at this quote "invention" they said, "No way. The patent statutes don't cover living things. This is not an invention." Turned down.

Then, General Electric and Doctor Chakrabarty appealed to the U.S. Customs Court of Appeal. And, to everyone's surprise, by a three-to-two decision, they overrode the Patent Office.

Then the Patent Office appealed. And what the public should realize now is the Patent Office was very clear that you can't patent life. My organization provided the main amicus curiae brief.

"If you allow the patent on this microbe", we argued, "it means that without any congressional guidance or public discussion, corporations will own the blueprints of life."

When they made the decision, we lost by five to four, and Chief Justice Warren Burger said, "Sure, some of these are big issues but we think this is a small decision."

OUCH!!!

Seven years later the U.S. Patent Office issued a one sentence decree —"You can patent anything in the world that's alive, except a full-birth human being."

Some countries followed suite with USA.

The Supreme Court of Canada have said no on all accounts, its a bad idea to patent living things!!

Long term implications of this legal precedent, in April 2003, the Human genome was fully mapped sequenced and eventually large sections of it was patented by medical and genetic companies.

That's right, you don't get to own your parts of your DNA according to the US courts. SORRY!

(https://en.wikipedia.org/wiki/Diamond_v._Chakrabarty)

Back to the question of A.I. creating things that up for patent review, my deepest thoughts on the matter:

Think in terms of goals and understanding goals. I'm against allowing USPTO to grant A.I. created concepts patent rights.

The current status of A.I. today is abysmally low in its initial stage but has a **high unpredictable potential in the future**. A.I. is a math tool. When a humans build an A.I. to solve a problem, it's the human who has the creativity to dream up a goal and comprehend the nature of that goal. Most A.I. currently **does not** fully understand the concept of uniquely generating goals, even when its solving goals.

Frankly, if A.I. were to ever reach that pinnacle of sentience, then we have a much **bigger problem** on our hands than whether or not we should grant it patents. **IF and when an A.I. can dream up its own goals**, it might decide that humans aren't necessary and try to wipe them out.

Remember, **think in terms of goals** and you can see **it doesn't seem to be a good idea to let A.I. creations be patentable**.

Ok I'm done for tonight, peace out!

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Small world, and I network it.

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"The monopolies created by copyrights and trademarks are unfairly and differently enforced based on the legal budgets of the conflicting parties and their ability to defend their expressions by hiring lawyers."

-Naomi Klein