

# PUBLIC SUBMISSION

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Request for Comments on Patenting Artificial Intelligence Inventions

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## General Comment

Re: 5. Are there any patent eligibility considerations unique to AI inventions?

In the case of AI inventions, many AI technologies emerged from publicly-funded academic work and are available openly, with their source code available for all to scrutinize, modify, and redistribute. In this regard, patenting technology made by AI or even just with AI, ought to reflect these circumstances. I recommend the investigation of a cascading style of patent, where the originating technology's licensing is preserved through its derivative works. That means if an open-source algorithm creates, using public domain data sets, a novel invention, it cannot be patented. The issue of compensation for the work of those engineering these results, however, ought to be reflected in their ability to gain market advantage in terms of first-use. As there exist only a countably finite, ie limited, number of possible AI-generated works that can be patented, not mandating this cascading methodology will lead to a dire future where we have polluted the patent pool. The nightmare scenario is one in which large computational efforts flood the patent market with works that reflect access to better computational infrastructure rather than anything resembling true innovation.