



Utrecht University

Faculty of Law, Economics and Governance
CENTER FOR INTELLECTUAL PROPERTY LAW

Artificial Intelligence

AIPPI – Zeist 2019

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Panel

- Remy Chavannes, Brinkhof
- Gerry Van Dooren, EPO
- Ana Ramalho, Universiteit Maastricht
- Peter Blok, Universiteit Utrecht

Agenda

- Overview of the issues
- IP protection for AI
- IP protection for AI creations

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- **Overview of the issues**
- IP protection for AI
- IP protection for AI creations

Questions

- Who has dealt with IP cases relating to AI?
- Who expects to deal with IP cases relating to AI in the next 3 years?

Agenda

- Overview of the main issues
- **IP protection for AI**
- IP protection for works and inventions made by means of AI

IP protection for AI?

- The trained inference model cannot be protected by means of copyright, since the creation of the model is dictated by technical considerations

IP protection for AI?

- A patent for a trained inference model is useless, since it can be easily circumvented by using slightly different parameters

IP protection for AI?

- The algorithm used in training an inference model cannot be protected by means of copyright, otherwise AI ideas would be monopolised

IP protection for AI?

- An AI method that satisfies the criteria of novelty, inventive step, sufficiency of disclosure and industrial application should not be denied patent protection on the basis of qualifying as a non-patentable mathematical method

IP protection for AI?

- We need an expansion of IP protection to stimulate the development of AI

Agenda

- Overview of the issues
- IP protection for AI
- **IP protection for AI creations**

IP protection for AI creations?

- The fact that a work or invention has been realised by means of AI is irrelevant in answering the question whether the work or invention deserves copyright or patent protection

IP protection for AI creations?

- The bar for obtaining copyright or patent protection raises when AI becomes a standard tool for authors or inventors in a particular field

IP protection for AI creations?

- The developments in the field of AI creations do not require an amendment of IP law

The future of work

- Patent examiners
- Lawyers
- Academics
- Judges

Thank you!