

# Director's Forum: A Blog from USPTO's Leadership

*Monday Aug 26, 2019*

## **USPTO announces Federal Register Notice on artificial intelligence patent issues**

*Guest blog by Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO Laura Peter*

As a former Silicon Valley intellectual property attorney for more than 20 years, the potential of disruptive technology has long been of special interest to me. Artificial intelligence (AI) promises to be one of the most important innovations that powers many disruptive ventures and brings exciting changes to our legal system. AI is already influencing the way we work, travel, shop, and play.

From autonomous vehicles to improved medical diagnostics to voice assistants, AI is increasingly at the forefront of innovation. As a continuation of the United States Patent and Trademark Office's (USPTO) policy leadership in the field of AI, the USPTO convened a conference on Artificial Intelligence: Intellectual Property Policy Considerations on January 31 this year. With six panels featuring IP specialists from around the world, the USPTO considered AI's impact on our innovation ecosystem.

The USPTO continues to promote and protect AI-technology innovations and entrepreneurship. With respect to AI inventions to date, the USPTO has issued thousands of patents on AI technologies, and the future grows more exciting every day as new AI technologies are developed. However, with excitement comes change and the potential for uncertainty. Therefore, the USPTO must continue to ensure the appropriate balance in the administration of our IP system.

With this in mind, the USPTO looks forward to working with the AI academic and industrial community. Working together, we will continuously improve the USPTO's efforts to foster innovation, competitiveness, and job growth.

I am also excited to announce that we will be publishing a notice in the Federal Register that poses questions regarding the intersection of patent law with AI that the

public may respond to. This first step will allow us to gather information on AI patent policy issues for purposes of evaluating whether further guidance is needed and informing the development of any such guidance. Questions the public is invited to reply to include:

- Do current patent laws and regulations regarding inventorship need to be revised to take into account inventions where an entity or entities other than a natural person contributed to the conception of an AI invention or any other invention?
- Are there any patent eligibility considerations unique to AI inventions?
- Does AI impact the level of a person of ordinary skill in the art?
- Do the disclosure rules (enablement, specification, etc.) need to be altered for AI-related patent applications?

This is just a sample of some of the issues on which the USPTO is seeking input regarding AI patent policy. And this is only the first step. In addition to patents, in the coming months and beyond, the USPTO will examine the full spectrum of intellectual property policy issues that have arisen, or may arise, as AI technologies become more advanced. From AI's impact on existing intellectual property rights, including copyright and trademarks, to considering if new legal rights are needed in the wake of more advanced AI, the USPTO will continue our thought leadership on AI-related intellectual property policy issues.

Posted at [10:16AM Aug 26, 2019](#) in USPTO | [Comments\[0\]](#)