

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



AI Policy Update

Coke Stewart

Senior Policy Advisor and Acting Chief of Staff

February 6, 2020

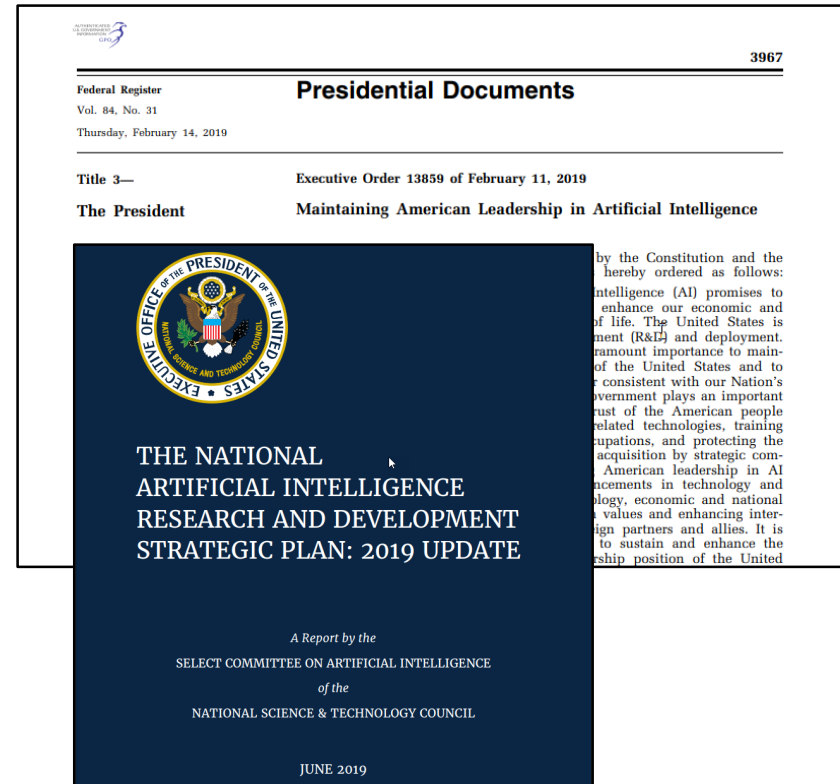
Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE



AI policy is a priority across the government

- February 2019 Executive Order directs the federal government to pursue five pillars for advancing artificial intelligence (AI): (1) promote sustained AI R&D investment, (2) unleash federal AI resources, (3) [remove barriers to AI innovation](#), (4) empower the American worker with AI-focused education and training opportunities, and (5) promote an international environment that is supportive of American AI innovation and its responsible use.
- www.whitehouse.gov/ai/



Regulation of AI

- January 7, 2020 White House OSTP **draft memorandum** regarding regulatory and non-regulatory oversight of AI **developed and deployed outside of the federal government** (60-day comment period).
- **10 regulatory principles:** promote . . . public trust in AI, public participation, scientific integrity and information quality, risk assessment and management, benefits and costs, flexibility, fairness and non-discrimination, disclosure and transparency, safety and security, interagency coordination.
- Goal: “**remove impediments to private-sector AI innovation and growth**”



Secretary of Transportation Elaine L. Chao inspecting an automated driving system in Ann Arbor, Michigan.

AI policy is a priority at the USPTO

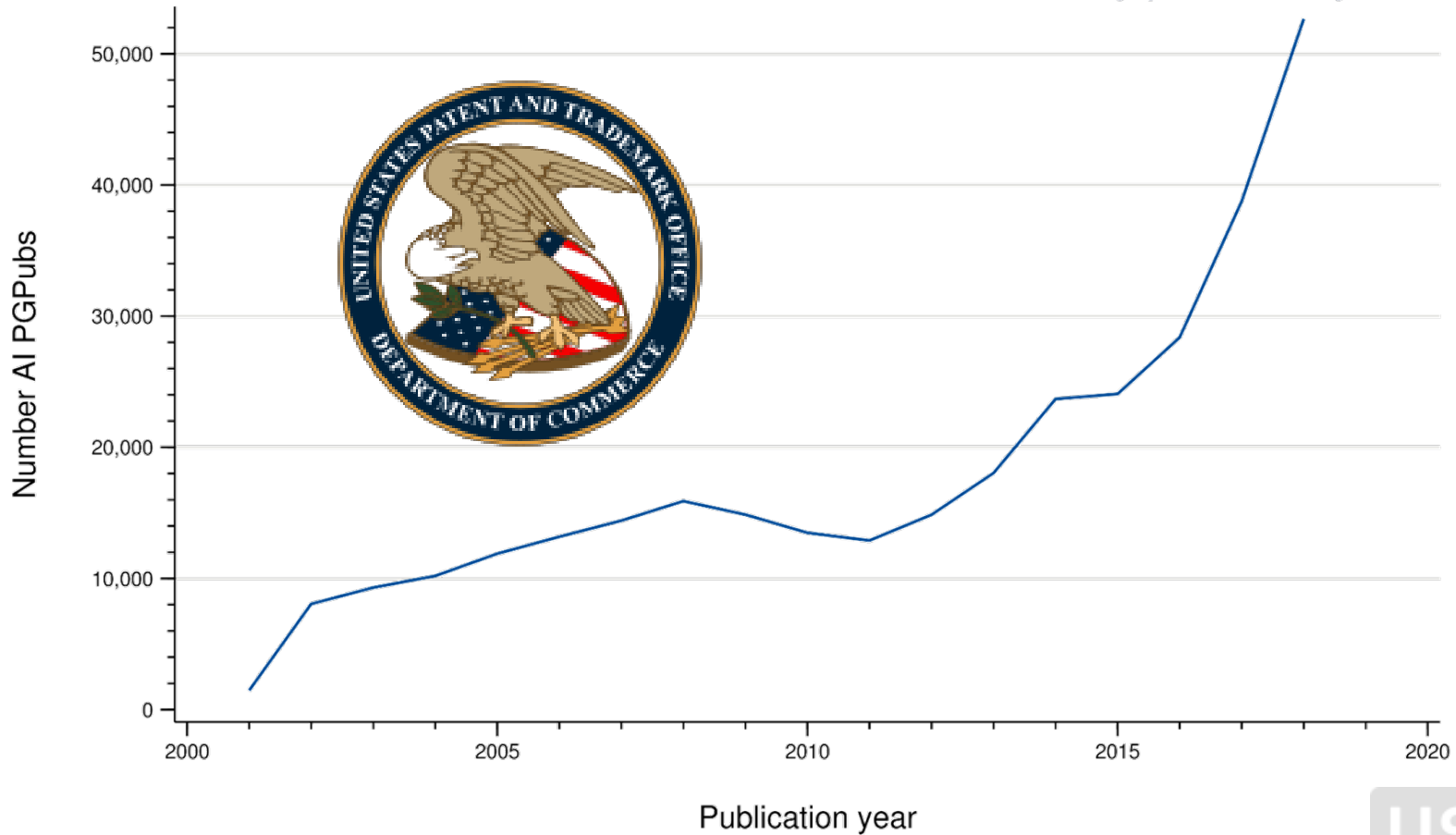
*“One of the agency’s top priorities is to ensure that **the United States maintains its leadership in innovation, especially in emerging technologies such as AI.** To that end, the USPTO has been actively engaging with the innovation community and experts in AI to determine whether further guidance is needed **to promote the predictability and reliability of IP rights relating to AI technology and to encourage further innovation in and around this critical area.**” – USPTO Director Andrei Iancu*



Director Iancu visits exhibits showcasing AI technologies at the **“Artificial Intelligence: Intellectual Property Considerations”** conference on January 31, 2019 at the USPTO. Shown above: A team from University of California, Berkeley demonstrates their patent visualization system, which enables a user to see and manipulate a three-dimensional landscape of similar patents. (Photo by Jay Premack/USPTO)



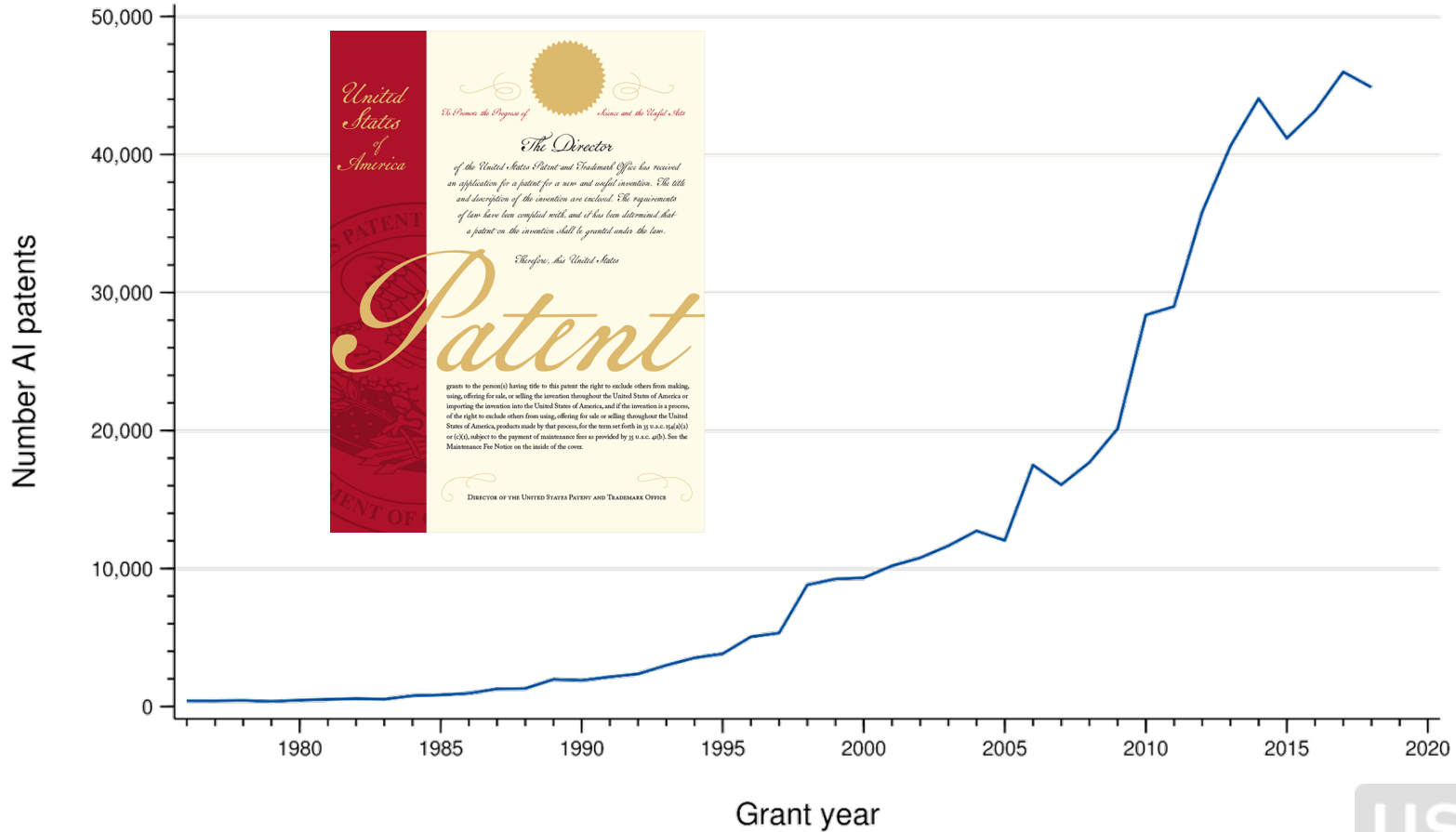
Number of AI PGPubs by published year



Data from Mar-2001 through 2018



Number of AI patents by grant year



*“Obviously we have dealt with patents in the AI space for a long time. **What is new now is that some AI machines are claiming to be creating innovation on their own, to some extent independent of human interaction.**” –USPTO Director Andrei Iancu at **2020 Consumer Electronics Show, January 8***



[#USPTO](#) Director Andrei Iancu joins [@CTATech](#)'s Michael Petricone at 2 pm PT/5 pm ET to talk patents and [#AI](#). WATCH LIVE: <https://bit.ly/35DxR7I>. [#CES2020](#)



AI raises important policy questions

- Inventorship
- Authorship
- Ownership
- Incentives
- New forms of IP



Two of the images at issue in “monkey selfie” dispute.

The USPTO is engaging with the public on AI policy

- January 31, 2019 USPTO AI Conference
 - Six panels covering patents, copyrights, trademarks, IP enforcement, international perspectives, and economics
 - Over 200 people attended in person with hundreds online

<https://www.uspto.gov/about-us/news-updates/remarks-director-iancu-artificial-intelligence-intellectual-property>



Request for comments

- August 27, 2019 RFC on AI/patents
 - Twelve questions touching on topics such as inventorship, eligibility, disclosure, enablement, inventive step, etc.
 - Over 90 comments were received from industry, academia, foreign stakeholders, and individuals

 **Federal Register** / Vol. 84, No. 166 / Tuesday, August 27, 2019 / Notices **44889**

Dated: August 22, 2019.
Tracey L. Thompson,
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2019-18466 Filed 8-26-19; 8:45 am]
BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE
Patent and Trademark Office
[Docket No. PTO-C-2019-0029]

Request for Comments on Patenting Artificial Intelligence Inventions

AGENCY: United States Patent and Trademark Office, Department of Commerce.
ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) is interested in gathering information on patent-related issues regarding artificial intelligence inventions for purposes of evaluating whether further examination guidance is needed to promote the reliability and predictability of patenting artificial intelligence inventions. To assist in gathering this information, the USPTO is publishing questions on artificial intelligence inventions to obtain written comments from the public. The questions are designed to cover a variety of topics from patent examination policy to whether new forms of intellectual property are germane to discussions of AI inventions.¹ AI methods and systems vary in their technical implementation, but rely on a substantial level of development and training by inventors, developers, and system users.

The USPTO has been examining AI inventions for decades and has issued guidance in many areas that necessarily relate to AI inventions. Going forward, the USPTO would like to engage with the innovation community and experts in AI to determine whether further guidance is needed to promote the predictability and reliability of patenting such inventions and to ensure that appropriate patent protection incentives are in place to encourage further innovation in and around this critical area.

Issues for Comment: The USPTO seeks comments on patenting artificial intelligence inventions. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and assist in the development of any such guidance with respect to patenting artificial intelligence inventions. The questions should not be taken as an indication that the USPTO has taken a position or is predisposed to any particular views. USPTO welcomes comments from the public on any issues

running the AI algorithm on the data and obtaining the results.

3. 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 invention?

4. Should an entity or entities other than a natural person, or company to which a natural person assigns an invention, be able to own a patent on the AI invention? For example: Should a company who trains the artificial intelligence process that creates the invention be able to be an owner?

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

6. Are there any disclosure-related considerations unique to AI inventions? For example, under current practice, written description support for computer-implemented inventions generally require sufficient disclosure of an algorithm to perform a claimed function, such that a person of ordinary skill in the art can reasonably conclude that the inventor had possession of the claimed invention. Does there need to be a change in the level of detail an applicant must provide in order to comply with the written description requirement, particularly for deep-learning systems that may have a large number of hidden layers with weights that evolve during the learning/training process without human intervention or knowledge?



Request for Comments

 **Federal Register** / Vol. 84, No. 166 / Tuesday, August 27, 2019 / Notices **44889**

Dated: August 22, 2019.
Tracey L. Thompson,
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
(FR Doc. 2019-18406 Filed 8-26-19; 8:45 am)
BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE
Patent and Trademark Office
(Docket No. PTO-C-2019-0029)

Request for Comments on Patenting Artificial Intelligence Inventions

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) is interested in gathering information on patent-related issues regarding artificial intelligence inventions for purposes of evaluating whether further examination guidance is needed to promote the reliability and predictability of patenting artificial intelligence inventions. To assist in gathering this information, the USPTO is publishing questions on artificial intelligence inventions to obtain written comments from the public. The questions are designed to cover a variety of topics from patent examination policy to whether new forms of intellectual property protection are needed.

DATES: Written comments must be received on or before October 11, 2019.

ADDRESSES: Written comments should be sent by email to AIPartnership@uspto.gov. Comments may also be submitted by postal mail addressed to the Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria VA 22313-1450. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email.

Because written comments and testimony will be made available for public inspection, information that a respondent does not desire to be made public, such as a phone number, should not be included in the testimony or written comments.

FOR FURTHER INFORMATION CONTACT: Office of the Under Secretary and Director of the USPTO, (571) 272-8600.

SUPPLEMENTARY INFORMATION: Artificial Intelligence (AI) is increasingly becoming important across a diverse spectrum of technologies and businesses. Because execution of AI invariably requires some form of computer implementation, many of the patentability issues relating to computer-implemented inventions (e.g., software) are germane to discussions of AI inventions.¹ AI methods and systems vary in their technical implementation, but rely on a substantial level of development and training by inventors, developers, and system users.

The USPTO has been examining AI inventions for decades and has issued guidance in many areas that necessarily relate to AI inventions. Going forward, the USPTO would like to engage with the innovation community and experts in AI to determine whether further guidance is needed to promote the predictability and reliability of patenting such inventions and to ensure that appropriate patent protection incentives are in place to encourage further innovation in and around this critical area.

Issues for Comment: The USPTO seeks comments on patenting artificial intelligence inventions. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and assist in the development of any such guidance with respect to patenting artificial intelligence inventions. The questions should not be taken as an indication that the USPTO has taken a position or is predisposed to any particular views. USPTO welcomes comments on any issues that you believe are relevant to this topic, and is particularly interested in answers to the following questions:

1. Inventions that utilize AI, as well as inventions that are developed by AI, have commonly been referred to as “AI inventions.” What are elements of an AI invention? For example: The problem to be addressed (e.g., application of AI); the structure of the database on which the AI will be trained and will act; the training of the algorithm on the data; the algorithm itself; the results of the AI invention through an automated process; the policies/weights to be applied to the data that affects the outcome of the results; and/or other elements.
2. What are the different ways that a natural person can contribute to conception of an AI invention and be eligible to be named inventor? For example: Designing the algorithm and/or weighting adaptations, structuring the data on which the algorithm runs;

¹ For a discussion of the issues unique to software patents, see Request for Comments and Notice of Roundtable Events for Partnership for Enhancement of Quality of Software-Related Patents, 78 FR 292, 294 (Jan. 3, 2013) [reviewing unique challenges of software patents].

running the AI algorithm on the data and obtaining the results.

3. 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 invention?
4. Should an entity or entities other than a natural person, or company to which a natural person assigns an invention, be able to own a patent on the AI invention? For example: Should a company who trains the artificial intelligence process that creates the invention be able to be a co-owner?
5. Are there any patent eligibility considerations unique to AI inventions?
6. Are there any disclosure-related considerations unique to AI inventions? For example, under current practice, written description support for computer-implemented inventions generally require sufficient disclosure of an algorithm to perform a claimed function, such that a person of ordinary skill in the art can reasonably conclude that the inventor had possession of the claimed invention. Does there need to be a change in the level of detail an applicant must provide in order to comply with the written description requirement, particularly for deep-learning systems that may have a large number of hidden layers with weights that evolve during the learning/training process without human intervention or knowledge?
7. How can patent applications for AI inventions best comply with the enablement requirement, particularly given the degree of unpredictability of certain AI systems?
8. Does AI impact the level of a person of ordinary skill in the art? If so, how? For example: Should assessment of the level of ordinary skill in the art reflect the capability possessed by AI?
9. Are there any prior art considerations unique to AI inventions?
10. Are there any new forms of intellectual property protections that are needed for AI inventions, such as data protection?
11. Are there any other issues pertinent to patenting AI inventions that you should consider?
12. Are there any relevant policies or practices from other major patent agencies that may help inform USPTO's policies and practices regarding patenting of AI inventions?

Dated: August 21, 2019.
Andrei Iancu,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
(FR Doc. 2019-18403 Filed 8-26-19; 8:45 am)
BILLING CODE 3510-16-P

1. Inventions that utilize AI, as well as inventions that are developed by AI, have commonly been referred to as “AI inventions.” What are elements of an AI invention? For example: The problem to be addressed (e.g., application of AI); the structure of the database on which the AI will be trained and will act; the training of the algorithm on the data; the algorithm itself; the results of the AI invention through an automated process; the policies/weights to be applied to the data that affects the outcome of the results; and/or other elements.



Request for Comments

 **Federal Register** / Vol. 84, No. 166 / Tuesday, August 27, 2019 / Notices **44889**

Dated: August 22, 2019.
Tracey L. Thompson,
*Acting Deputy Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.*
(FR Doc. 2019-18406 Filed 8-26-19; 8:45 am)
BILLING CODE 3010-22-P

DEPARTMENT OF COMMERCE
Patent and Trademark Office
(Docket No. PTO-C-2019-0029)

**Request for Comments on Patenting
Artificial Intelligence Inventions**

AGENCY: United States Patent and
Trademark Office, Department of
Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and
Trademark Office (USPTO) is interested
in gathering information on patent-
related issues regarding artificial
intelligence inventions for purposes of
evaluating whether further examination
guidance is needed to promote the
reliability and predictability of
patenting artificial intelligence
inventions. To assist in gathering this
information, the USPTO is publishing
questions on artificial intelligence
inventions to obtain written comments
from the public. The questions are
designed to cover a variety of topics
from patent examination policy to
whether new forms of intellectual
property protection are needed.

DATES: Written comments must
be received on or before October 11, 2019.

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submitted by postal mail addressed to the
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vary in their technical implementation,
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The USPTO has been examining AI
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running the AI algorithm on the data
and obtaining the results.

3. 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 invention?

4. Should an entity or entities (other
than a natural person, or company to
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invention, but not to own a patent on
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For example, under current practice,
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Dated: August 21, 2019.
Andrei Iancu,
*Under Secretary of Commerce for Intellectual
Property and Director of the United States
Patent and Trademark Office.*
(FR Doc. 2019-18413 Filed 8-26-19; 8:45 am)
BILLING CODE 3010-16-P

3. 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 invention?

Request for Comments

 **Federal Register** / Vol. 84, No. 166 / Tuesday, August 27, 2019 / Notices **44889**

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Dated: August 21, 2019.
Andrei Iancu,
*Under Secretary of Commerce for Intellectual
Property and Director of the United States
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[FR Doc. 2019-18413 Filed 8-26-19; 8:45 am]
BILLING CODE 3010-16-P

¹ For a discussion of the issues unique to software
patents, see Request for Comments and Notice of
Roundtable Events for Patenting the Enhancement
of Quality of Software-Related Patents, 29 FR 292,
294 [Jan. 3, 2013] (reviewing unique challenges of
software patents).

10. Are there any new forms of intellectual property protections that are needed for AI inventions, such as data protection?



Request for comments

- October 30, 2019 RFC on AI on other IP issues
 - 13 questions touching on topics related to copyright, trademark, trade secret, and data rights
 - Nearly 100 comments were received from industry, academia, foreign stakeholders, and individuals

 **Federal Register** / Vol. 84, No. 210 / Wednesday, October 30, 2019 / Notices **58141**

Atmospheric Administration (NOAA), Commerce.
ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a webinar-based meeting with the public to provide information on options available to commercial fishing operators for electronically submitting required Vessel Trip Reports (VTRs) in the Greater Atlantic Region. This is in support of the Council's joint action with the New England Fishery Management Council that could require electronic reporting of VTRs by operators holding commercial fishing permits for species managed by either council that require the submission of VTRs.

DATES: The meeting will be held Wednesday, November 20, 2019, from 5:30 p.m. to 7:30 p.m., EST.

ADDRESSES: The meeting will be held via webinar (http://mafmc.adobeconnect.com/evtr_publicmtg/) with a telephone audio connection (provided when connecting). Audio only access via conference phone number: 1-800-832-0736; Room Number: 5765379.
Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery

Special Accommodations
The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.
Authority: 16 U.S.C. 1801 *et seq.*
Dated: October 24, 2019.
Tracey L. Thompson,
Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2019-23609 Filed 10-29-19; 8:45 am]
BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE
Patent and Trademark Office
[Docket No. PTO-C-2019-0038]

Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation

AGENCY: United States Patent and Trademark Office, Department of Commerce.
ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office ("USPTO") is gathering information about the impact of artificial intelligence ("AI") technologies on intellectual property law and policy. To assist in gathering this information, on August 27, 2019, the USPTO published questions related to the impact of artificial intelligence

FOR FURTHER INFORMATION CONTACT: Coke Stewart, Office of the Under Secretary and Director of the USPTO, (571) 272-8600.

SUPPLEMENTARY INFORMATION: Artificial Intelligence (AI) technologies are increasingly becoming important across a diverse spectrum of technologies and businesses. AI poses unique challenges in the sphere of intellectual property law. At a January 31, 2019 conference on "Artificial Intelligence: Intellectual Property Policy Considerations," USPTO explored a number of those challenges.¹ On August 27, 2019, the USPTO published a request for comment regarding AI's impacts on patent law and policy. As a continuation of this work, the USPTO is also considering the impact of AI on other intellectual property rights.
Issues for Comment: The USPTO seeks comments on the copyright, trademark, and other intellectual property rights issues that may be impacted by AI. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and to assist in the development of any such guidance with respect to intellectual property policy and its relationship with AI. The questions should not be taken as an indication that the USPTO has taken a position, or is predisposed to any particular views. The USPTO welcomes comments from the public on any issues that they believe are relevant

Request for Comments



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Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a webinar-based meeting with the public to provide information on options available to commercial fishing operators for electronically submitting required Vessel Trip Reports (VTRs) in the Greater Atlantic Region. This is in support of the Council's joint action with the New England Fishery Management Council that could require electronic reporting of VTRs by operators holding commercial fishing permits for species managed by either council that require the submission of VTRs.

DATES: The meeting will be held Wednesday, November 20, 2019, from 5:30 p.m. to 7:30 p.m., EST.

ADDRESSES: The meeting will be held via webinar (<http://mfmc.adobeconnect.com/evt-publicint/>) with a telephone audio connection (provided when connecting). Audio only access via conference phone number: 1-800-832-0736; Room Number: 5765379.

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255. The Council's website, www.mafmc.org also has details on the proposed agenda, webinar access, and briefing materials.

SUPPLEMENTARY INFORMATION: The Council is considering requiring electronic reporting of commercial fishery VTRs in a joint action with the New England Fishery Management Council. This action would change the method of transmitting VTRs—the required data elements would not change. Existing regulations requiring that VTRs be completed before arriving at the dock would not change, but the timeline for submitting electronic reports may change. This meeting will provide a review of approved electronic VTR applications, initial steps that would be necessary for commercial operators to begin reporting electronically, and a demonstration of two of the most popular electronic reporting applications (with limited time for questions) to convey information on the process involved for commercial operators to report VTRs electronically.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 et seq.

Dated: October 24, 2019.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service. (FR Doc. 2019-21609 Filed 10-29-19; 8:45 am)

BILLING CODE 3510-22-9

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-C-2019-0038]

Request for Comments on Intellectual Property Protection for Artificial Intelligence Innovation

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Request for comments.

SUMMARY: The United States Patent and Trademark Office ("USPTO") is gathering information about the impact of artificial intelligence ("AI") technologies on intellectual property law and policy. To assist in gathering this information, on August 27, 2019, the USPTO published questions related to the impact of artificial intelligence inventions on patent law and policy and asked the public for written comments. Those questions cover a variety of topics, including whether revisions to intellectual property protection are needed. The present notice extends this inquiry to copyright, trademark, and other intellectual property rights impacted by AI.

DATES: Written comments must be received on or before December 16, 2019.

ADDRESSES: Written comments should be sent by email to ai@trademarksip.uspto.gov. Comments may also be submitted by postal mail addressed to the Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email. Because written comments and testimony will be made available for public inspection, information that a respondent does not desire to be made public, such as a phone number, should not be included in the testimony or written comments.

FOR FURTHER INFORMATION CONTACT: Cole Stewart, Office of the Under Secretary and Director of the USPTO, (571) 272-8660.

SUPPLEMENTARY INFORMATION: Artificial Intelligence (AI) technologies are increasingly becoming important across a diverse spectrum of technologies and businesses. AI poses unique challenges in the sphere of intellectual property law. At a January 31, 2019 conference on "Artificial Intelligence: Intellectual Property Policy Considerations," USPTO explored a number of those challenges.¹ On August 27, 2019, the USPTO published a request for comment regarding AI's impacts on patent law and policy. As a continuation of this work, the USPTO is also considering the impact of AI on other intellectual property rights.

Issues for Comment: The USPTO seeks comments on the copyright, trademark, and other intellectual property rights issues that may be impacted by AI. The questions enumerated below are a preliminary guide to aid the USPTO in collecting relevant information to evaluate whether further guidance is needed and to assist in the development of any such guidance with respect to intellectual property policy and its relationship with AI. The questions should not be taken as an indication that the USPTO has taken a position, or is predisposed to any particular view. The USPTO welcomes comments from the public on any issues that they believe are relevant to this topic, and is particularly interested in answers to the following questions:

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?

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

¹ A videotape of the entire conference, along with the agenda and an overview of the conference, are available at <https://www.uspto.gov/about-us/events/artificial-intelligence-intellectual-property-policy-considerations>.

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?



Request for comments

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?

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activities? Are there other contributions a person could make in a potentially copyrightable AI-generated work in order to be considered an "author"?

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?

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?

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?

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?

7. Would the use of a trademark searching impact the registration of trademarks? If so, how?

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?

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

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?

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?

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

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)?

Date: October 23, 2019.

Andrei Iancu,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office,
[FR Doc. 2019-23638 Filed 10-29-19; 8:45 am]
BILLING CODE 3165-16-P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Tuesday, November 5, 2019.

PLACE: CFTC Headquarters, Lobby-Level Hearing Room, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commodity Futures Trading Commission ("Commission" or "CFTC") will hold this meeting to discuss the following matters:

- Proposed Rule—Correcting Amendment to Commission Regulation 160.30 (Privacy of Consumer Financial Information);

- Foreign Board of Trade (FBOT) Applications of Eurexnet, Amsterdam, Euronext Paris, and European Energy Exchange; and

- Other Commission business.

The agenda for this meeting will be available to the public and posted on the Commission's website at <https://www.cftc.gov>. In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission's website.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commission, 202-418-5964.

Authority: 5 U.S.C. 552b.

Date: October 29, 2019.

Christopher Kirkpatrick,
Secretary of the Commission,
[FR Doc. 2019-23810 Filed 10-28-19; 4:15 pm]
BILLING CODE 6361-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0093]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 29, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0093. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery.

If the www.regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at IC/Docket@fed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCF, Room 9086, Washington, DC 20202-0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carmen Gordon, 202-453-7311.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize

Request for comments

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?

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activities? Are there other contributions a person could make in a potentially copyrightable AI-generated work in order to be considered an "author"?

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?

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?

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?

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?

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

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?

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

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?

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?

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

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)?

Date: October 23, 2019.

Andrei Iancu,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
[FR Doc. 2019-23638 Filed 10-29-19; 8:45 am]
BILLING CODE 3165-16-P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Tuesday, November 5, 2019.

PLACE: CFTC Headquarters, Lobby-Level Hearing Room, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commodity Futures Trading Commission ("Commission" or "CFTC") will hold this meeting to address the following matters:

- Proposed Rule—Correcting Amendment to Commission Regulation 160.30 (Privacy of Consumer Financial Information);

- Foreign Board of Trade (FBOT) Applications of Euronext Amsterdam, Euronext Paris, and European Energy Exchange; and

- Other Commission business.

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CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commission, 202-418-5964.

Authority: 5 U.S.C. 552b.

Date: October 29, 2019.

Christopher Kirkpatrick,
Secretary of the Commission.
[FR Doc. 2019-23810 Filed 10-28-19; 4:15 pm]
BILLING CODE 6361-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2019-ICCD-0093]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Comment Request; Ronald E. McNair Postbaccalaureate Achievement Program Annual Performance Report

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 29, 2019.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2019-ICCD-0093. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery.

If the www.regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at IC/Docket@fed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCF, Room 9086, Washington, DC 20202-0023.

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USPTO AI policy update

- Next steps:
 - The USPTO is in the process of reviewing the public comments and will issue a report as early as spring 2020
 - Public comments will be published with the report

Questions and comments

Coke Stewart

Senior Policy Advisor and Acting Chief of Staff

(571) 272-8600

coke.stewart@uspto.gov



