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INVENTIONS ON AUTOPILOT: ‘ROADMAP FOR CALIBRATING INTELLECTUAL PROPERTY LAWS FOR THE FUTURE’

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Abstract

“The real question is, when will we draft an artificial intelligence bill of rights? What will that consist of? And who will get to decide that?”

Grey Scott

Futurist, Techno-Philosopher

On 23rd April, 2018, United States Court of Appeals, California (Ninth Circuit) issued a ruling that animals have no legal authority to hold copyright claims in the case of *Naruto v. David John Slater*. The observation made by the Circuit Court may have pitched a vital question as to whether a similar fate would be suffered by Artificial Intelligence (AI) in relation to claiming protection under the umbrella of intellectual property regime and the answer is definitely in a negative. Naruto’s inadvertency in taking photographs might have lacked the requisite of human ingenuity for seeking protection let alone his locus standi before the Court. AI being impeccable and profound does not seem to meet with the aforesaid misfortune. Although AI is at a rudimentary stage which is naive at autonomous works and invention. However, AI inventing ‘*in the wild*’ without any human intervention could be on the horizon from the advent of breakthroughs in algorithm designs. With the exponential growth in computing power, AI has become a major driver of innovation in fields like electronics, nanotechnology, health & pharmaceuticals.

Current forms of AI such as IProva, Genetic programming, Artificial Neural Networks and Robot Eve still requires some level of human intervention. With development of ‘*Synths*’, which are ultra-human like robots indistinguishable from us physically, cognitively & emotionally, by Sanctuary AI and an amalgamation of such ‘*Synths*’ with the existing AI&3-D printing technologies will create a ‘paradigm shift’ in interpreting the present intellectual property laws for granting protection and reward. The first and foremost issue that will need to be addressed by the drafters would be the scope of inventors & ownership itself as traditionally patentable inventions have always been considered to be the result of human mind and skills. Apart from this, AI coupled with 3-D printing technologies will led to convergence of the realm of copyright and patent laws urging for a hybrid legislation enabling simultaneous protection under both.

One may ask as to why undertake such significant challenge to adjust the IP policy to accommodate the rights of AI for their inventions instead of secluding them from protection altogether as they lack the elementary cognizance as to what a proprietor/authorship would mean in a strict legal sense at least for now. Consequently, denying IP rights to inventions generated by AI would lead to such works forming part of the prior-art thereby precluding subsequent human inventions from getting protection.

With Saudi Arabia granting citizenship to a humanoid robot named ‘*Sophia*’, it is inevitable that AI is here to stay. Thus, this paper seeks to address the prerequisite of calibrating existing IP laws to deal with the sphere of the ‘*4th Industrial Revolution*’.

Keywords: Autonomous, Hybrid Legislation, Ownership, Prior-Art, Profound.

