JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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Written Statement for INTERVENTIONS
prepared by Japan Intellectual Property Association

Thank you, Mr. Chair. I am privileged to have this opportunity to offer our view on the issue of AI and Intellectual Property. I am speaking on behalf of the Japan Intellectual Property Association, JIPA. JIPA members include 1,300 companies and organizations from 12 countries, representing the world's largest users of IP systems which, for example, file 20% of worldwide PCT patent applications.

We understand that the core issue in this discussion is AI inventorship, and more specifically, as to the invention autonomously generated by AI, which the revised paper calls as AI generated invention, should AI be eligible as inventor, and should we protect such invention legally? JIPA considers premature the introduction of measures to recognize AI-autonomous inventors and legislation for the protection of their inventions. Further, this fundamental view of JIPA applies not only to the Patent Act, but also the Copyright Act, and the Design Act.

Discussing AI and IP issue is NOT purely a discussion within the area of IP laws. JIPA believes that before introducing such legislation, it is important to review this issue from the comprehensive approach including the following aspects.

First is the technical aspect. JIPA commends WIPO's effort on adding the section for the definitions in the revised paper. We further recommend WIPO to establish a frame of reference which facilitates the discussions by the worldwide IP community based on the common understanding of the AI technology. For example, critical definitions in the paper would be AI, which is defined as narrow AI, and also AI generated invention, which is defined as invention generated without the intervention of human. Narrow AI may tend to be interpreted as AI trained using a huge amount of training data and thereby capable of doing some single task, and inventing autonomously seems to be something much more intelligent. We may also want to better understand

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what "without the intervention of human" means and how a narrow AI can in fact invent without intervention.

The second is the impact on the broader issues, such as the social economy, the entire legal system, and the ethics.　It is true that some of these issues may be outside of WIPO's mandate, but even if so, it is still worth discussing such issues, under the leadership of WIPO, among the worldwide IP community and together with other stakeholders as necessary, so that we identify and highlight critical issues, offer our findings based on our IP expertise to support the discussions by other organizations or communities, and reach a proper conclusion.

In conclusion, JIPA considers that we should organize and analyze the above points, evaluate any impact on the broader issues, and make wide-ranging discussions among experts in various fields, before determining necessary measures.

Thank you for this opportunity to speak.

Yours faithfully,

Yuji TODA
President
Japan Intellectual Property Association