CLAIMS

LLC AA1913
P.O box 93, 199178
Saint Petersburg, Russia
CONTACT@CLAIMS.RU
+7 812 993-07-62
www.claimsip.com

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Re: [No WIPO/IP/AI/2/GE/20/1] Respond to WIPO Conversation on Intellectual Property (IP) and Artificial Intelligence (AI)

To Whom It May Concern:

We express our appreciation for the possibility of providing our comments on intellectual property protection for artificial intelligence (AI) innovation.

To respond to WIPO Requests dated December 13, 2019, we want to share our observations and suggestions on the following issues:

- Should copyright be attributed to original literary and artistic works that are autonomously generated by AI or should a human creator be required? Same related to patent rights and other intellectual property rights.

- In the event copyright can be attributed to AI-generated works, in whom should the copyright vest? Should consideration be given to according a legal personality to an AI application where it creates original works autonomously, so that the copyright would vest in the personality and the personality could be governed and sold in a manner similar to a corporation? Same related to patent rights and other intellectual property rights.

We want to propose the following legal concept relating to the legal status of intellectual property created by AI.

In our view, the adaptation of this concept will solve most of the existing contradictions in law.

- recognizing AI, i.e., software that can produce results not initially predicted by natural persons who created this software, as *an individual legal person*, same as natural persons, corporations, and public entities;

- establishing distinct legal statuses for different groups of AI; in particular, recognizing existing AI software as "*minor legal persons*"—in parallel with

minor natural persons—with limited legal personality; legal transactions of the "minor AI" would be supervised by their *guardian*, e.g., its creator, as "minor physical persons" are supervised by their guardians, e.g., parents;
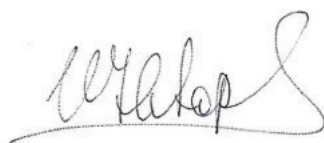
- directing money or property received by the "minor AI" for its activities (e.g., licensing of copyrights) for further development and improvement of this AI, with the aim for the AI to mature into a fully independent legal person;

- developing methods for evaluating the AI, *similar to methods of psychiatric evaluation* used to decide whether an adult person has to be restricted in its legal personality or can enjoy it in full scale; the AI that meets the criteria would be able to receive *full legal personality* and enjoy its bundle of rights independently from its creator while being responsible for all its obligations relating to the property it owns as a legal person (e.g., to own trademarks filed on behalf of AI as an individual legal person with full legal personality; to license its intellectual property independently from its creator; to hire at attorney or advocate to protect its intellectual property in court; etc.);

- establishing procedures to limit the legal capacity of the AI, in a way similar to limiting the legal capacity of adult persons with mental disorders if the AI is not able to fully understand and realize its rights and obligations, e.g., in case of it going bankrupt.

We think that establishing separate stages of legal capacity for AI, such as "minor" and "adult" for humans, would be an efficient and rather simple way to deal with apparent contradictions related to intellectual property rights on creations of AI. If there is no clear position on how to regulate specific issues, it is possible to apply *mutatis mutandis* similar rules related to natural persons.

We remain open to further discussions.

Kind regards,

Igor Nevzorov,
CLAIMS Managing Partner