What to consider when protecting and utilizing AI

10.9.2019   Marketing Day
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AI patenting is on the rise

7. Patents in artificial intelligence technologies, 2000-15
Number of IP5 patent families, annual growth rates and top inventors’ economies


http://dx.doi.org/10.1787/88893616978
Artificial intelligence = computer mimicking human actions

Machine learning = computer improves its capability to solve problems by learning from experience (data)
Reasons for the new AI boom

- Digitalisation of services
- Advantages in computing (e.g. use of GPUs)
- Growing number of use cases
- Scalable availability of computing power
- Availability of data

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Applications

– Siri, Alexa
– Medicine
– Language translation and document management
– Autonomous vehicles
– Logistics
– Marketing
– Trading
– Legal tech
It’s all about the data

"An AI is only as good as the data used to create it”

– The value of good, proprietary data increases

– The value of proprietary AI taught with proprietary data increases
CASE: autonomous vehicles

- A race to collect good data and create the best algorithms
  * Additional features are offered at a discount or even free to enable data collection
- Better data -> better algorithms -> less accidents
CASE: life sciences

- Better data -> better algorithms -> more human lives saved
- Do some tasks become “AI-obligatory”?
Legal tools for protection

- Patents
- Trade secrets
- Copyright
- Sui Generis Database right
- Contracts
Patenting AI = a feasible approach?

– Not for
  • Data
  • A mathematical or statistical model in itself

– For
  • Technical application (system or method) of ML

– Examples of AI patents
  • Core solutions for AI techniques, e.g. improvements in neural networks and deep learning
  • Functional applications of AI technologies, e.g. OCR and machine vision
  • Application-specific solutions, e.g. medical, telecommunications and vehicle applications
"Patent protection of algorithms and software is narrow and easy to design around"

- In general, a false statement that is only true to poorly and unilaterally designed protection
Growing activity = increase in disputes?

- Whether you patent or not – others will
- Increase in investments = increase in enforcement of rights
- Not knowing doesn’t save you from infringement
- Build your freedom to operate into your solution
In a nutshell

− Activity in the field is increasing tremendously
− Legal protection must be assessed from a number of perspectives
− Understand the actual solution behind the hype
− Monitor competitor’s IPRs when implementing your AI solutions
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