

ELEMENT^{AI}



Artificial Intelligence and Data Markets – From Contracts to Public Policy

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Artificial Intelligence in Today's World...is there truth beyond the hype?

- What world exists beyond the headlines? Beyond GAFA?
- A quick word on Element AI and our business model
- The goal of this evening's conversation – exploring the existence of the various markets around AI, and what are drivers behind these dynamics.

AI, data, IP, competition law...

- Where is AI today?
- Why “AI” as such is probably not the right term...
- A quick illustration by XKCD, and an example from our childhood...

THIS IS YOUR MACHINE LEARNING SYSTEM?

YUP! YOU POUR THE DATA INTO THIS BIG PILE OF LINEAR ALGEBRA, THEN COLLECT THE ANSWERS ON THE OTHER SIDE.

WHAT IF THE ANSWERS ARE WRONG?

JUST STIR THE PILE UNTIL THEY START LOOKING RIGHT.



Data as a Key Driver

- Our AI and Algorithms will be only as good as our data (see recent © work in the USA by Levendovski and Sobel)
- How does the law create this market? Does it hinder it?
- Recent legislative change on © reform – is it a good step forward or a poisoned apple?
- A quick word from Canada's legislative landscape ...

Open Data as a Solution?

- Open Data from Government – it seems promising, wouldn't it?
- Core principles of Open Data – can we reconcile them with current economic and trade trends?
- Back to the basics...open vs accessible
- Parallels with Free and Open Source Software (and pitfalls...)
- What is property anyways?

The Data Licensing Game...or why it may even be easier to build nuclear weapons

- FTC Report from 2014
- Use-restrictions and auditability
- Warranties vs use-restrictions
- Is this a promising field of intervention for competition authorities?

What about competition enforcement in data markets?

- If it was hard to convince authorities (and scholars!) to look into in-depth IP markets...how can we do this with data?
- Recent work is promising and insightful, but shows how narrow-minding authorities were in the last 5-10 years.
- M&A / Licensing Practices & Contractual Overreach
- Privacy as a vector for competition enforcement?

Data as a Public Good?

- Does “data” really hold qualities defining a public good?
- How much data is too much? Or enough?
- Where’s the market? First-movers advantage? Technological capabilities? Aggregation?
- What about public services / public licenses to operate?
- Where is competitive advantage in AI?

What kind of market are we seeing emerge?

- Us & Them?
- Is collaboration possible?
- How is Element AI scaling and how is it leveraging fundamental research?
- What do clients want?
- GDPR – explainability / transparency and the march towards standardization...

How should competition law help?

- By rigorously applying existing frameworks to their closest equivalents
- By understanding data as a key input and as the prerequisite for dynamic competition in most (if not all) markets.
- By participating in research initiatives that..themselves use AI! Leverage existing resources to better dissect and understand the markets that emerge.

A word of thanks to conclude...

