The Patent Framework for Artificial Intelligence in the United States with a Focus on the DABUS Cases

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Abstract

Artificial intelligence (AI) has emerged as a focal point within the realm of intellectual property law, particularly with its significant advancements over the past decade, including the recent introduction of ChatGPT and other large language model programs. The significant developments in AI have led to many questions with respect to protection, particularly in the patent landscape in the U.S. The question of whether AI-implemented inventions are or should be patent eligible, and if so, what requirements must be met for such inventions to be considered eligible, has perplexed scholars, courts, and the U.S. Patent Office over the past years.. This presentation will take a deeper look at the questions raised with respect to inventorship of AI-implemented inventions, the types of inventions that are being found to be eligible, and how trends suggest future AI iterations may evoke new questions of patentability. Additionally, the presentation will briefly look at copyright, trade secrets, and other methods of protection as they relate to AI innovations.