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HECTOR E. CHAGOYA-CORTES

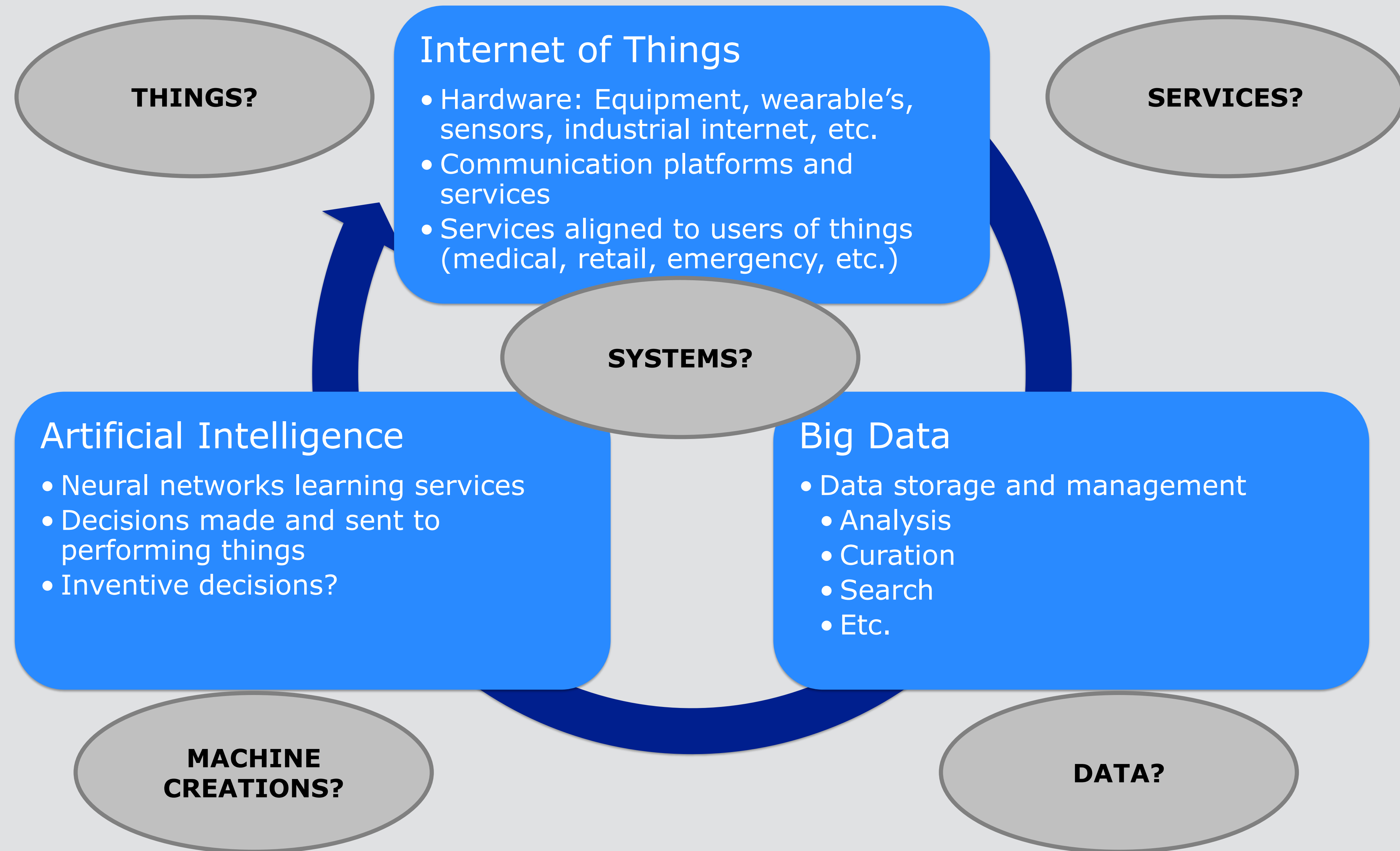
Colloquium

FICPI/AIPLA/AIPPI

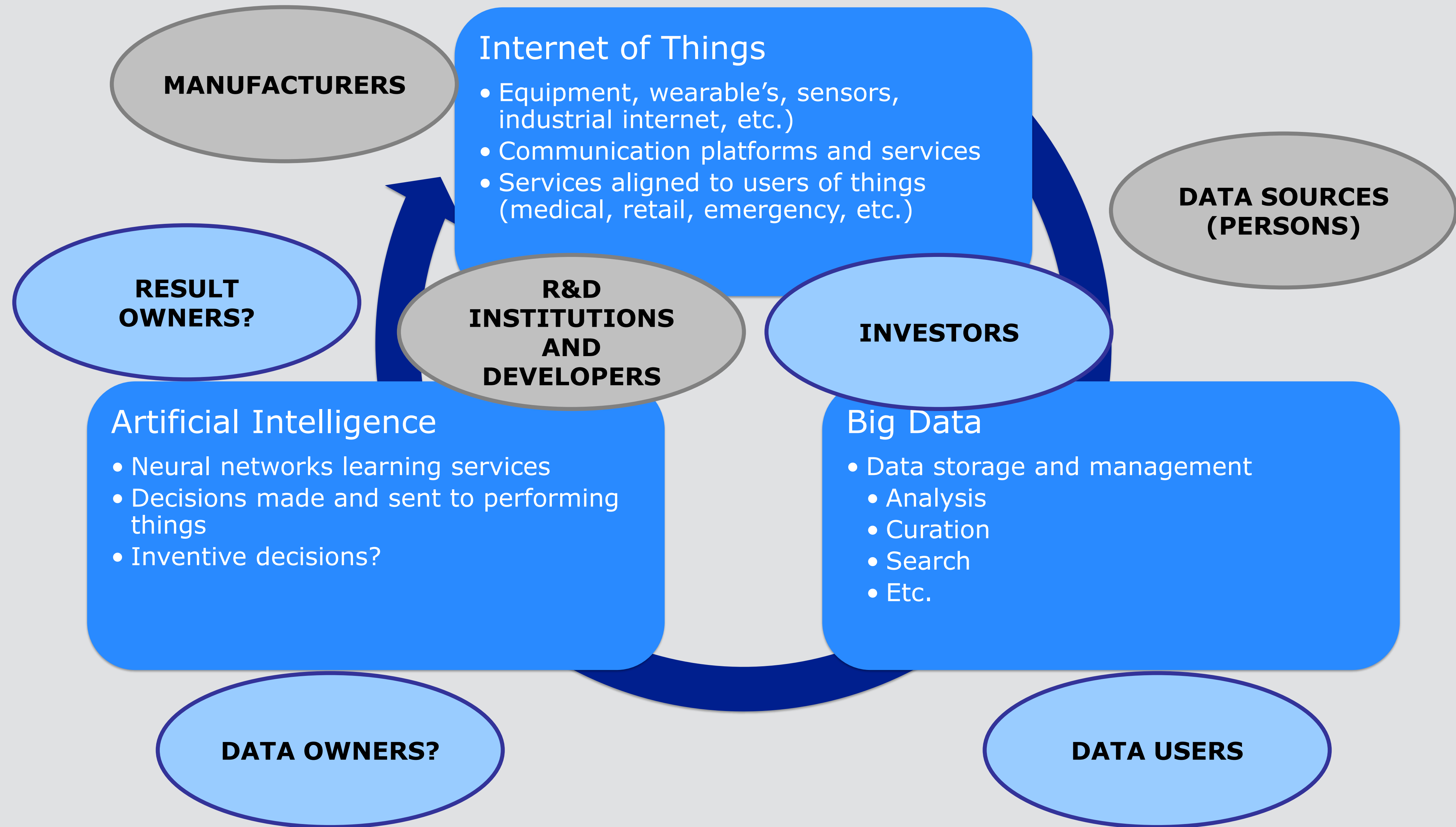
Torino, 2019

**AI and IP – the trade
secrets arena**

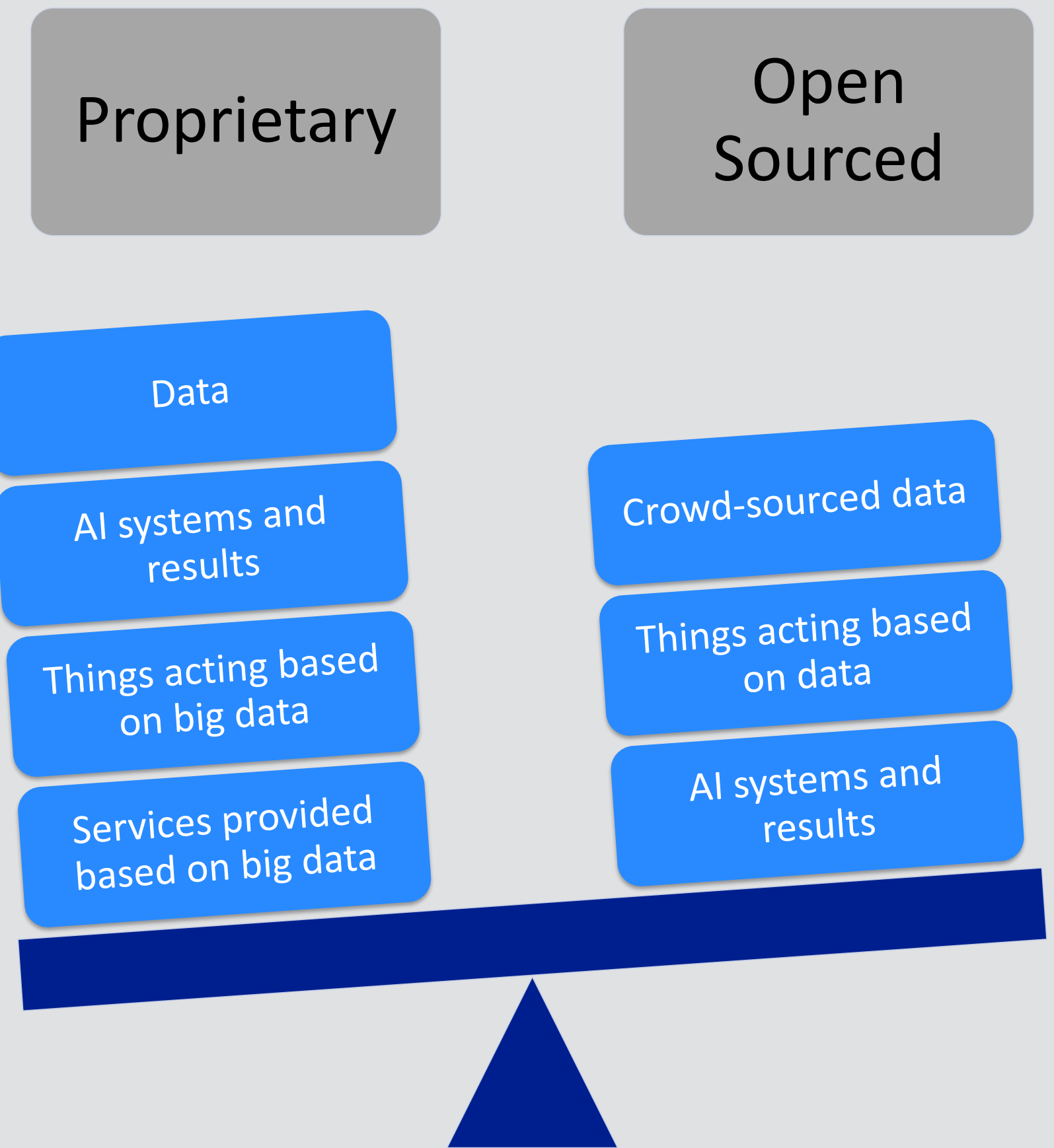
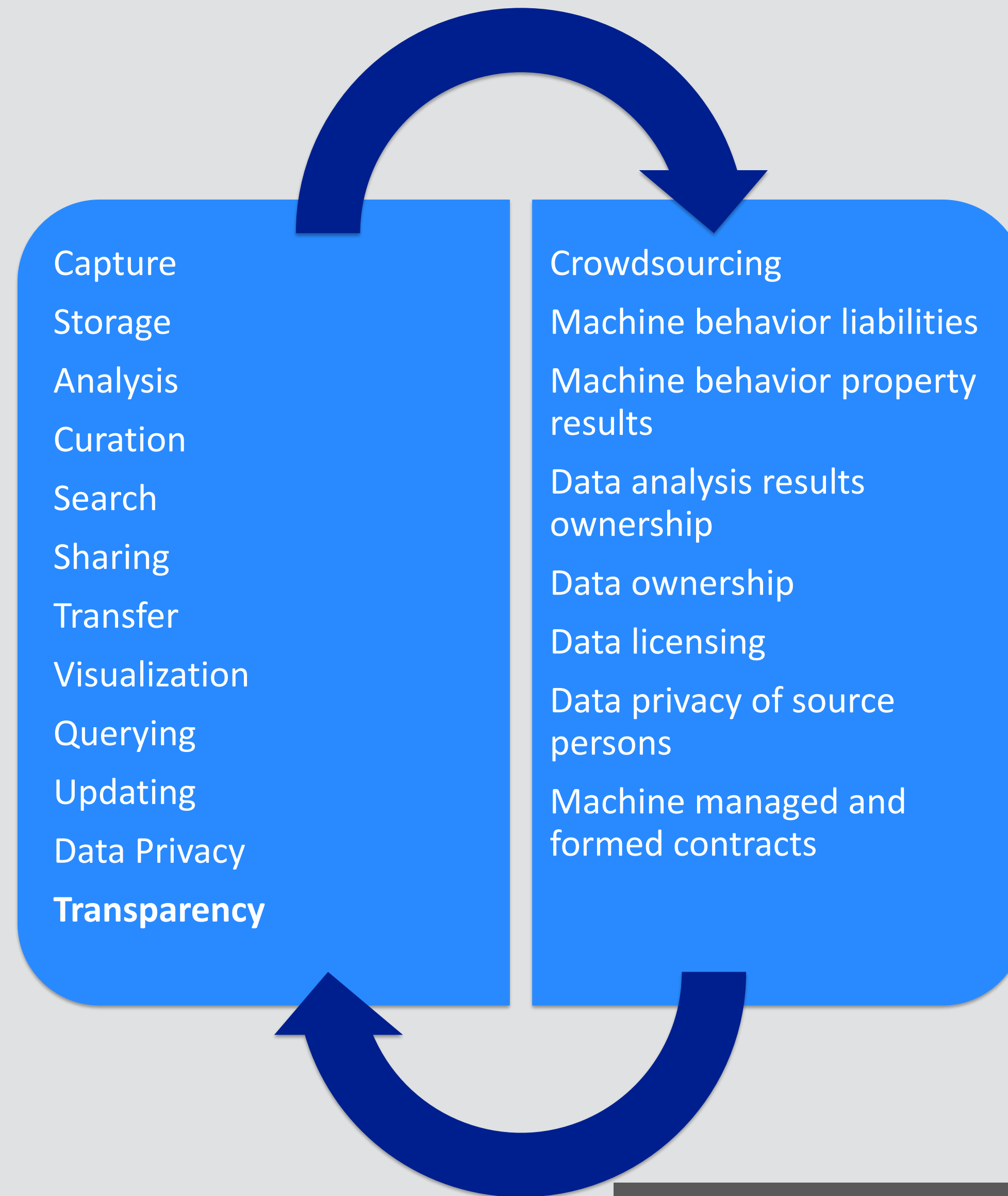
The IT continuum



Stakeholders in the IT continuum

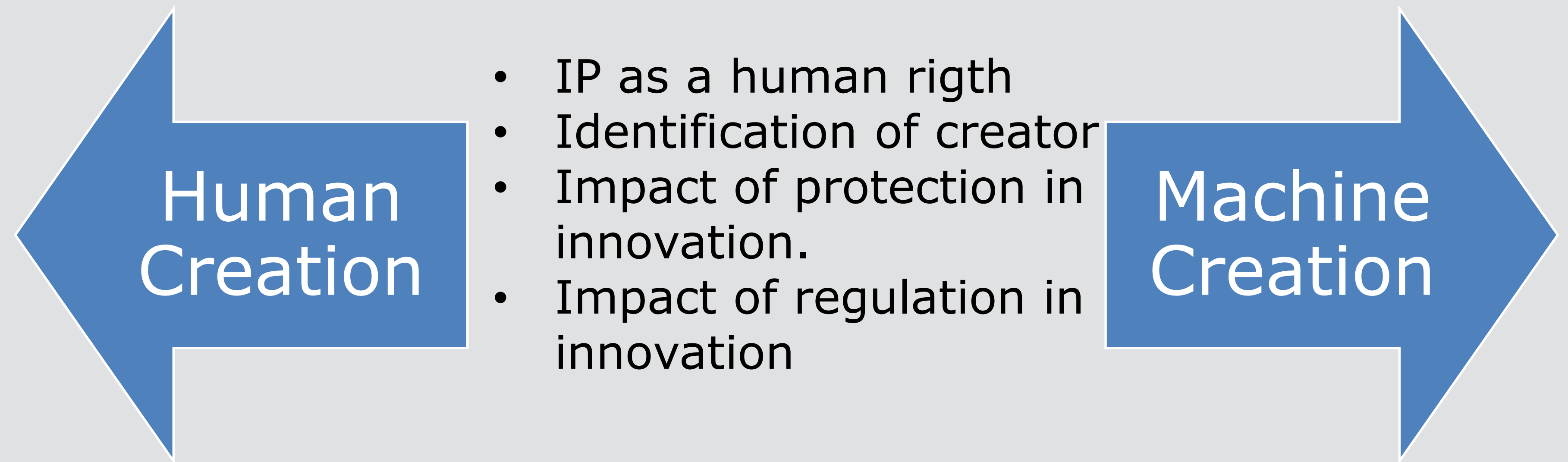


IT continuum challenges vs. Relationship and property risks



CROWDS OF USERS, OWNERS AND TERRITORIES
Blockchain – Smart Contracts

AI and IP



IP – human rights	Creator	Protection & Innovation	Regulation & Innovation
<ul style="list-style-type: none">• Are machines entitled to human rights and/or be recognized as inventors?• Are other human rights above the rights of “creative machines” owners (i.e. health, access to culture, privacy).	<ul style="list-style-type: none">• Whose data is used by AI?• How many “creators”?• Is AI a derivative work? Of which creators and creations (program, artwork, data, etc.)?	<ul style="list-style-type: none">• AI needs to be used to learn• Learning information /algorithms are often confidential• Increasing complexity needs investment to be protected.	<ul style="list-style-type: none">• "Transparency" imposes atypical burdens to the innovator (i.e. Data exclusivity in pharma)• Risks to public will need management• Regulatory burdens need be accompanied by certainty to investment.

AI and Trade Secrets

IP – human rights

- Trade secrets are based on information possession and not creation.
- TS typically co-exist with other IP rights

Creator

- Machines can generate TS information and the title is to the possessor.
- Identification of the creator is not necessary.

Protection & Innovation

- TS are currently extensively used to protect technology in the IT continuum
- Learning information /algorithms are often confidential

Regulation & Innovation

- "Transparency" regulation may put at risk trade secret management.
- One size will not fit all a balance of public and secret information must be found.

TRADE SECRETS ARE THE LEAST STANDARDIZED IP RELATED RIGHT WORLDWIDE



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*Big Data, IoT and AI
increasingly complex
property and relationships
management, also need Big
Data, IoT and AI solutions*

THANK YOU!

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