

AI and IP – the trade secrets arena

Internet of Things • Hardware: Equipment, wearable's, THINGS? **SERVICES?** sensors, industrial internet, etc. Communication platforms and services Services aligned to users of things (medical, retail, emergency, etc.) **SYSTEMS?** Artificial Intelligence Big Data Neural networks learning services Data storage and management Decisions made and sent to Analysis performing things Curation • Inventive decisions? Search • Etc. **MACHINE DATA? CREATIONS?**

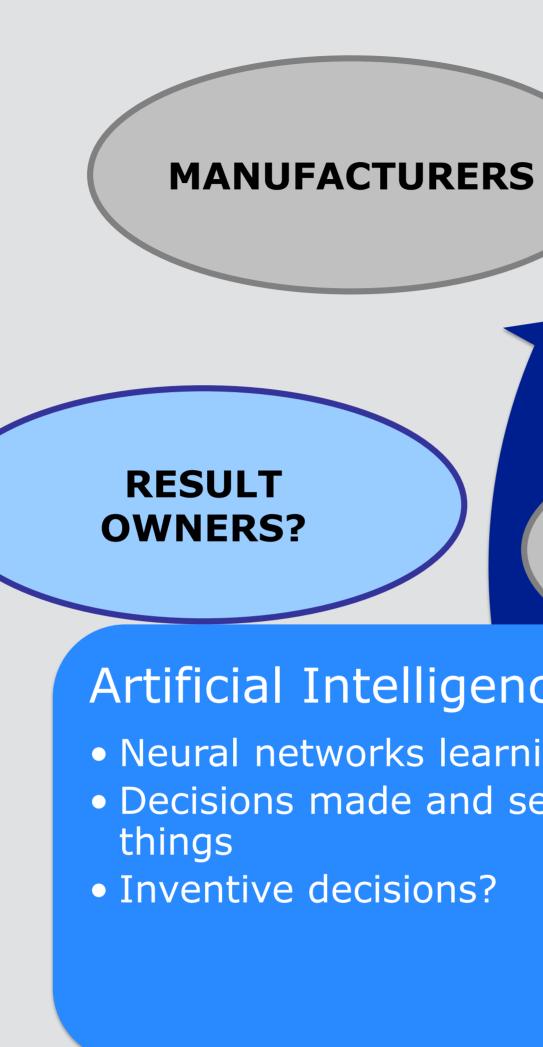




The IT

continuum

Stakeholders in the IT continuum



Internet of Things

- Equipment, wearable's, sensors, industrial internet, etc.)
- Communication platforms and services
- Services aligned to users of things (medical, retail, emergency, etc.)

DATA SOURCES (PERSONS)

R&D **INSTITUTIONS AND DEVELOPERS**

INVESTORS

Artificial Intelligence

- Neural networks learning services
- Decisions made and sent to performing
- Inventive decisions?

Big Data

- Data storage and management
- Analysis
- Curation
- Search
- Etc.

DATA OWNERS?

DATA USERS





IT continuum challenges vs. Relationship and property risks

Capture Crowdsourcing Storage Machine behavior liabilities Machine behavior property Analysis results Curation Data analysis results Search ownership Sharing Data ownership Transfer Data licensing Visualization Data privacy of source Querying persons Updating Machine managed and formed contracts Data Privacy **Transparency**

Open Proprietary Sourced Data Crowd-sourced data Al systems and results Things acting based Things acting based on data on big data Al systems and Services provided results based on big data







Human Creation

- IP as a human rigth
 - Identification of creator
- Impact of protection in innovation.
- Impact of regulation in innovation

Machine Creation

AI and IP

IP – human rights

- 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).

Creator

- Whose data is used by AI?
- How many "creators"?
- Is AI a derivative work? Of which creators and creations (program, artwork, data, etc.)?

Protection & Innovation

- AI needs to be used to learn
- Learning information /algorithms are often confidential
- Increasing complexity needs investment to be protected.

Regulation & Innovation

- "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 possesor.
- 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









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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