



Gamification Code:
reality



AI in IP

*The Truth, the Whole Truth
and Nothing but the Truth*



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Advocating for your IP



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**FICPI 23RD
OPEN FORUM**
Budapest, Hungary
16-19 September 2026



PEOPLE | AI | A FAIRER TOMORROW

Sophia Arkinstall

Founder & Director, AI & Society, Australia

PLENARY SESSION

AI in IP:

The Truth, the Whole Truth and Nothing but the Truth



DATE
Fri 18 Sept 2026



TIME
9:00–10:30am





Why I'm standing here

"Full disclosure: I'm not a lawyer. I swear to tell the truth, the whole truth, and nothing but the truth."

Founder, AI & Society

Brisbane · Jan 2025

3,000+ members

Across Australia, and now London & Paris

Smart cities & sustainability

Ex-project manager

MBA Valedictorian

Innovation & technology

TECH TOURS → IDEAS → ACTION

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society



01

SEE

Dubai · Tokyo · San Francisco



02

QUESTION

People · Place · Technology



03

SHARE

AI & Society

Three Acts

1

The Truth

No industry is immune

2

The Whole Truth

What the evidence shows

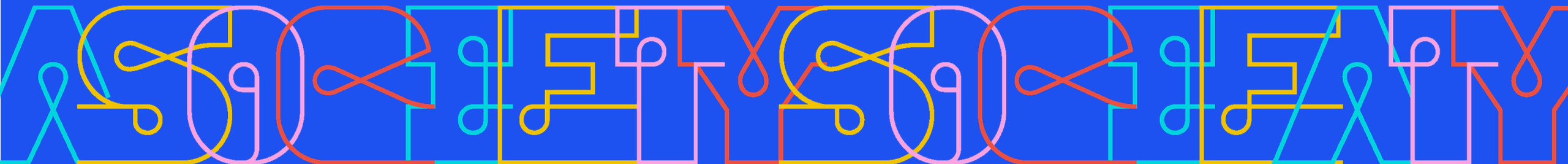
3

Nothing but the Truth

Humans in the lead

The Truth

No industry is immune



Hype. Or Doom. I Choose Neither.

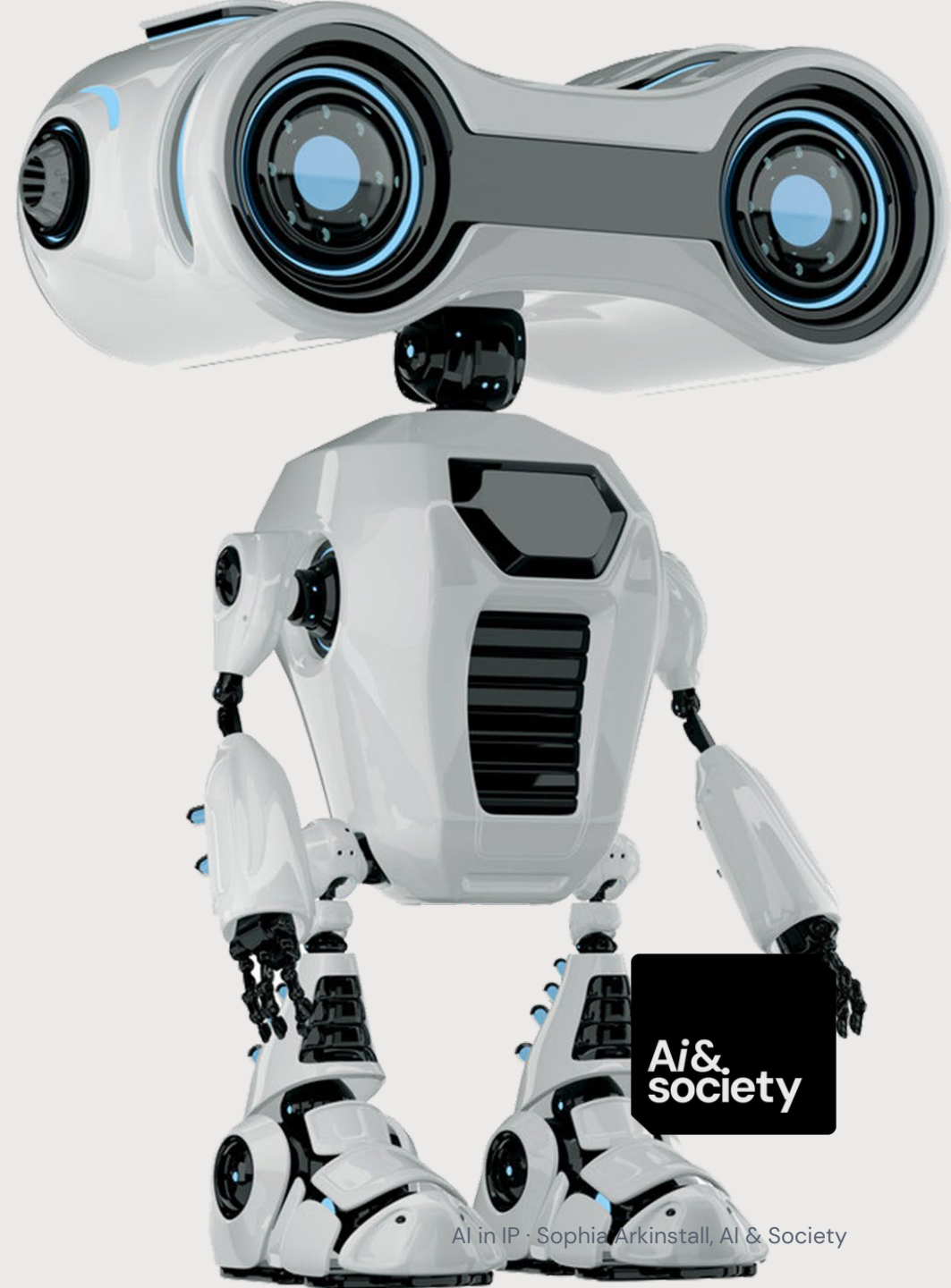
The Hype

AI does everything, now. Adopt or perish.

The Doom

Hallucinations. Discipline. Avoid entirely.

I prefer pragmatic optimism.



Pragmatic Optimism, Not Hype or Doom

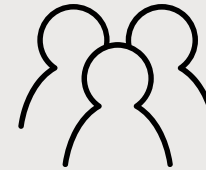
NOT: AI changes nothing



NOT: AI changes everything



INSTEAD: Informed,
evidence-led, human-led
adoption



That's the truth, the whole truth, and nothing but the truth of where AI in IP stands right now.

No industry is immune – including yours



AI is already reshaping IP law

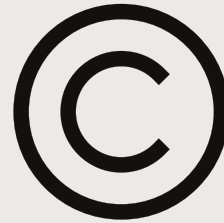
*“An artist’s creative endeavour
is their work and their
property.”*

— The Hon. Anthony Albanese MP,
Prime Minister of Australia, July
2026



NEW OFFICE OF AI
(DEPT PM&C)

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COPYRIGHT



WHAT COMES
NEXT?

*Training data, copyright and inventorship are now
front-of-mind for governments too.*

It's already reshaping IP law — everywhere



Different approaches. Same questions.
Training data. Copyright. Accountability.

Europe	EU AI Office (European Commission)	Copyright + training-data obligations
United States	Center for AI Standards and Innovation (CAISI), NIST	Standards, testing + litigation
India	India AI Governance Guidelines, MeitY	Innovation-first + existing laws
Africa	Continental AI Strategy, African Union	Development + local capability
Middle East	Ministry of Artificial Intelligence, UAE	Investment + sovereign capability

AI across the IP workflow



AI is already used across the full lifecycle of IP work from idea to enforcement.





Real-world examples in IP

From global IP offices to leading law firms, AI is delivering value.



Search & Analysis



Drafting & Prosecution



Portfolio & Strategy



Disputes & Enforcement

But AI also changes the risk profile

AI brings opportunities but also new risks that the IP profession must understand and manage.



Accuracy



Confidentiality



Bias



IP Ownership



Attribution/
Inventorship

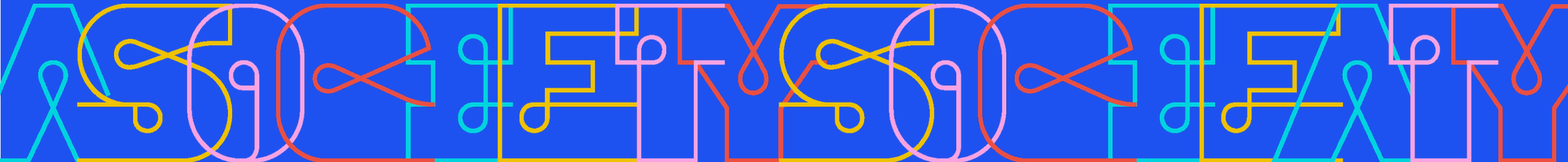


Traceability

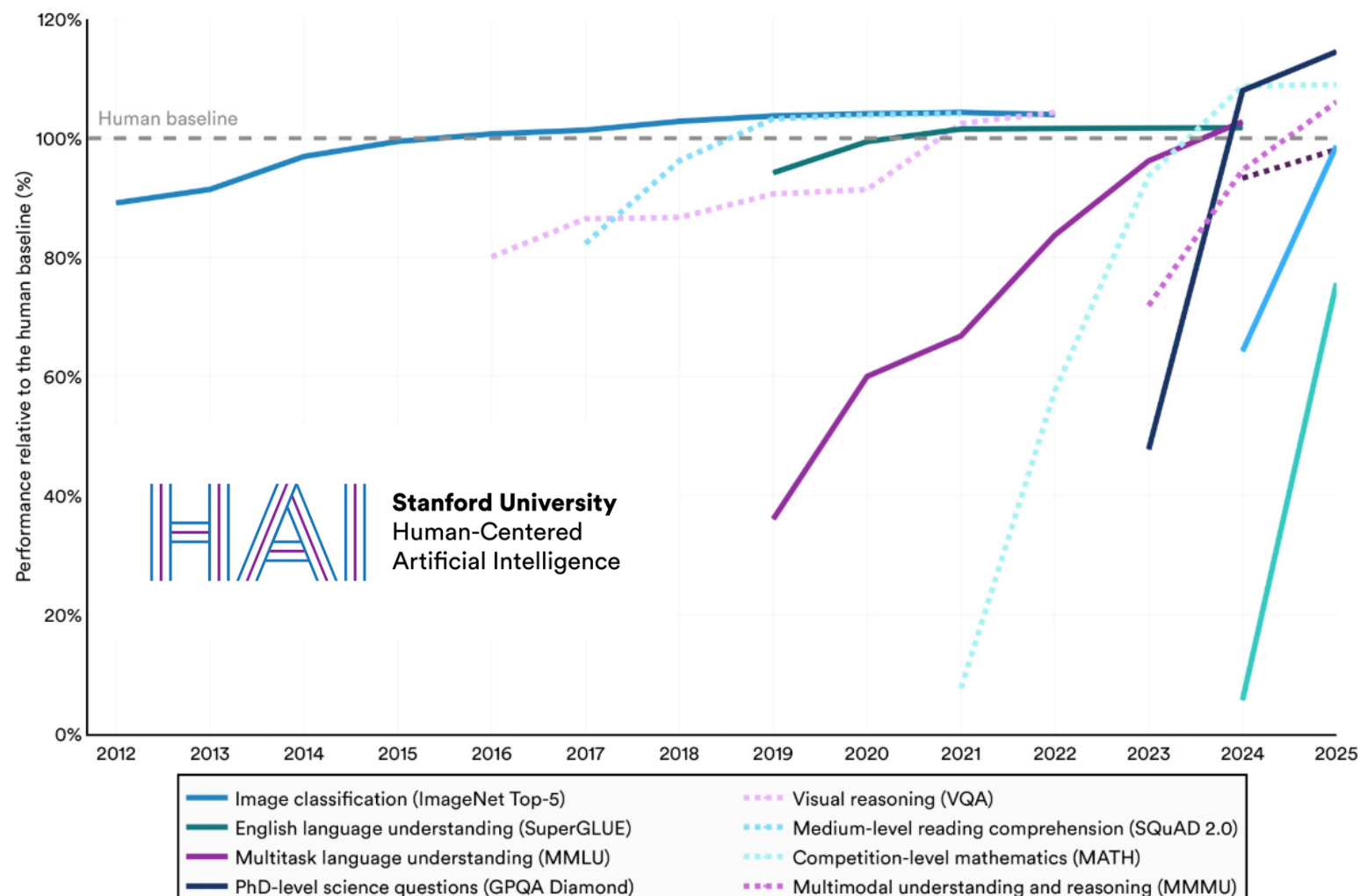


The Whole Truth

What the evidence shows



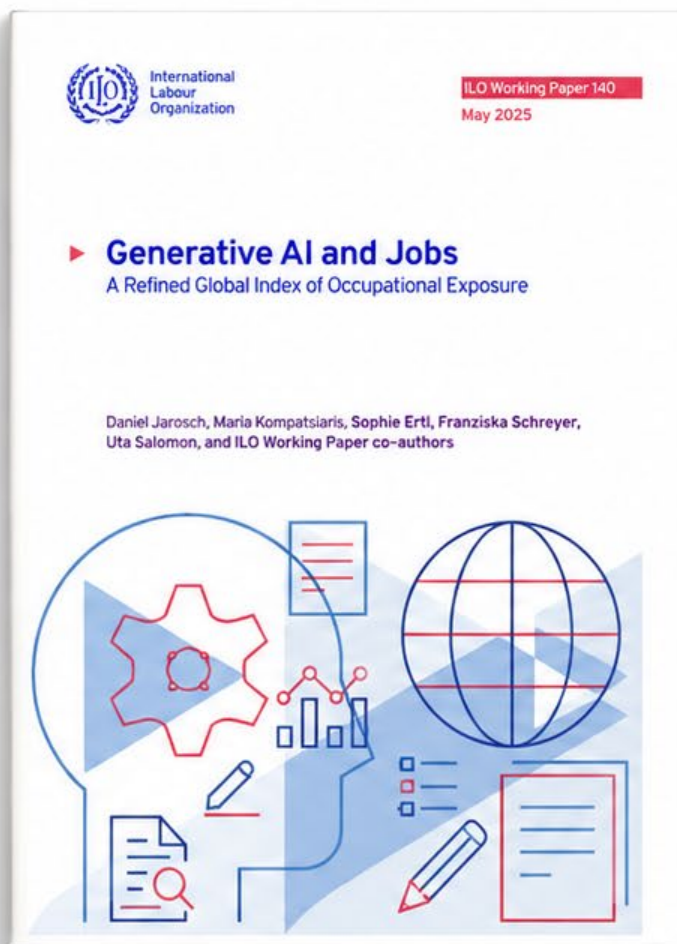
The Evidence: Capability Isn't Plateauing



AI benchmarks vs. human baseline

Multiple tasks have already crossed the line. Harder tasks — competition maths, visual reasoning — are catching up fast.

Exposure Isn't Replacement – and It's Uneven

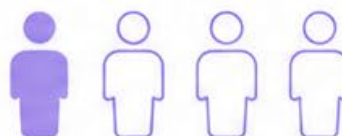


 **Source: ILO, Generative AI and Jobs**
ILO Working Paper 140, May 2025

1 in 4

Workers globally

in a job with
some GenAI exposure



3×

High vs. low income

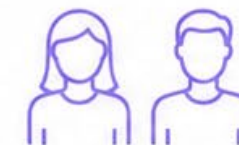
34% vs. 11%
exposure rate



2×

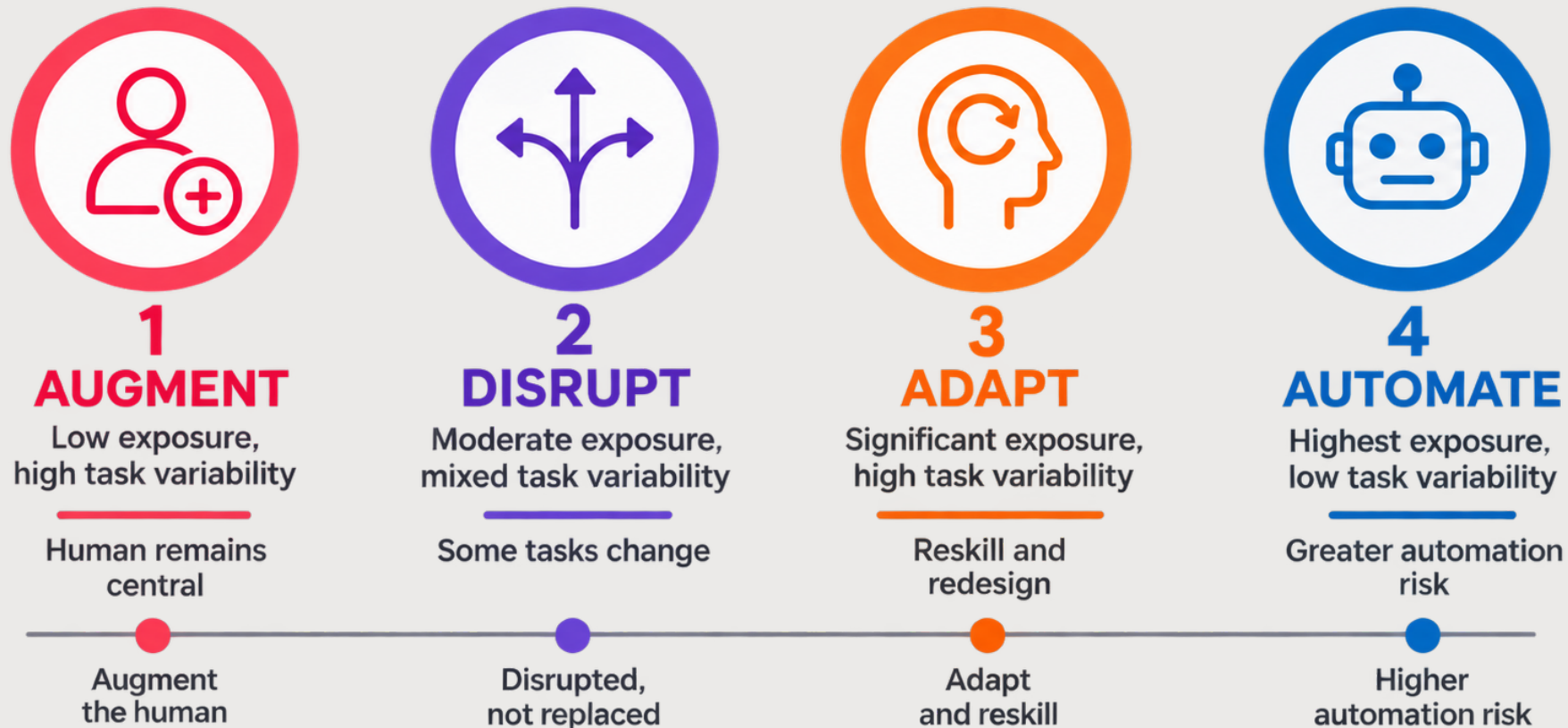
Women vs. men

4.7% vs. 2.4%
highest-exposure
category

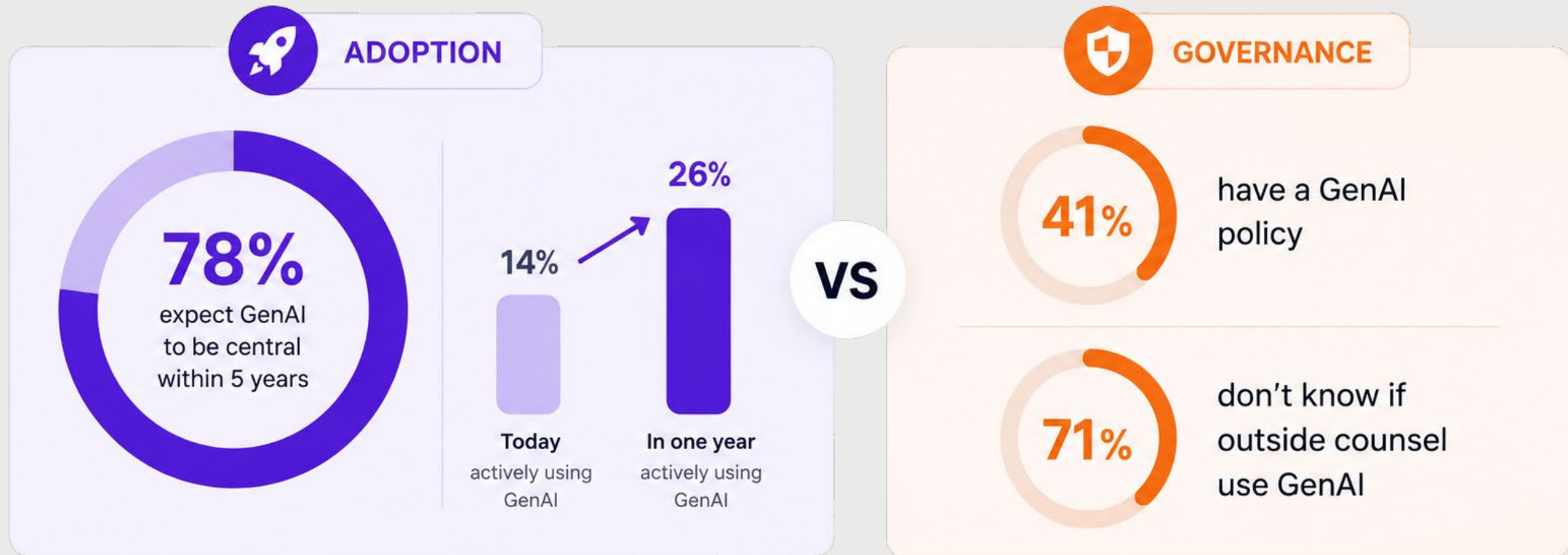


The International Labour Organization's four gradients

A MAP FOR WORK IN THE AGE OF AI



Adoption Is Racing Ahead. Governance Isn't.



AI Awareness Is Rising

AI Capability Is Lagging

Most professionals know about AI – but far fewer have the practical understanding to use it effectively.



Basic AI Awareness
is now mainstream

THE
CAPABILITY
GAP



Lack practical
understanding

**Greater capability and strategy
drive real business value.**



2.8×

More likely to see organisational
benefits — with stronger
AI proficiency.



3.5×

More likely to see ROI —
with a visible AI strategy.

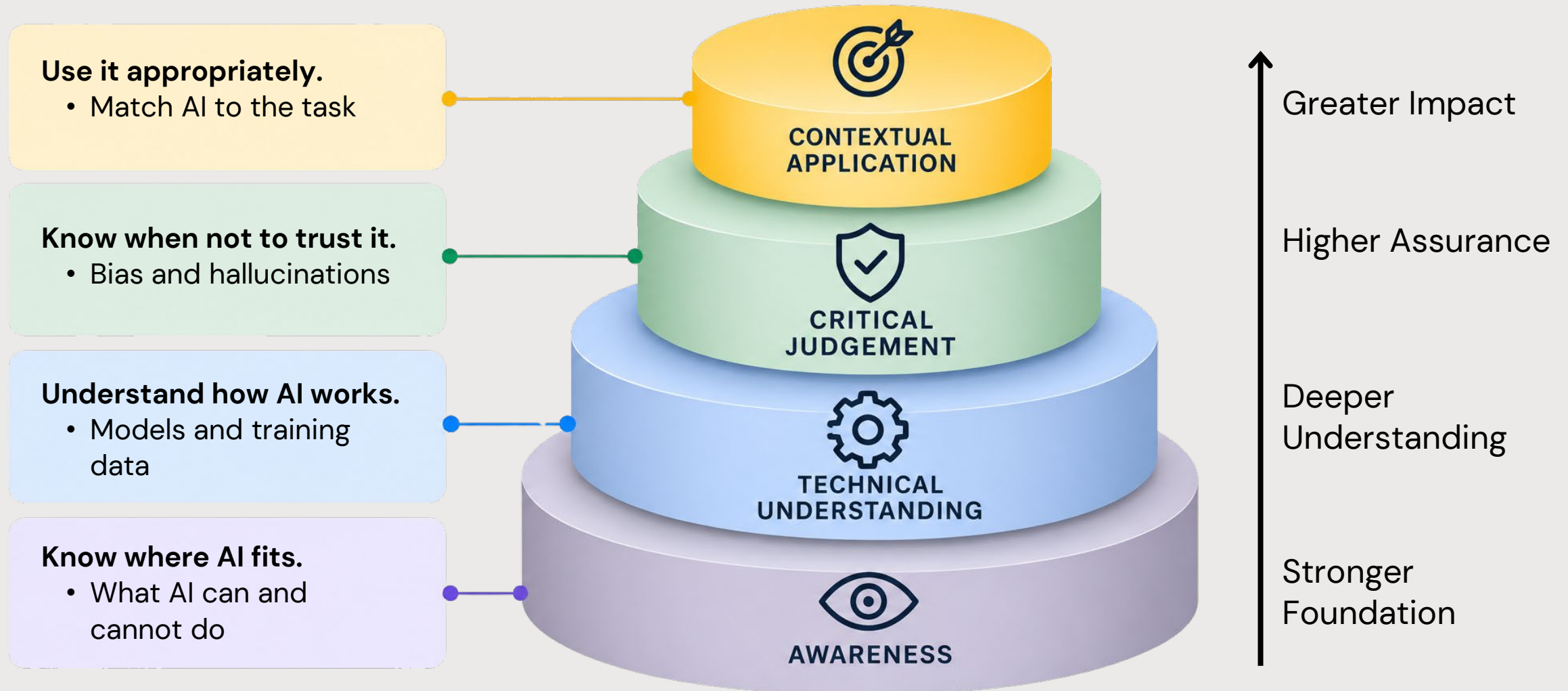
Four Stages of AI Literacy



AI Literacy Is More Than Knowing How to Use AI

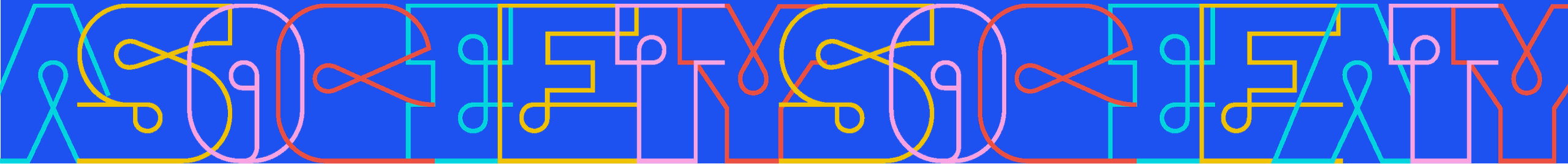
Four capabilities — from awareness to responsible application

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Nothing but the Truth

Humans in the lead



MIT Sloan's EPOCH framework

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The EPOCH of AI: Human-Machine Complementarities at Work

Isabella Loaiza^a and Roberto Rigobón^a

^aMIT Sloan School of Management

October 1, 2025

Abstract

We introduce the EPOCH framework (Empathy, Presence, Opinion, Creativity, and Hope) to capture human capabilities that complement, rather than substitute, artificial intelligence. Using network-based methods that map task interdependencies across all US occupations, we develop three metrics: (i) an EPOCH score measuring human-intensive skills, (ii) a potential-for-augmentation score, and (iii) a risk-of-substitution score. This framework explicitly distinguishes AI's roles in augmenting versus automating work, addressing a key gap in the literature. Our results show a clear shift toward more human-intensive work. New tasks emerging in 2024 carry significantly higher EPOCH scores than pre-existing tasks, and high-EPOCH tasks are performed more frequently. At the occupational level, EPOCH-intensive jobs experienced stronger employment growth from 2015 to 2023, higher hiring rates in 2024, and more favorable projections through 2034. In contrast, occupations with higher substitution risks show consistently negative outcomes across past employment, current hiring, and future projections. Finally, augmentation scores are negatively associated with recent employment and hiring trends, but show no significant link to long-run employment projections.

Augmentation | Automation | Future of Work | Economic Networks



Automation ≠ Augmentation

MIT Sloan's EPOCH framework: five uniquely human capability groups that GenAI struggles to replicate.

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**Empathy &
emotional
intelligence**



**Presence,
networking &
connectedness**



**Opinion,
judgment &
ethics**



**Creativity &
imagination**



**Hope, vision &
leadership**

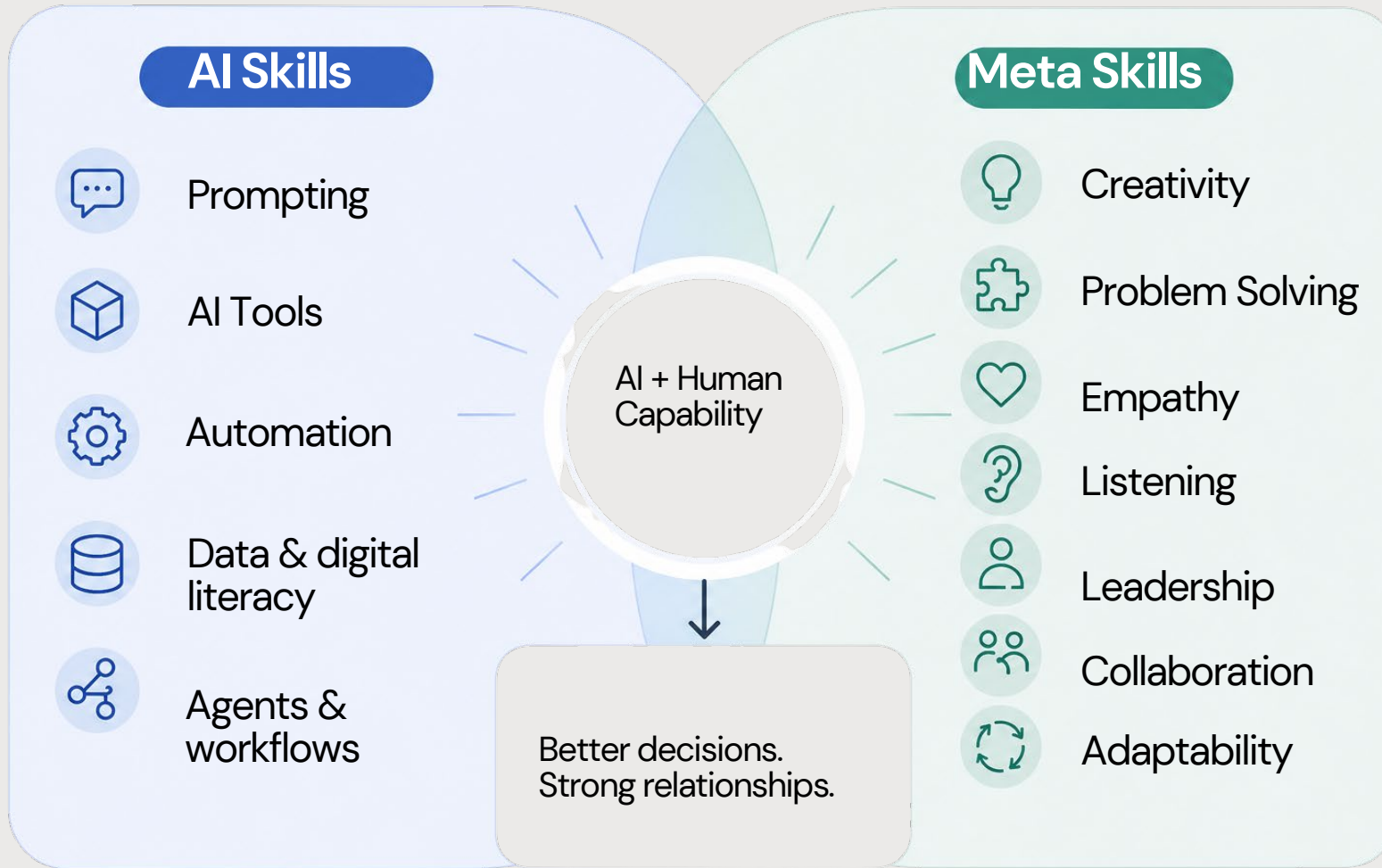




"We deliberately don't call these soft skills. It is much harder to teach a person these critical human skills and capabilities."

Professor Roberto Rigobon, MIT

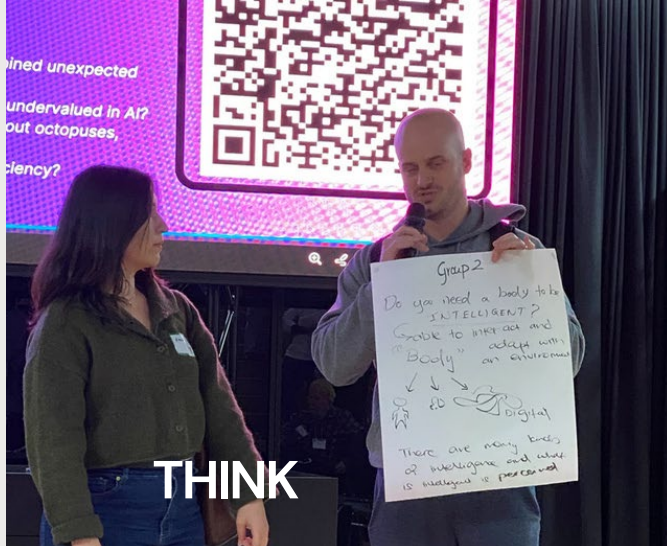
Workers Now Need Both



The World Economic Forum's Future of Jobs research consistently places human capabilities among the skills employers expect to remain highly important.

Meta-Skills + AI Skill, in Practice

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Creativity



Problem Solving



Critical thinking



Leadership



Empathy



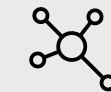
Collaboration



Motivation



Listening



Networking

"We are responsible for directing AI. If we're not, AI will end up leveraging us — instead of us leveraging it."

Humans in the Loop. Humans in the Lead.

Critical thinking is the differentiator — because someone still has to direct the tool.





Embrace the
change.

**Keep your seat at
the table.**

AI will change how we work.

What matters is what we choose to do with it.

Adoption Is A Team Sport

To realise the value of AI, every part of the firm needs AI literacy, not just attorneys.



One Firm. A More Capable AI-Ready Future.

It's not a tool rollout. It's a practice transformation.

Organisations that take a holistic approach to AI see greater returns.



Higher productivity

Do more, with greater quality



Stronger teams

Shared understanding
and trust



More innovation

Ideas from across
the practice



Reduced risk

Consistent and
responsible use

Five Things to Take Back to Your Firm

Practical steps for an AI-enabled, human-centred practice

1



1. Treat AI fluency as a firm capability, not a personal one

2



2. Match your risk appetite to real capability, not headlines

3



3. Train for context and judgement, not just tools

4



4. Protect the human craft your clients actually value

5



5. Close the gap at the top first



The leap of faith

"Leap of Faith (Getting Over),"
Maria Miesenberger, 2018
Stockholm School of Economics



Thank you.



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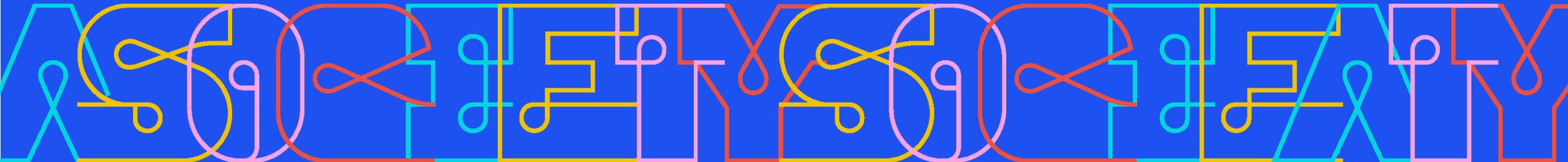
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AI in IP Practice

The Truth, the Whole Truth, and Nothing but the Truth

Responsible AI Lessons from an In-House Perspective

Practical clauses, definitions, and takeaways for IP practitioners reviewing supplier AI use.

Susan McGahan

AVP – Sr Legal Counsel
AT&T
Bedminster, New Jersey
USA

Start with the AI definition

Use the definition to identify the technology and trigger the review.

Verbatim definition excerpt

“Artificial Intelligence” (“AI”) means a machine-based system with a component of machine learning or autonomous reasoning and/or decision making that can, for a given set of objectives, train on data and develop models.

Practitioner point

If the tool learns, reasons, generates content, or acts with autonomy, treat the use case as an AI review issue.

Is AI an Inventor and Can It Be Protected in the US?

No, only natural persons are recognized as inventors

USPTO's Inventorship Guidance for AI-Assisted Inventions (published February 13, 2024) expressly states that "AI systems and other non-natural persons cannot be listed as inventors" and that applications "must not list any entity that is not a natural person as an inventor or joint inventor."

Yes, AI-assisted inventions are not categorically unpatentable

If one or more natural persons made a "significant contribution" to the claimed subject matter (applying the familiar inventorship analysis), those human contributors must be named as inventors.

Practitioner point

Document the human contribution to any AI systems, such as iteration logs, prompt histories, model/training decisions, claim mapping, lab notebooks, design change logs, test data and analytics training logs.

IP questions before AI use

Review rights, data, and reliance regardless of use by law firms, clients, or in-house teams

Checklist

- Inputs: rights, permissions, confidentiality, privilege
- Outputs: copying, similarity, confusion, bias, accuracy
- Ownership: assignment, licenses, registrations, enforcement
- Supplier terms: training, retention, audit, indemnity
- Human review: legal judgment before reliance

Practitioner point

Advise your clients to be wary about seeking defense/legal strategy materials from publicly available AI Models (like ChatGPT - not closed loop) where privilege and work-product protection were rejected under traditional confidentiality/third-party disclosure principles.

When Contracting for AI Services/Products

The first practical question is whether AT&T information enters an AI tool.

Key clause and definitions

“Supplier must not Handle any AT&T Information in any AI Solution unless agreed to in writing pursuant to a Statement of Work under this Agreement.”

“**Handle**” or “**Handled**” means to access, create, collect, input, ingest, process, handle, fine-tune or use any AT&T Information.

When Contracting for AI Services/Products

No training on AT&T materials by suppliers or its third-party model contractors

Key clause and definition

“Supplier agrees that prompts, images, music, audio, text, video, Artifacts, content, data, other learnings or AT&T Information, including AI-Generated Work, Handled by Supplier on behalf of AT&T are AT&T Information that Supplier will not use to Model Supplier or any third-party AI Solution.”

“**Model**” means to create, develop, train, fine-tune, adapt, or otherwise generate artificial intelligence (AI), machine learning (ML), or statistical models, algorithms, or systems.

Practitioner point

Requests to use aggregated or anonymized AT&T Information for model training are not authorized either. Usage data may be acceptable, that is, data elements used for operations, administration, maintenance, and provisioning activities supporting the application and service.

When Contracting for AI Services/Products

Limit retention; preserve auditability when attribution is obscured.

Key clauses

“Supplier will only retain, store, or archive AT&T Information for immediate processing needs and will permanently delete the AT&T Information following its intended use.”

“metadata or audit logs may be retained solely for traceability purposes, including how, when, why, and by whom AI was used.”

When Contracting for AI Services/Products

AI Requirement allocates ownership and assignment rights.

Key clause and definition

“AT&T shall exclusively own any AI-Generated Work and Artifacts resulting from an Approved AI Use in connection with the Deliverables.”

“Supplier hereby assigns (and shall cause any such Subcontractor to assign) all copyrights and other intellectual property and proprietary rights therein to AT&T.”

“**AI-Generated Work**” means all AI-generated works, artifacts, modifications, enhancements, and Derivative Works.

“**Artifacts**” means tangible by-products produced during the development of software, coding instructions, training materials.

Practitioner point

If Supplier builds its own or third-party software into an AT&T-owned AI-Generated Work, it must give AT&T (and obtain from the third party) a royalty-free, perpetual, worldwide license to use, modify, copy and transfer that software as part of the AI-Generated Work.

When Contracting for AI Services/Products

Key Warranties from Suppliers

“prevent the generation of content that is substantially similar to pirated, unlicensed, or other unauthorized third-party content”

“all AI-Generated Work is reviewed and verified by a human for accuracy, professionalism, reasonableness, integrity, obvious third-party content, potential bias, and explainability”

“Supplier will indemnify, hold harmless, and defend AT&T against” claims for “infringement or violation of any intellectual property right or license.”

AI is Here — but so is the Need for Human Oversight

Ex-Merck CEO Tells Tufts Grads AI Can't Replace Leaders

- Ken Frazier Former CEO/GC of Merck, cautioned against overreliance on AI, emphasizing the enduring importance of human judgment and intuition
- Using Merck's development of the cancer drug Keytruda as an example, leading AI models recommended decisions that could have prevented the drug from reaching its lifesaving potential.
- He argued that breakthrough innovations often require **courage, contrarian thinking, and leaps of faith beyond existing data.**
- He urged students to embrace technology while maintaining human connection, ethical leadership, and a commitment to serving others.



Panel Discussion – What Next?

- Audience Poll
- Q & A

Artificial Intelligence (AI) Policy

- This policy applies to all employees and suppliers involved in creating or using AI tools, systems, solutions, and activities.
- Use only approved generative AI tools; do not use unapproved external tools.
- Don't enter company, employee, customer, or third-party proprietary information into external AI tools without explicit approval.
- Get required legal reviews before sharing AI-generated publications, images, videos, or audio content outside the company.
- Ensure you have the proper license before sharing AI-generated images, video, or audio with large audiences; ask Legal if unsure.
- You are accountable for AI outputs; check for accuracy, professionalism, third-party content, and bias.
- Be transparent and cite the use of AI-generated content where required.
- Follow applicable security, copyright, open-source, and technology standards policies.
- For new or significantly changed AI systems, follow the AI governance process and maintain inventory records.
- Clearly disclose use of generative AI when interacting directly with customers.
- Consider key risk areas including law, bias, privacy, accessibility, consequential use cases, health and safety, and cybersecurity.
- Failure to comply may result in disciplinary action. Report concerns through appropriate compliance, HR, or legal channels.



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STRENGTHENING THE PRACTICE OF THE INDEPENDENT IP ATTORNEY

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