

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

Nihombashi 3-Chome Square Bldg.
6F, 9-1 Nihonbashi 3-chome,
Chuo-ku, Tokyo 103-0027, JAPAN



TEL:+81-3-6262-1570
FAX:+81-3-6262-5655
URL:<http://www.jjpa.or.jp/>

May 13th, 2024

Dear United States Patent and Trademark Office,
Department of Commerce

Re: Request for comment on Inventorship Guidance for AI-Assisted Inventions

We, the Japan Intellectual Property Association “JIPA”, are a private user organization with about 1,000 major Japanese companies as members. When appropriate opportunities arise, we offer our opinions on the intellectual property system of other countries and make recommendations for more effective implementation of the systems.

Having learned a request for comment on Inventorship Guidance for AI-Assisted Inventions PTO-P-2023-0043 , we would like to offer our opinions for your consideration. I am attaching the opinion as follows.

Your consideration on our opinions would be greatly appreciated.

Sincerely yours,



Kyoko Izumi
Managing Director
Japan Intellectual Property Association

Attachment

**Comments on Inventorship Guidance for AI-Assisted Inventions
[Docket No.: PTO-P-2023-0043]**

We concur with the endeavor to formalize the criteria for assessing inventorship in inventions utilizing AI through guidance, as well as to elucidate these criteria based on concrete hypothetical scenarios.

With the advancement of AI technology, an increasing number of individuals are contributing to the process of inventing with AI, assuming diverse roles therein. Against this backdrop, providing specific scenario-based instances for judgment, such as the one presented, proves immensely beneficial for applicants seeking a deeper comprehension of what constitutes a "significant contribution" to inventorship. We also deem the judgments rendered in this case to be reasonable.

Nevertheless, we acknowledge that the scope of individual involvement in invention creation is multifaceted, potentially extending beyond the confines of the scenarios outlined herein. Moreover, as technological progress unfolds, the emergence of new permutations is anticipated. Therefore, we expect a sustained effort to augment specific scenario-based judgment cases to accommodate these forthcoming advancements.

The clarification of criteria governing inventorship in AI-driven inventions is a shared challenge not exclusive to the United States but pervasive across various jurisdictions. We also anticipate initiatives to extend this scenario to other nations, thereby delineating how judgments are adjudicated under identical circumstances in disparate legal contexts. Furthermore, the fragmentation of inventorship rights across jurisdictions for a singular invention engenders practical complexities for applicants and inventors alike. Furthermore, the scenario where different individuals hold inventorship rights for the same invention across various countries exacerbates practical complexities for applicants and inventors. Hence, we eagerly anticipate proactive efforts to advance the international harmonization of judgment criteria.

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