

Identifying Information

Name:	Asay, Clark
School:	BYU Law School

Paper Information

Title:	Artificial Stupidity
Abstract:	<p>Artificial intelligence (AI) is one of the most important technological developments of what some call the "Fourth Industrial Revolution." Given its ubiquity and importance, legal scholars, including IP law scholars, have begun to assess a number of legal implications relating to AI. These include whether the products of AI systems deserve IP protections, whether AI can help solve problems at the USPTO, among others. In this Article, I assess whether US innovation policy, as reflected in its IP laws, sufficiently incentivizes AI innovation. I argue that patents are a poor fit for many AI systems and certain types of AI developers. This reality may both underincentivize AI innovation and result in AI innovators relying on trade secrecy more frequently than is ideal. This reliance on trade secrecy may be particularly true for poorly capitalized parties. This reality, in turn, is likely to result in increasing vertical integration in important AI industries. That growing vertical integration, I argue, may then stymie competition and efficiency in AI development as well as compound many of the problems with AI systems that privacy scholars have identified. I conclude by assessing what might be done to help address some of these issues.</p>