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# **ANNUAL IP SEMINAR**

Tuesday 25 April 2017



# IP at the technological frontier

AI, machine learning and blockchain

Tuesday 25 April 2017



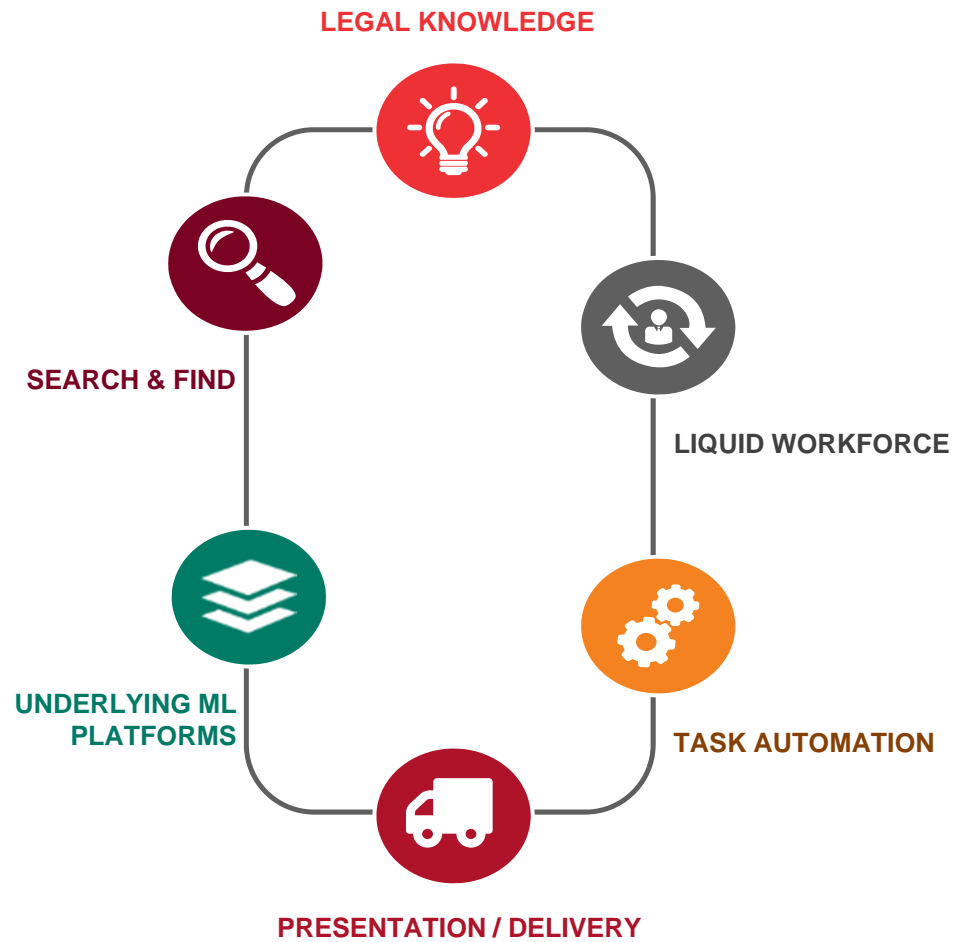




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The legal tech landscape for IP



# Tech Market Map (as at Mar 2017)



# Key observations

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Tech is not quite there yet,  
but it is coming



## Main applications:

Search & Find  
Task Automation  
Legal Research  
(longer term)



## What to look out for:

Process driven work  
High leveraged work  
“Good enough” work



## Key considerations

Cloud	Talent
Privilege	Lock-in
Insurance	

TECH FUTURE IS VERTICAL



# Tech Market Map (as at Mar 2017)









# AI as creator of copyright works

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- Is there a work, and who owns it?
- UK: “*computer-generated works*”
- Can there be seen to be ‘skill, labour and judgment’ or ‘author’s own intellectual creation’?
- What about complex machine learning – where machine and process removed from last human involved?
- European Parliament recommendations to Commission
- Clearly document process, showing involvement of humans where possible
- Differentiate between content created and advances in machine learning





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## Blockchain for IP

# What is... Blockchain?

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- Technology underpinning the **cryptocurrency** 'Bitcoin';
- **Spreadsheet in the sky;**
- Open ledger of information which is distributed and verified across a peer-to-peer online network;
- Allows multiple parties to a transaction to verify what will be entered onto a ledger in advance without any single party having the ability to later change any ledger entries;
- **Irreversible, transparent, secure and time-stamped record;**
- Already in use in fintech, pharma, music, diamond, fashion industry.





## Blockchain

### ... and its use in IP

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- Potential use in **clearing, registering and enforcing** IP rights;
- **Controlling and tracking** the distribution of (un-)registered IP; evidence of use; establishing and enforcing IP agreements, licences and exclusive distribution networks through smart contracts;
- **Authentication and provenance:** detection and/or retrieval of counterfeits, stolen and parallel imported goods; detection of infringing use of copyrighted images online;
- **Hurdles to large scale legal application:** include questions of governing laws and jurisdictions, data security and privacy concerns;
- Who should be allowed to administer the ledger?
- “Public” vs. “private” blockchain?



## Blockchain

# “Smart contracts” and IP

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- Concept of smart contracts
- Lack of uniform definition
- Use to establish and enforce IP agreements, such as licences, transmission of payments in real-time to IP owners
- Smart contract **performance** for:
  - Self-monitoring of the terms of an IP agreement;
  - Automation of contract performance;
  - Certification of a transaction;
  - Evidencing and facilitating delivery and payment transfers, if so coded
- Need for regulation?



# Takeaway

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- Technology is developing but not quite there yet
- Opportunities outweigh the risks
- Law will lag behind the tech
- Prepare now







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