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ON THE ISSUES OF THE ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY

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One of the most important direction of the science development in general is an artificial intelligence. It is an experimental unit as for scholars in technology path, IT research and even for lawyers, especially who interrogates intellectual property sphere.

Director General of the World Intellectual Property Organization Francis Gurry in one of his interviews noted that an artificial intelligence will influence on traditional concepts and approaches of the intellectual property. It means that in a little while an artificial intelligence will fuel commercial musical works and create inventions. As a result it will adduce such categories as «composer», «author» and «inventor» [1]. At the close of interview Director Gurry also outlined that artificial intelligence usage also will have consequences as to the legislation and policy in the intellectual property sphere, as to intellectual property system administration all over the world.

But the biggest problem that intellectual property in general is poorly prepared for the usage of an artificial intelligence in a big way. In general, not every person understands what an artificial intelligence means. Of course, the universally accepted meaning of the given category is absent.It was found the next determination of the «artificial intelligence» as a way of making a computer, a computer-controlled robot, or a software think intelligently, in the similar manner the intelligent humans think [2, p. 6]. Also it should be noted that the given term was in formal coined by Mr. John McCarthy at a conference in 1956 [3]. And now it is a normal occurrence of artificial intelligence usage in many spheres and areas of our life.

Almost all scholars are sure that wide use of artificial intelligence technologies will cause changes in the sphere of intellectual propertyin general. In particular they note that main changes will be related to categories and terms of the intellectual property (e.g. patents, literature and art works, design inventions). I consider that the given changes now takes place in the whole world due to the digital economy.

The biggest problem that may happen with the usage of the artificial intelligence is complicating for authors receipting of profit from their work. But exemplified by musical works created by the artificial intelligence, we will make such conclusion. At some stage of the given process digital expression of music created by human to the scheme. In such case the main issue at which stage it should be determined value of human origin data.

Nowadays there are many approaches to the policy as to data and artificial intelligence.

Especially as to protection of information, influence of data and artificial intelligence to the market competition, national security, employer-employee relationship and property rights.

Also it should be noted that problems of intellectual property protection in the context of artificial intelligence usage are related to two main aspects: freedom of action ensuring when using artificial intelligence without violation of intellectual rights and development in the sphere of artificial intelligence usage. As for example, development of the artificial intelligence technologies, which can create inventions, is liable to cause many patent applications as for separate results of intellectual property as for big inventions. So this may result in the suppression of the innovation development, inasmuch as everybody who works in specialized area should receive an operating license on widespread registered invention.

In general it was formed 5 main approaches to the legal regulation of the intellectual property rights based on the artificial intelligence:

– computercentric approach. In such case the system of the artificial intelligence is understood and determined as a fully-featured author of the work;

– anthropocentric (human-centered) approach. The main essence of it lies on the fact that the author of work, created by the artificial intelligence should be determined a person who related to it. So in such case it will be software people who created such artificial intelligence or even its user;

– approach of work made for hire. With this approach, the artificialintelligence acts as an employeecreating an official work. An employer-employee relation under such approach of official works is quiteapplicable to artificial intelligence system and its developers (or users);

– approach of hybrid authorship. Such approach has several variations includingjoint authorship of the artificial intelligence system developerand his user;

– approach of endangered «zero» authorship. The main meaning of this approach isin suggesting the possibilitylack of authors on the artificial intelligence system created works.

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