



Artificial Intelligence (AI)

Bereskin & Parr helps companies that are developing AI-based technology protect, license and enforce their intellectual property. There are many developing patent, trade secret, and copyright law aspects specific to AI technology, a very exciting new frontier. Our AI practice group provides legal, as well as patent and trademark agency services to companies that are developing core AI technology as well as those using AI technology to improve existing and create new products.

The AI practice group team includes lawyers and patent agents with applied mathematical, computer and electrical engineering educational backgrounds and industry experience particularly suited to AI technologies. Our team has the educational backgrounds and interest to stay on top of and leverage these developments for our clients.

While the legal issues associated with AI technology are complex and will continually evolve, it is important for companies that are building and selling AI-based products to put in place a proactive and complete strategy for IP protection and risk evaluation. Such a strategy should include not only measures to secure patent, trade secret, copyright and design protection where available but also measures to monitor third party IP rights and assess associated risks.

PATENTS: Patents protect the functionality of inventions which are new, non-obvious, useful and which consist of patent eligible subject matter and can be strategically used to achieve or maintain position in the marketplace, increase share value and/or secure investment depending on business needs. Patentable subject matter in the U.S., Canada and elsewhere covers AI related innovations that are “sufficiently technological”, that is, necessarily rooted in computer technology and seen to provide a “technical solution” to a “technical problem” in the realm of computing. Showcasing and describing technical details of an AI invention and its practical application may increase the chances of meeting these subject matter requirements.

TRADE SECRETS: Trade secrets can provide another avenue of protection for various aspects of AI technology. Trade secrets include any valuable business information that derives its value from the secrecy. Unlike patents, no application or registration is required to obtain trade secret protection, however an innovator must take reasonable steps to establish and maintain secrecy. In turn, the covered information may be protected for an unlimited period of time as long as it is kept secret and has commercial value. Trade secret law may be particularly applicable to various aspects of AI technology, including: formulae, compilations of information, programs, commercial methods, techniques, processes, designs, patterns, and codes which are not generally known or reasonably ascertainable by others.

COPYRIGHT: Copyright is relevant to AI in a number of ways, and AI presents many unique challenges to copyright protection and clearance. Copyright can protect software, including its source and object code, graphical user interface, user documentation and product guides. Copyright can also protect databases, and possibly even data, which are instrumental to AI. AI being used in the creation of works challenges the legal understanding and pushes the limits of ‘authorship’ and ‘originality’, which are central to copyright. AI also presents unique challenging copyright clearance issues, for example, text and data mining and open-source software clearance may be essential to IP risk mitigation.

INDUSTRIAL DESIGNS: Industrial designs protect novel and non-functional, esthetic aspects of products. Industrial design protection is evolving in Canada, the U.S. and elsewhere to more comprehensively protect the appearance of AI-based technology products, from the novel shape of physical devices (e.g. household robotic devices) to the unique and dynamic visual effects of computer-generated animated graphical designs.

TRADEMARKS: Branding is another important factor for the market success of new AI based products and services. Our trademark specialists can provide opinions on the availability and registrability of marks in Canada, the U.S. and elsewhere. They can also provide assistance in the event of contention providing trademark infringement and counterfeiting litigation and settlement services. They can also advise on other trademark, confidentiality and unfair competition issues that arise in



cyberspace and e-commerce such as linking, framing, metatagging and cyberstuffing.

REGULATORY, ADVERTISING & MARKETING: Regulation of AI-based products and services will evolve as the technology becomes a larger part of the marketplace and consumer's lives. Our team is committed to keeping clients abreast of regulatory changes that affect the way innovators build, market and advertise their products and services in Canada.

LICENSING & TRANSACTIONS: Securing and commercialization of intellectual property rights involves dealings with collaborators, business partners, employees, independent contractors, suppliers, investors, buyers and sellers. Well-drafted agreements protect intellectual property assets, ensure a successful business relationship, and can avoid costly litigation. Our team has deep experience and specialized technical backgrounds to handle licensing and transaction matters for various players in various fields including computer science, electronics, entertainment and new media.

Recent Articles

[IP, Digital Identity, and Branding in the Metaverse and Web3 – Part I: Digital Identity and the Creator Economy](#)
November 25, 2022

[United States Court of Appeals for the Federal Circuit Holds That an Artificial Intelligence System Cannot Be an Inventor on a Patent Application](#)
October 21, 2022

[IP Metaverse Series - Part III: Industrial Design Protection in the Metaverse](#)
August 15, 2022

[IP Metaverse Series - Part II: Patent Considerations](#)
June 7, 2022

[Quantum Advantage – Are We There Yet? \(Part 1\)](#)
February 24, 2022

[2021 Year in Review: Artificial Intelligence – Part 2](#)
February 23, 2022



All Practice Group members



Alain Alphonse
B.A.Sc. (Elec Eng.), J.D.
Associate

aalphonse@bereskinparr.com
514.871.2912
Montréal



Stephen Beney
B.Sc. (Physics)
Managing Partner

sbeney@bereskinparr.com
905.817.6102
Mississauga



Shaivi Bhatt
B.A.Sc. (Nanotechnology Eng)
Associate

sbhatt@bereskinparr.com
289.326.4519
Toronto



Paul Blizzard
B.Sc. (Comp. Eng.), P. Eng., J.D.
Associate

pblizzard@bereskinparr.com
416.957.1185
Toronto



Chantalle Briggs
J.D., Ph.D. (Anatomy, Neurobio &
Neuroscience), B.Sc.(Biology)
Associate

cbriggs@bereskinparr.com
289.326.4763
Toronto



Isi Caulder
B.A.Sc. (Eng. Sci.), M.A.Sc. (Elec. Eng.), J.D.
Partner

icaulder@bereskinparr.com
416.957.1680
Toronto



Iris Cheung
B.Sc.(Hons.), Ph.D., J.D.
Associate

icheung@bereskinparr.com
416.957.6297
Toronto



Carmela De Luca
B.Sc. (Hons. Biochem., Co-op), Ph.D. (Exp.
Med.), J.D.
Partner

cdeluca@bereskinparr.com
514.871.2929
Montréal



Reshika Dhir
B.Sc. (Elec. Eng.), J.D.
Partner

rdhir@bereskinparr.com
416.957.1646
Toronto



Cameron Gale
B.Eng. (Elec. and Comp.), J.D.
Partner

cgale@bereskinparr.com
416.957.1645
Toronto



Louis-Pierre Gravelle
B.A.Sc. (Elec. Eng.), LL.L., LL.B.
Partner

lpgravelle@bereskinparr.com
514.871.2917
Montréal



Jason Hynes
B.A.Sc. (Mech. Eng.), LL.B.
Partner

jhynes@bereskinparr.com
519.783.3214
Waterloo Region



Denis V. Keseris
B.A.Sc. (Elec. Eng.)
Partner

dkeseris@bereskinparr.com
514.871.2937
Montréal



Ray Kovarik
B.A. (Comp. Sci. & Econ.), M.B.A., LL.M. (IP
Law), J.D.
Associate

rkovarik@bereskinparr.com
416.957.1186
Toronto



Victor Krichker
B.Sc. (Civil Eng.), LL.B.
Partner

vkrichker@bereskinparr.com
416.957.1699
Toronto



Joanna Ma
B.A.Sc. (Elec. Eng.)(Hons.), J.D.
Partner

jma@bereskinparr.com
519.783.3218
Waterloo Region



R. Scott MacKendrick
B.A.Sc. (Chem. Eng.), LL.B.
Partner

smackendrick@bereskinparr.com
416.957.1675
Toronto



Ian McMillan
B.Sc. (Math & Eng.), LL.B., LL.M.
Partner

imcmillan@bereskinparr.com
905.817.6103
Mississauga



Paige Newman
Joint B.Eng. (Structural Eng.), J.D.
Associate

pnewman@bereskinparr.com
416.957.6367
Toronto



Tony Orsi
B.A.Sc. (Elec. Eng.), M.A.Sc. (Elec. Eng.), M.B.A. 416.957.1175
Partner

torsi@bereskinparr.com
Toronto



Bhupinder Randhawa
B.A.Sc. (Comp. Eng.), J.D.
Partner

brandhawa@bereskinparr.com
416.957.1630
Toronto



Sunil Rao
B.Eng. (Elec.), M.Sc. (Elec. Eng.), Ph.D. (Elec.
Eng.), J.D.
Associate

srao@bereskinparr.com
416.957.6570
Toronto



Joshua W. Spicer
B.Eng. (Chem. Eng.), LL.B.
Partner

jspicer@bereskinparr.com
416.957.1649
Toronto



Maria Wei
B.Eng. (Elec. Eng.), M.A.Sc. (Elec. Eng.), J.D.
Associate

mwei@bereskinparr.com
519.783.3213
Waterloo Region
