

AI and Trademarks

The law, the practice and the management of trademarks

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Anaqua for Trademarks

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AQX stays up-to-date with global rules and requirements so that you have the time to focus on developing brand strategy and enforcement.

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AI and Trademarks

- AI, consumers and trademarks
 - Trademark law
- TM office and AI or related technology
 - Trademark filing and prosecution
- Potential impact of AI and automation on TM practice
 - Trademark portfolio management and practice









kendalljenner

New York, New York

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diego.jn05 Hi mom

tori_sherriff @ladykaka2

madeliefschutte @tessaabotman

mijic.tatjana Love you

feliciakendi Looking great gal...love your style

adriansosa_23 @gdvchd Hermosa 🥰

michaela_rodricks_ Love ur style of dressing

farukyurekli 🌷🌷🌷🌷🌷

nevecraigg @frankiegaff



IMPACT

By 2020, **85% of customer service interactions** in retail will be powered influenced by some form of AI

By 2020, **30% of web browsing sessions** will be done **without a screen**

By 2020, **100 million consumers** will shop in **augmented reality**.



The way humans and brands interact are changing



AI reduces or even removes the human element of the interaction in product choice and purchase



Can AI replace a human consumer?

Predictions .. Based on what?

Popular in brands you may like

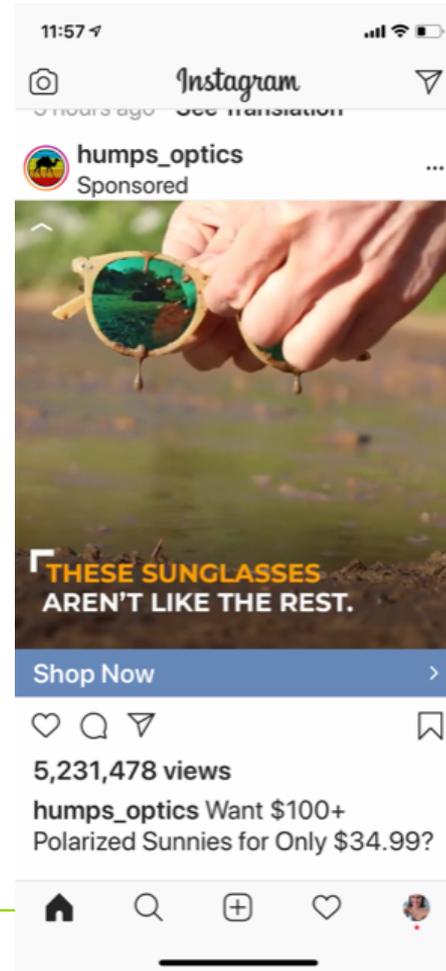


Similar/identical product but not same "brand" – cheaper!

O2 EYEWEAR

Meanwhile

AND NOW MY INSTAGRAM KNOWS
I NEED SUNGLASSES AS WELL



ALEXA .. Add



"tide pods"

Added via Alexa. 4 minutes ago.



Tide PODS 3 in 1 HE Turbo Laundry Detergent Pacs, Spring Meadow Scent, 81 Count per pack, Packaging May Vary

\$19.97

In Stock
✓prime

Save 5% now with
Subscribe & Save ›

This is a gift [Learn more](#)

Qty: 1 ▼

Switch item

Save for later

Delete

Did Alexa get this right?



"hand soap"

Added via Alexa. 3 minutes ago.



Softsoap Liquid Hand Soap, Fresh Breeze - 7.5 fluid Ounce (Pack of 6)

\$5.88

In Stock
✓prime

Save 5% now with
Subscribe & Save ›

This is a gift [Learn more](#)

Qty: 1 ▼

Switch item

Save for later

Delete

Did Alexa get this right?



Prediction at its best



How It Works

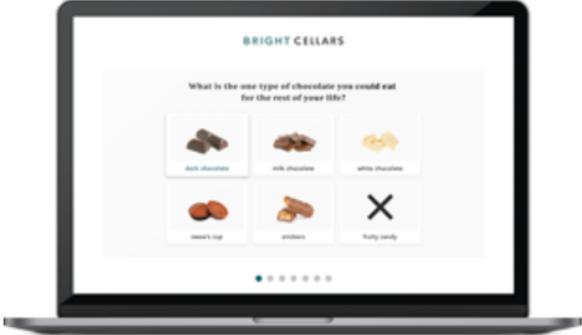


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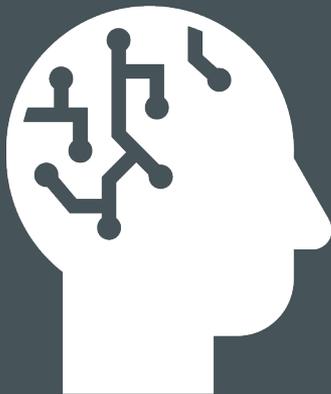
GET STARTED



Impact on trademark law

	Human	AI
Average consumer	Reasonably well-informed, circumspect and observant but unable to make direct comparison all the time	Access to huge amounts of information, can make direct comparison
Imperfect recollection	Without direct comparison, humans are only as good as their memories, and these are limited not only in depth but scope of field	Great memory! No discernment of field, no imperfect recollection
Confusion or likelihood of confusion	Whether the purchasing (human) public would mistakenly assume that the applicant's goods originate from the same source as, or are associated with, the goods in the cited registrations.	When programmed or taught properly, it won't be confused.
Secondary infringement	Assumes human monitoring. What about when a human uses AI to purchase?	Can AI or the company that develops it be liable for infringement?

Areas in which PTOs are exploring the use of AI



Automatic classification of patents and goods/services for trademark applications



Search of patent prior art and figurative elements of trademarks



Examination and formalities checks for trademarks and patents



Helpdesk services (automatic replies to client)



Machine translation, linguistic tools and terminology



Data analysis for economic research

Automation, AI and the TM process

TRADEMARK OFFICE

TRADEMARK RECORD

EVENT

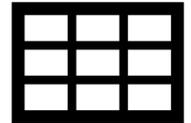
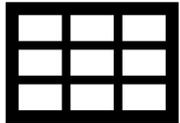
ANALYZE

DRAFT
REPOSE

COLLABORATE

FINALIZE
REPOSE

RESPOND



OTHER DATA and INFORMATION

Linking it all together



A final thought

Good AI will be a gamechanger in trademarks.

Knowing the difference between good and bad and not swallowing the Kool-Aid is why you need levelheaded grown ups in the room.

Mark Jacobs, President, Com Laude