



Scripturient

Waiting for a crisis, preparing for the unexpected

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There's a law attributed to the economist Rüdiger Dornbusch: "Crises take much, much longer to come than you think and then they happen much faster than you would have imagined." Therefore, Dornbusch goes on to say, you have the opportunity to be wrong twice.

IN times of turbulence, public institutions can be especially threatened by the pace of change in their environment. Regulations tend to lag behind the things they are trying to manage. Policymakers who adopt an evidence-based approach may find themselves confounded by the simple fact that you cannot gather evidence from events which haven't happened yet, and the future does not always play out in accordance with predictions based on the past.

As Deputy Head of the Observatory for Public Sector Innovation at the Organisation for Economic Co-Operation and Development (OECD), Alex Roberts specialised in finding ways for institutions to move towards foresightful, impactful, and creative policymaking even under the most challenging conditions.

He and his colleagues explored “Rules as Code”, the creation of regulations for dual human-and-machine consumption. They investigated approaches to “anticipatory governance”, taking government off the back foot when reckoning with the unknown. And during the massive disruptions of the pandemic, Alex convened a unique global digital event, “GovAfterShock”, to enable broader conversations around the public sector’s route through the pandemic and beyond.

Now, at Intellectual Property Australia (IPA), Alex trains his focus on the systems which regulate rights around “creations of the mind”: everything from literary and artistic works to trademarks, brand names, and protected product designs.

As director of IPAVentures, Alex leads a team dedicated to exploring what might be needed for the IP rights system of the future. Drawing on project management methodologies that

encourage agility and experimentation, they explore how IP Australia’s purpose – “ensuring Australians benefit from great ideas” – might evolve to meet the circumstances of a changing world.

Since they started just under two years ago, the team have not only explored the broader question of IP’s purpose, but created products such as TM Checker, a free online AI-assisted trademark availability tool.

“This arose from our first project, on democratising access,” Alex says. “The tool reduces opportunity costs and helps companies when they come to the realisation that they may need a trademark for their goods or services.”

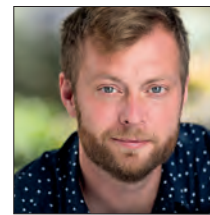
More recently, IPAVentures developed a set of scenarios exploring the impact of generative AI on intellectual property – ranging from ever more lengthy and elaborate patent specifications to accelerated ideations by inventors and even changes to the regulation of plant breeding.

“The emergence of generative AI, and its very fast development, with the potential for an existential risk to the current IP regime, warrants investigation,” says Alex. “Our approach is to reduce uncertainty through discovery and de-risking.”

The IPAVentures Provocations, published in July 2023, emerged from a 12-week sprint process which addressed perils, pitfalls, and opportunities arising from the new technology and its potential uses.

“These scenarios are about what could happen, not what should happen,” according to Alex. Rather than set out predictions or express desired futures, they stimulate thinking among IP regulators and their stakeholders in order to nourish wiser decision making.

“We can’t simply assume that what we’re doing is the best we can be doing, we need to keep on kicking the tyres.”



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If AI becomes a general-purpose technology, Alex believes it would mark a profound shift on a par with the rise of social media or the creation of the global Internet itself. This includes the ways in which institutions have conversations with the communities they serve, and what is revealed about the ways in which they manage and disclose material.

“AI will act as a mirror,” he says, “regurgitating information back to us in a repackaged form. An AI chatbot which feeds us back the wrong answer may make transparent the ways in which we haven’t shared things clearly.”

“Ultimately,” Alex argues, “government is an information industry sector. Its purpose is to process and make sense of information.” This makes the institutions of government vulnerable to disruptive shifts brought about by new forms of media and technology. For Alex and his team at IPAVentures, the question becomes: how can we proactively engage with these shifts, rather than waiting for them simply to hit?

“Changing with something,” he argues, “is better than being changed by it.” **IP**