

C4IP Urges White House to Back Patent Eligibility Reform to Advance U.S. AI Leadership

On the heels of the White House’s call for input on sustaining American leadership in AI, the Council for Innovation Promotion (C4IP) is urging the administration to take a clear stance: restore clarity to the U.S. patent eligibility framework.

In a [comment](#) submitted in response to the Trump administration’s [request for information](#) on the development of an “AI Action Plan,” C4IP—a bipartisan coalition led by former U.S. Patent and Trademark Office (USPTO) Directors Andrei Iancu and David Kappos—called on the White House to endorse the Patent Eligibility Restoration Act (PERA). The bill, first introduced in 2023, seeks to reverse a decade of uncertainty caused by U.S. Supreme Court decisions such as *Alice v. CLS Bank*, which held

that computer software implementations of abstract ideas generally are not patent-eligible. C4IP argues these decisions have created “overly subjective” standards, leaving courts, examiners, and innovators without a clear path forward for patenting AI-based inventions.

C4IP emphasized that the strength of the U.S. intellectual property system will play a defining role in the future of AI innovation and cautioned against overregulation through patent law. The group contends that restoring clarity in patent eligibility would not only encourage investment in AI, but also help the U.S. keep pace with global competitors like China, where patent rules for AI are perceived as more straightforward.

The organization also raised concerns with recent USPTO guidance issued during the Biden administration. According to C4IP, these updates restrict patent eligibility for AI-assisted inventions and impose additional disclosure requirements when AI is used in the invention process—conditions not applied to other tools. The group warned that these standards could chill AI innovation and deter the use of AI in research and development.

C4IP urged the administration to support PERA and avoid premature or excessive regulation that could unintentionally hinder progress. As the U.S. crafts its broader AI strategy, patent policy may prove to be a key lever in securing long-term technological leadership.

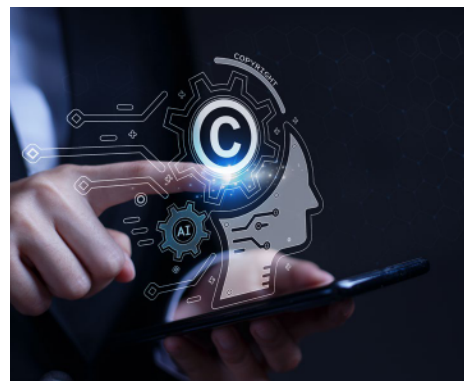
D.C. Circuit Affirms Human Authorship Requirement for Copyright

On March 18, 2025, the U.S. Court of Appeals for the D.C. Circuit (the court) [affirmed](#) the human authorship requirement in the context of genAI when it upheld a previous [ruling](#) by the U.S. District Court for the District of Columbia (DDC) granting summary judgment in favor of the U.S. Copyright Office (the USCO) which had denied registration of an AI-generated work filed by the plaintiff, Stephen Thaler. While Thaler may still request rehearing or petition for review by the U.S. Supreme Court, the court’s decision for now confirms that genAI systems cannot, by themselves, be “authors” of copyrightable works.

Thaler sought to register with the USCO a copyright for an artwork which, according to him, was generated solely by his genAI system, the “[Creativity](#)

[Machine](#).” In the copyright registration for the work, Thaler listed the Creativity Machine as the author and himself as the copyright claimant. The USCO denied Thaler’s application, citing a lack of human authorship. Thaler appealed the USCO decision, ultimately bringing a claim in the DDC against the USCO and its Register of Copyrights. The DDC granted summary judgment in favor of the USCO, ruling that copyright protection requires human authorship and that works generated purely by machines do not meet the human authorship requirement.

The court upheld the DDC’s grant of summary judgment, affirming the human authorship requirement cited by the DDC and the USCO. However, the court specifically noted that “the



human authorship requirement does not prohibit copyrighting work that was made by or with the assistance of artificial intelligence,” thus leaving open the question of how much human involvement or creative activity is required for an AI-generated work to meet the human authorship requirement.