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The Inventor's New Tool: Artificial Intelligence—How Does it Fit in the European Patent System? 69

Artificial intelligence plays an increasingly important role in the development of new products and processes. This development raises the question how inventions made by means of artificial intelligence fit in the European patent system. This article argues that an artificial intelligence application should be seen as a tool, and that inventions made with that tool are patentable as long as the artificial intelligence application is not a tool the average skilled person would use routinely.

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This article explores the problem of collateral damage that blocking measures give rise to. In awarding injunctions against internet service providers (ISPs), courts in the UK and some of the other EU, as well as Nordic, states have preferred to require ISPs to implement Domain Name Service (DNS) blocking, as opposed to blocking of Internet Protocol (IP) addresses, in cases where the target website that infringes an intellectual property right shares its IP address with other legitimate websites. This is to avoid the problem of collateral damage associated with IP blocking in such situations. Yet, as this article points out, DNS blocking could also give rise to a different form of collateral damage that must be equally avoided. In the circumstances, courts may be left with the single option of adopting URL blocking, which, although it is highly accurate and entails no collateral damage, could easily be circumvented without any cost being incurred. It is therefore argued that the EU's injunctive framework for the enforcement of intellectual property rights ought to be utilised in innovative ways in order to target other categories of online intermediaries, including hosts. This would not only transform the injunctive remedy into a more holistic one, but also avoids ISPs being overburdened as a result of having to implement blocking measures.

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After a century, the US Supreme Court will once again address the question of copyright protection for design in *Star Athletica v Varsity Brands*. This article examines the legal and policy issues of design copyright as they arise in this pending case. The author specifically examines the case of copyright protection for maps to illustrate the broader issues of design copyright confronting the court. A recommendation for basing design copyright on non-functional features of the work, disregarding the creator's intent and emphasising the expectations of users, is put forth. But the article also highlights persistent questions in design copyright which the court may not be able to resolve.

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The rise of cloud technology has revolutionised the world of creativity by opening various channels for creators to distribute their work. The ease with which these works can be accessed and distributed has opened up more avenues by which information can be accessed, not only legitimately, but also illegitimately. This article examines the legal principles that underline the battle between copyright owners and cloud-based service providers in Australia, and analyses the legal position in Australia in comparison with that in the UK and the US.

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