In a subtle yet impactful way, artificial intelligence (AI) algorithms have made considerable inroads into the everyday practice of trade mark law. The appeal of this technology lies in its ability to keep pace with the ever-growing corpus of registered trade marks globally. More marks mean more registrability assessments and more conflicts. Machine learning technologies are used to assist applicants with registration requirements, support examiners who classify signs, and help established right-holders (or new applicants) identify conflicts when new marks are applied for. AI is also entering the domain of enforcement, where it is used to identify unauthorised uses of marks online, including on social media platforms. This new technology is often presented as merely assisting with the implementation of existing procedures, rules and doctrines of trade mark law. It appears to be business as usual, just done more efficiently. This lecture sets out to challenge this assumption, by identifying some of the more subtle implications and ripple effects of this transformation of the everyday working of trade mark law – at scale – in the registration and enforcement domains.

ABOUT THE SPEAKER

Dev Gangjee is Professor of Intellectual Property Law within the Law Faculty and a Tutorial Fellow at St Hilda's College. Prior to joining Oxford, he was a senior lecturer at the London School of Economics. Dev is a graduate of the National Law School of India and Oxford, where he was a Rhodes Scholar.

Dev's research focuses on Intellectual Property (IP), with a special emphasis on Branding and Trade Marks, Geographical Indications and Copyright law. Thematic research interests include the history and political economy of IP, collective and open innovation, the significance of registration for intangibles and rights in data. He has acted in an advisory capacity for national governments, law firms, international organisations and the European Commission on IP issues.

Besides IP, Dev has teaching interests across private law, including contract, land and tort law. He has won teaching prizes (LSE) and a student welfare award (Oxford). He is a visiting professor at the Munich Intellectual Property Law Centre, having taught on their LLM programme since 2010. He has held visiting fellowships at the Institute of Intellectual Property in Tokyo (2005), the IP Research Institute of Australia at UNSW (2010) and Hong Kong University (2018). Dev is presently Director of the Oxford IP Research Centre (OIPRC). He serves on the Editorial Boards of the Modern Law Review, Queen Mary Journal of Intellectual Property and the open access journal Laws.