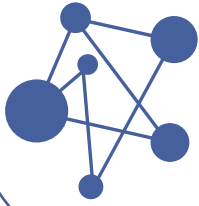


ARTIFICIAL INTELLIGENCE



What is artificial intelligence policy?

Recent advances in AI technology have captivated the public and sparked concern among policymakers about what impacts it may have on intellectual property, civil rights, the workforce, national security, competitiveness, and more. In response, policymakers at the state and federal levels, international fora, and governments around the world are looking to regulate the technology, and many of their proposals stretch across many technology policy issues and will impact how AI is developed and deployed.

KEY TAKEAWAYS:

- The AI ecosystem is vast and diverse, made up of different types of companies of all sizes and across all sectors using AI in innovative ways, but policy conversations tend to focus on large players and specific uses of AI, like generative AI.
- Policymakers looking to mitigate AI risks must endeavor to limit negative consequences for startup competitiveness.
- Policymakers can support startup success by creating and funding AI resources for startups, bolstering AI talent, and affirming longstanding IP and intermediary liability frameworks.

Why does it matter to startups?

Recent breakthroughs in artificial intelligence build on decades of startups using AI to solve everyday problems and build innovative products, leading to record levels of investment in AI startups. But that has also brought with it record levels of skepticism and scrutiny from policymakers looking to regulate AI. Potential AI regulations in the U.S. and around the world can shape how the technology is developed, what it can be used for, and at what cost—all impacting the competitiveness of startups—but most AI policy debates are currently dominated by large market participants and concerns about generative AI without taking into account the impacts policy changes will have on the entire AI ecosystem.

Where are we now?

In the U.S., there is not yet a consensus on a comprehensive approach to AI policymaking, leaving policymakers to pursue voluntary commitments and executive actions, while several states and localities are poised to pass their own rules. Policymakers are also working through international fora to pursue alignment on mitigating AI risks, and the European Union has agreed to its AI Act, likely to enter force in 2026.

Several agencies are parsing key questions in AI policy for startups. The U.S. Patent and Trademark Office and U.S. Copyright Office will address intellectual property issues around AI, like patentability or the ability to include copyrighted works in training data, which will impact barriers to entry, the likelihood of legal threats to startups, and startup competitiveness. The National Telecommunications and Information Administration will address the extent to which AI models should be open sourced, which could impact costs and barriers to entry. The National Science Foundation is contemplating a National AI Research Resource that would bolster AI talent and provide resources to startups, but it needs funding from Congress to make it a reality.