


White House Urged To Back Patent Eligibility Bill To Aid AI

By [Ryan Davis](#) · [Listen to article](#)

Law360 (March 13, 2025, 4:59 PM EDT) -- The [Council for Innovation Promotion](#) has urged the Trump administration to support a legislative overhaul of patent eligibility law and reconsider patent office guidance on the issue as the White House aims to ensure the U.S. plays a dominant role in artificial intelligence.

C4IP, which is co-chaired by former [U.S. Patent and Trademark Office Directors Andrei Iancu](#) and David Kappos, made the [recommendations](#) Tuesday in response to the administration's [January request](#) for comments on how to create an "AI action plan" to "sustain and enhance America's AI dominance."

The group dedicated to strong IP rights said that "the strength of the IP system will play a defining role in the future of AI innovation," so the Trump administration "should ensure that the Patent Act clearly allows for the patenting of AI inventions and should otherwise avoid using the patent system to overregulate AI."

[U.S. Supreme Court](#) decisions limiting which inventions are eligible for patent, including the [2014 holding](#) in [Alice Corp. v. CLS Bank](#) , have "unfortunately created significant uncertainty over whether AI inventions are entitled to protection from the patent system, notwithstanding this technology's centrality to innovation at this critical moment," C4IP said.

The high court's holding that abstract ideas implemented using a computer are not patent eligible has created an "overly subjective" judicial test that has led to restrictive and inconsistent court rulings, according to C4IP, which counts retired Federal Circuit judges Paul Michel and Kathleen O'Malley as board members.

The group therefore urged the White House to endorse the Patent Eligibility Restoration Act, a bill first introduced [in 2023](#) that would undo the Supreme Court precedent and lay out more defined criteria about which inventions are eligible for patents.

The group said current law on patent eligibility is undermining confidence in the U.S. patent system and discouraging investment in AI and other technology. Other countries including China have more straightforward patent eligibility law, and "this disparity places U.S. innovators at a competitive disadvantage," it said.

"C4IP believes that this administration could play a critical role in advancing the AI leadership of the United States by championing meaningful legislative change in this area of patent law and endorsing PERA," the group said. "The administration's support for PERA would help restore a stable, innovation-friendly patent system, providing the encouragement and certainty needed for continued investment in AI research and development."

The sponsors of PERA said last fall that the measure was [nearly ready](#) for a vote by the Senate Judiciary Committee, but it has not yet taken place.

C4IP also urged the administration to "take care to ensure that Supreme Court guidance is not over-interpreted to preclude the patenting of AI inventions more than is mandated."

The group said that is what the USPTO did with [updated guidance](#) issued during the Biden administration on AI and patent eligibility, which C4IP said "unduly restricts the eligibility of AI-based inventions." The group urged the White House to "reconsider and revise the updates to this guidance."

C4IP also criticized other Biden-era policies from the USPTO on AI, including [guidance](#) that includes a duty to disclose when AI is used in the invention process.

That heightened requirement for AI, which doesn't exist for other tools, "will unnecessarily deter its use, whereas the USPTO and the U.S. government should be taking every step to encourage the use of AI so that this country can benefit from the innovative potential that it could unleash," the group said.

C4IP also urged the Trump administration not to move forward with guidance regarding the impact of AI on the USPTO's evaluation of prior art during the patent application process, which the USPTO [sought comments on](#) last year but has not implemented. The group said the White House "should avoid premature and potentially excessive regulation that could inadvertently stifle future AI innovation."

With respect to other areas of intellectual property, C4IP said it supports legislation that would require transparency about how copyrighted material is used to train AI models, and the [NO FAKES Act](#), which aims to protect against unauthorized AI-generated content using of a person's name, image or likeness.