

## Beth Shirley Highlights IP Considerations for AI Tools in *SHRM Online*

Media Mention

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Businesses around the world are having ongoing discussions about ways newly developed artificial intelligence tools can be used for a more efficient workplace, and Elizabeth B. Shirley, CIPP/US, CIPM was featured in an article by the Society of Human Resource Management (SHRM) detailing intellectual property issues to consider in those discussions.

"AI-generated works may qualify for copyright registration if they have sufficient human authorship to support a copyright claim," Shirley said. However, if people "merely use prompts to create AI-generated works, the content is likely not subject to copyright protection."

Employers should also consider the protection of their important trade secrets, which should be presumed to be collected by AI developers when input as a prompt. While it is one thing to mandate that employees do not input trade secrets, Shirley emphasized the importance of ensuring employees know what company information is considered confidential or a trade secret in order to enforce such a policy. "A more restrictive but conservative policy would be to prohibit any employee from using generative AI where that employee has access to confidential or proprietary information," she said.

Other uses of generative AI include (1) offering employees who have difficulty writing an accommodation or (2) assisting in drafting performance reviews, but Shirley warned both have significant drawbacks. While generative AI would be helpful to those with difficulty writing, the intellectual property and trade secret

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Elizabeth B. Shirley, CIPP/US, CIPM

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concerns might make the case that it is not a reasonable accommodation. And the risk of disclosing confidential information in a performance review may not be worth the risk.

For the full article, please [click here](#).