



# Report in Brief

April 22, 2025

## Background

To deliver reliable intellectual property rights, the United States Patent and Trademark Office (USPTO) is leveraging emerging technologies like artificial intelligence (AI) that may enhance the quality of patent and trademark examinations and improve efficiency in its operations. For example, patent examiners are using AI tools to help assess whether the inventions in patent applications are patentable as claimed. USPTO also has public-facing AI tools intended to improve the usability of patent and trademark systems or to enhance customer service.

## Why We Did This Review

With AI tools, USPTO has an opportunity to improve efficiency and reliability. However, these tools come with inherent risks that USPTO must manage to ensure accountability and responsible AI use. An effective governance structure for AI use ensures accountability, transparency, and safety, which in turn fosters public trust.

Our audit objective was to determine whether USPTO had an effective governance structure and processes in place to manage its AI tools. To meet our objective, we tested two of the six AI tools USPTO had in use when we began our audit.

## UNITED STATES PATENT AND TRADEMARK OFFICE

### USPTO Should Improve Governance to Promote Effective Oversight of Its Artificial Intelligence Tools

OIG-25-018-A

## WHAT WE FOUND

Overall, we found that USPTO has begun developing its AI workforce but should strengthen key organizational and system-level governance practices needed to effectively manage and oversee its AI tools. Specifically, USPTO:

- has a governance structure that defines roles and responsibilities for key personnel, but it should improve internal stakeholder involvement;
- should promote transparency to external stakeholders on its AI tools;
- does not have the specific, measurable objectives needed to define system success;
- did not trace requirements or technical specifications to system objectives; and
- does not have an AI-specific risk management plan.

Together, these weaknesses increase the risk that USPTO will develop unreliable, untrustworthy AI systems.

Strong governance can drive and enhance internal practices and norms to facilitate the safe, reliable, and trustworthy development and use of AI. Adopting key governance practices will promote accountability, transparency, and safety in AI use now and in the future. It will also further USPTO's mission to drive U.S. innovation and global competitiveness through the efficient delivery of reliable intellectual property rights.

## WHAT WE RECOMMEND

We recommend that the Under Secretary of Commerce for Intellectual Property and USPTO Director direct the Commissioner for Patents and the Chief Information Officer to:

1. Revise policies and practices to ensure that future AI systems develop measurable objectives and system success criteria during project planning and ensure that such objectives trace to system specifications.
2. Develop clear, specific, and measurable objectives and system success criteria for the two AI tools we reviewed.
3. Revise project management policies and practices to encourage increased engagement, as appropriate, with end users and others affected by the system, such as the public, earlier in the project lifecycle.
4. Create an AI-specific risk management plan (or revise existing policies and procedures to reflect the same) that requires a system-specific risk management approach, including identifying, documenting, analyzing, and managing risks.
5. Implement AI-specific risk management practices for the two tools in our review.