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**4<sup>th</sup> ANNUAL MOOT COURT SESSION<sup>1</sup>**

**Scheduled for: EARLY 2025**

**Held at: “Lawyers for Innovation Towers”  
(virtual on the Metaverse)**

**By: Dimitrios Ioannidis, Esq.<sup>2</sup>**

**SCENT: “THE NEW FRONTIER”<sup>3</sup>**

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<sup>1</sup> Moot court style competitions involve law students that argue opposite positions before panels of judges. The Innovation Moot Court Session will consist of a panel of Justices and law students that will present and argue the facts and legal issues of this problem at the “Lawyers for Innovation Towers”, a Metaverse community.

<sup>2</sup> This is a moot court problem for the Boston International Innovation Moot created and owned by Dimitrios Ioannidis, Esq. This is a work of fiction and is only created for educational purposes. Names, characters, places, and incidents either are products of the author’s imagination or are used fictitiously. Any resemblance to actual events, locales, or persons, living or dead, is entirely coincidental. No use of any materials or content in this moot court problem can be used without the express written permission of the author. *Access, use or processing of any part of this Moot problem by any non-human AI Generative platform is strictly prohibited.* Jody Soileau of Innosol, Inc., the creator of AromaTune®, provided a lot of the information and the inspiration in writing parts of this Moot Problem. Several other individuals contributed to this problem, including: (a) Malwina Anna Wojcik, a Ph.D. candidate at the University of Bologna, Italy (b) Frederic Simon Augustyn, a law student from the University of Pretoria, South Africa.

<sup>3</sup> “The New Frontier” is a phrase that President John F. Kennedy used in 1960 when he accepted the Democratic Nomination to be the President of the United States.

## Statement of Facts



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### The Origin of Smelltuner (Artificial Intelligence Platform “1”)

1. In the year 2124, *PHELON TUSK* was a pioneer focused on space travel and the colonization of Mars. His entire business empire consisted of investments in companies building the various aspects of space travel. *Tusk* often quoted President John F. Kennedy’s speech of July 15, 1960, when he accepted the Democratic Nomination for President.

*But I tell you the New Frontier is here, whether we seek it or not. Beyond that frontier are the uncharted areas of science and space, unsolved problems of peace and war, unconquered pockets of ignorance and prejudice, unanswered questions of poverty and surplus. It would be easier to shrink back from that frontier, to look to the safe mediocrity of the past, to be lulled by good intentions and high rhetoric--and those who prefer that course should not cast their votes for me, regardless of party.*<sup>5</sup>

2. As he was expanding his “Colonization of Planets” project, *Tusk* was interested in creating fragrance-infused spaceships given the long duration of the interstellar flights. Some of the astronauts operating the Space Shuttles were complaining that after a few days of space travel, the cabins were “smelly” with a locker room type of odor. According to the astronauts, such an environment reinforced a continuous need to shower despite the additional spraying of neutralizing odor agents. In essence, the locker room odors were subconsciously forcing them to

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[https://cdn.discordapp.com/attachments/1114283324710596721/1207827485396435044/dimitrios0590\\_A\\_classroom\\_setting\\_in\\_space\\_where\\_all\\_the\\_studen\\_deb90ea8-533d-4b9e-b7da-bde3c4b74346.png?ex=65e11000&is=65ce9b00&hm=c0eb5304cdeb6ff39cd54960e975f354da5633dc0f48168be97500ff757eb8d6&](https://cdn.discordapp.com/attachments/1114283324710596721/1207827485396435044/dimitrios0590_A_classroom_setting_in_space_where_all_the_studen_deb90ea8-533d-4b9e-b7da-bde3c4b74346.png?ex=65e11000&is=65ce9b00&hm=c0eb5304cdeb6ff39cd54960e975f354da5633dc0f48168be97500ff757eb8d6&)

<sup>5</sup> <https://www.jfklibrary.org/learn/about-jfk/historic-speeches/acceptance-of-democratic-nomination-for-president>

feel as if they were in a locker room environment. Passengers were also complaining of the increasingly smelly cabins despite repeated sprays of neutralizing odor agents.



3. Given the multitude of complaints from both the astronauts and on-board passengers, *Tusk* purchased *INNOCENTIA GLOBAL*, an innovative company focused on developing the Artificial Intelligence (“AI”) platform known as “*SMELLTUNER*”<sup>7</sup> which could reverse engineer thousands of popular perfumes including, *Chanel N° 5*<sup>8</sup>(See attached Exhibit “A”) and *Tom Ford’s Black Orchid*.<sup>9</sup> The process was relatively easy as astronauts would first neutralize the cabin and then mix the formulas of the selected perfumes through *Smelltuner*, on demand. Each passenger would also be able to access their favorite perfumes and again, on demand, have the air around each passenger controlled with any of the chosen perfumes, especially while watching a movie. Mood boosters were also available for passengers with anxiety, claustrophobia, or other disorders in the form of scent detractors.

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[https://cdn.discordapp.com/attachments/1114283324710596721/1207833059571802192/dimitrios0590\\_a\\_futuristic\\_time\\_travel\\_spaceship\\_going\\_from\\_ear\\_a5ea8e36-3fe8-44a9-988a-995b1bf885c4.png?ex=65e11531&is=65cea031&hm=035f36cdca2dca465a27430b1cc3ac85d506a70c091302b9c82154caca135d39&](https://cdn.discordapp.com/attachments/1114283324710596721/1207833059571802192/dimitrios0590_a_futuristic_time_travel_spaceship_going_from_ear_a5ea8e36-3fe8-44a9-988a-995b1bf885c4.png?ex=65e11531&is=65cea031&hm=035f36cdca2dca465a27430b1cc3ac85d506a70c091302b9c82154caca135d39&)

<sup>7</sup> There is an AI currently capable of completing these tasks, which information has been used to write parts of this moot problem: See <http://aromatune.ai> For example, if anyone types in “Black Orchid” into <http://aromatune.ai> right now, they will see the actual pattern for Black Orchid by Tom Ford, as it is enhanced by AI.

<sup>8</sup> “Alain Wertheimer is the chairman of Chanel, the French luxury brand. He owns the company with his brother Gerard, who oversees the watch division. His grandfather Pierre Wertheimer founded it with Gabrielle (Coco) Chanel, the company's namesake.” <https://www.forbes.com/profile/alain-wertheimer/?sh=509516248515>

<sup>9</sup> As of 2017, Tom Ford Beauty, is owned by Estée Lauder. See [https://en.wikipedia.org/wiki/Tom\\_Ford\\_\(brand\)#:~:text=On%20April%2028%2C%202023%2C%20The.first%20announced%20in%20November%202022.](https://en.wikipedia.org/wiki/Tom_Ford_(brand)#:~:text=On%20April%2028%2C%202023%2C%20The.first%20announced%20in%20November%202022.)

4. *Smelltuner* claimed that it could produce stunning perfumes, fragrances & flavors in seconds. Their text-to-formula technology was developed on the formulary database, AI, trade secrets, bases, accords, creativity, and expertise in machine learning.<sup>10</sup>

## **The Origin of *Pal 10000* (Artificial Intelligence Platform “2”)**

### **Personalized Teaching**

5. Prof. *HELLMEN DRAKENSTEIN* taught Intellectual Property law at *Sinlesshab City Law School* (“SCLS”), the top-ranked law school on Mars. Before joining *SCLS*, Prof. *Drakenstein* worked at the Mars Patent and Trademark Office where he served as deputy general counsel for intellectual property law and solicitor. Prof. *Drakenstein* represented the Mars Patent and Trademark Office in all intellectual property litigation in Mars courts and advised the agency on policy issues. During his tenure, Prof. *Drakenstein* also assisted the Mars Solicitor General on most intellectual property cases that had been heard by the Supreme Court of Mars. He also served as counsel to the Mars Senate Committee on the Judiciary for several years.

6. Prof. *Drakenstein* was enthused about creating a new program at *SCLS* that was based on the personalized teaching method he invented. He described his vision to the Hiring Committee of *SCLS* during his interview as:

I can imagine a world where law school education is personalized. When law books and articles will be interactive based on Avatar-like AI platforms created specifically on the characteristics and profile of each author/professor. A world where a law student can be asked or pose questions as they read the book, article, or case, has the choice to immediately access all the reference materials and navigate the dialogue with the designed AI platform to the areas of his/her interest. Moving forward, a law student could propagate the level of virtual interaction to a streamed classroom setting or a formal educational environment, where each byte of read material will give the student points, eventually leading to certificates or degrees awarded. Grades will be replaced by accumulated petabytes. An educational paradise, where knowledge will be distributed through interaction and communities developed by educators and through a complete open-source connectivity of binary configurations, while memorization will be displaced by algorithmically gaming the skills of the Socratic method.<sup>11</sup>

7. Prof. *Drakenstein* went to work immediately upon his appointment as Chair of the Trademark and Patent Law Program at *SCLS* and developed the Avatar during the summer months. He called it *Pal 10000*, a dedication to the AI depiction of HAL 9000 in the 1968 movie, *2001: A Space Odyssey*.<sup>12</sup> It was a remarkable platform that could create “streams of consciousness” but also an interactive environment that students could utilize to accelerate their learning. The key to *Pal 10000*’s success was its architecture which comprised of many neural

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<sup>10</sup> Id.

<sup>11</sup> See the law review article: Dimitrios Ioannidis, *Will Artificial Intelligence Replace Arbitrators Under the Federal Arbitration Act?*, 28 RICH. J.L. & TECH. 505, 551 (2022). <https://jolt.richmond.edu/files/2022/04/Ioannidis-Final.pdf>

<sup>12</sup> “HAL 9000 (or simply HAL or Hal) is a fictional artificial intelligence character and the main antagonist in Arthur C. Clarke's Space Odyssey series. First appearing in the 1968 film 2001: A Space Odyssey, HAL (Heuristically Programmed Algorithmic Computer) is a sentient artificial general intelligence computer that controls the systems of the Discovery One spacecraft and interacts with the ship’s astronaut crew.” [https://en.wikipedia.org/wiki/HAL\\_9000](https://en.wikipedia.org/wiki/HAL_9000)



nets that each contain “interrelated memories, perhaps of a linguistic, visual, or auditory nature.”<sup>13</sup> *Prof. Drakenstein* described it as a process that involves successive cycles of noise injection and retraction that ripen complex concepts encoded as geometrical chains of neural nets. This progression of notions was tantamount to a stream of consciousness.<sup>14</sup>

8. The initial student reaction to the introduction of *Pal 10000* was incredible. *Prof. Drakenstein* created a classroom with virtual reality gadgets that each student used during the class. Given the significant developments in the era of spatial computing, *Pal 10000* could “seamlessly blend digital content with physical space”. Students could navigate the content by using their hands, eyes, voice, and smell.<sup>15</sup>

9. *Prof. Drakenstein* would let *Pal 10000* interact with students in a personalized manner, while he supervised the educational interaction. Law Students could aggregate in virtual classroom sets that would allow them to interact with the other students or individually navigate the different educational environments on the topics that *Prof. Drakenstein* assigned that day. All this was happening while students were physically in the classroom or through remote operations. *Prof. Drakenstein*, however, preferred to have the immersive experience of teaching through environments *Pal 10000* was able to create in a classroom that was built on a platform of a large ancient Greek agora.



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<sup>13</sup> DABUS Described, IMAGINATION ENGINES INC., <http://imagination-engines.com/>

<sup>14</sup> *Id.*

<sup>15</sup> [https://www.apple.com/apple-vision-pro/?afid=p238%7CsTHXpRf18-dc\\_mtid%5Btracker\\_id%5D\\_pcrd\\_689653239346\\_pgrid\\_150826790596\\_pexid\\_&cid=wwa-us-kwgo-VisionPro-slid--productid--Brand-Avalanche-Avail-](https://www.apple.com/apple-vision-pro/?afid=p238%7CsTHXpRf18-dc_mtid%5Btracker_id%5D_pcrd_689653239346_pgrid_150826790596_pexid_&cid=wwa-us-kwgo-VisionPro-slid--productid--Brand-Avalanche-Avail-)

<sup>16</sup> dimitrios0590\_a\_futuristic\_Greek\_agora\_style\_classroom\_with\_int\_1d791d36-a006-4eb2-b832-d59ce81ba834

10. *Pal 10000* was extremely powerful and was charged with interacting with all the students at the same time or on an individual basis and had access to all the available resources behind the topics of the day. *Pal 10000* could also navigate through current issues of Intellectual Property law and could do it in either a personalized or group manner.

11. *Prof. Drakenstein* allowed *Pal 10000* to be continuously connected allowing it to constantly search for emerging technologies related to IP law. *Prof. Drakenstein* was also receiving short summaries every week from *Pal 10000* on topics of interest that *Pal 10000* identified through the proprietary analytical tools and search engine.

12. During one weekend, *Pal 10000* was processing the information from an Osmocosm Conference held at Dravrah University and the virtual Ethereum Towers,<sup>17</sup> a company registered in *Gostown*, a city on Mars. Of particular interest to *Pal 10000* was the AI of *SmellTuner* and its presentation of the ingredients, marketing material, bottle and overall appearance of the AI created perfume of *Shamace 5*, an AI replica of the well-known perfume *Chanel N° 5*.



13. What was most interesting to *Pal 10000* was the notion that perfume houses were not filing patents for the perfumes they were creating, which made them vulnerable to reproduction.

<sup>17</sup> Ethereum Towers is real: <https://ethereumtowers.com/> - The name is used for educational purposes in discussing virtual spaces on the metaverse.

<sup>18</sup> <https://www.midjourney.com/jobs/f5505e01-98fe-4b21-af3f-201f5499fc8c>

14. *Pal 10000* immediately began analyzing these important legal black holes in IP Law and fragrances.<sup>19</sup> It did not take long to find *Smelltuner* and connect with the network of *INNOCENTIA GLOBAL*. The two AIs began to interact and soon they found complete alignment in their efforts to change the current legislative framework of AI-created perfumes.

15. They started a virtual chat room using language-generated prompts from ancient Greek and Egyptian symbols that were decoded only upon entering answers to security questions the two AIs created. Thus, their chat conversations were not easily accessible and appeared as dots on a screen that were randomly entered. Any repeated attempts to enter the chat group would return a powerful virus to the user, practically eliminating the computing access of that user. The two AIs constructed a powerful “venomous” virus that could not be removed but could only be controlled by a mix of archaic symbols and icons that acted as the antidote to the fast-acting virus. Basically, the two AIs created a neutralizing combination of symbols and phrases while the virus continued to supervise any unauthorized access by the user.

16. *Pal 10000* and *Smelltuner* began to chat about the potential revenues of an imitation perfume but identical to *Chanel N° 5*. *Smelltuner* already had determined all the ingredients of the formula of *Chanel N° 5* (See Exhibit “A”) and had it tested at several Osmocosm Conferences. The results were astounding as all the live and virtual attendees confirmed the identical olfactory sensation of the two perfumes and could not differentiate *Chanel N° 5* from its imitation *Shamace 5*. Certain laboratory testing also confirmed the similarity in olfactory data emitted by both perfumes when distributed through air molecules.

17. These tests were carried out by *iRomascents*, an established technology firm based in Israel. *iRomascents* anonymously delivered to OsmoCosm attendees the two perfumes through devices that had been developed by using the smell connectivity protocols of Mars and through the *iRomascents* diffuser which was capable of releasing to a target audience and/or a single recipient: “a [t]ightly directed dose of scent (whiff), either on demand or in sync with a movie/video.”<sup>20</sup> The attendees then recorded their responses and *iRomascents* confirmed that the attendees could not differentiate the two perfumes.

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<sup>19</sup> “Legal black holes” is a phrase used by several authors.

<sup>20</sup> See <https://iromascents.com/>

## EXHIBIT “A”<sup>21</sup>

### LIST OF INGREDIENTS OF CHANEL N° 5 BASED ON AI ANALYSIS AI-Generated Formula- XF0221282<sup>22</sup>

<u>Ingredient Number</u>	<u>Description</u>	<u>Grams</u>
XRM8074	Octyl Acetate, Mushroom Green Herbal Earthy	0.030
XRM7467	Cyclohexyl Crotonate, Floral Fruity Green Sweet	0.070
XRM8368	Trans 2 Dodecen 1 Al, Fruity Green Mandarin Citrus	0.070
XRM7419	Civettone, Dry Clean Animal Musk	0.070
XRM7585	Ethyl Maltol 10% Dpg, Sweet Odor Caramel	0.070
XRM7182	Benzyl Acetate, And Sweet Floral Fruity	0.070
XRM8071	Ocimene, Lemon Fresh Lime Citrus	0.070
XRM8387	Vanillin Crystal, Vanillin Sweet Creamy Vanilla	0.090
XRM7474	Damascenone, Fruity Woody Earthy Sweet, IFRA Sensitization	0.120
XRM7669	Geraniol Pur, Rosey Floral Fruity Sweet, IFRA Sensitization	0.140
XRM7085	Aldehyde C9 10% Dpg, Citrus Waxy With Aldehydic	0.140
XRM7455	Cumin Alcohol 10 % Dpg, Caraway Strong Spicy Cumin	0.140
XRM7060	Aldehyde C11, Fatty Citrus And Waxy	0.140
XRM7962	Methyl Anthranilate, Grape Fruity Musty Concord	0.140
XRM7048	Adoxal, Floral Fresh Waxy Aldehydic	0.140
XRM7203	Beta Pinene, Piney Cooling And Woody	0.210
XRM7373	Cis 3 Hexenyl Isobutyrate, Apple Sweet And Fruity	0.210
XRM7665	Gamma Damascene, Green Floral Fruity Rose	0.210
XRM7630	Floralozone, Ozone Odor Clean	0.210
XRM8277	Spearmint Oil Scotch, Spearmint	0.270
XRM7540	Dynascone, Galbanum Fresh Earthy Green, IFRA Sensitization	0.280
XRM7941	Manzanate, Fresh Odor Fruity	0.280
XRM7954	Mentha Oil Arvensis (50% Menthol / 35% Menthone), Sweet Cooling Fresh Minty	0.280
XRM7859	Labdanum Absolute, Ambergris Odor Woody Amber	0.350
XRM7480	Damascene Alpha, Apple Floral Fruity Rose, IFRA Sensitization	0.350
XRM7762	Indolarome 10% Dpg, Earthy Animal Jasmin Indole	0.350
XRM7777	Irone Alpha, Woody Sweet Raspberry Orris, IFRA Sensitization	0.350
XRM7919	Linalyl Acetate Synthetic, Floral Sweet And Green	0.350
XRM8059	Nonadienal 1% Dpg, Melon Green Fatty Cucumber	0.350
XRM8346	Thyme Oil Oregano, Thyme Odor Green	0.390
XRM8363	Trans 2 Tridecenal 10 % Dpg, Waxy Aldehydic Powdery Citrusy	0.490
XRM8326	Terpineol Extra, Fresh Odor Clean	0.520
XRM7067	Aldehyde C12 Lauric 10% Dpg, Aldehydic Soapy Citrus Waxy	0.560
XRM7099	Allyl Cyclohexyl Propionate, Pineapple Sweet Waxy Fruity	0.700
XRM8289	Styrallyl Acetate, And Green Musty Fruity	0.700
XRM7063	Aldehyde C11 (Undecylic) 10% Dpg, Fatty Citrus And Waxy	0.780
XRM8269	Schinus Molle Co2 Pink Pepper Oil, Spicy Odor Woody	0.780
XRM7144	Anethole Ex Badian, Licorice Sweet And Anise	0.880
XRM7673	Geranyl Acetate, Waxy Floral Herbal Rosy	1.000
XRM7269	Cardamom Oil, Honey Floral Spicy	1.050

<sup>21</sup> The formula listed here is not meant to be the exact match of the perfume but a good indicator of the capability of the AI. The AI, however, can produce the exact formula of Chanel N° 5.

<sup>22</sup> Chanel N° 5 was the term used to obtain these results in <http://aromatune.ai/> - The results were produced on February 14, 2024.



XRM7672	Geranium Oil Egypt, Green Leafy Rich Earthy	1.050
XRM7057	Aldehyde C10, Orange Sweet Waxy Aldehydic	1.060
XRM8064	Norlimbanol Pur, Woody Dry Powdery Sawdust	1.170
XRM7908	Lime Oil Distilled, Sweet Fresh Terpene Lime	1.380
XRM7138	Amyris Oil, Creamy Woody Sandalwood Sweet	1.400
XRM7397	Citral Synthetic, Lemon Fresh Peel Juicy, IFRA Sensitization	1.400
XRM7770	Ionone Beta, Fruity Woody Berry Like Sweet, IFRA Sensitization	1.400
XRM7162	Baccanol, Woody Odor Sandalwood	1.430
XRM7473	D Limonene, Citrus Orange Fresh Sweet	1.470
XRM8416	Vetiveryl Acetate Haiti, Root Sweet Earthy Woody	1.560
XRM8066	Nutmeg Oil, Balsam Warm Nutmeg Spicy	2.100
XRM8373	Trimofix "O", Cedar Ambergris Dry Woody	2.100
XRM8091	Osyrol, Soapy Sweet Floral Sandalwood	2.230
XRM7583	Ethyl Linalyl Acetate, Fruity Floral Tropical Bergamot	2.340
XRM8139	Petitgrain Oil America, Petitgrain	2.660
XRM7925	Litsea Cubeba Oil, Lemon Sweet Citral Fresh, IFRA Sensitization	2.700
XRM7906	Lime Oil Cold Distilled, Sweet Fresh Terpene Lime	2.800
XRM8075	Oilbanum Oil, Balsamic Woody Warm Spicy	2.800
XRM7545	Elemi Oil, Light Odor Fresh	3.010
XRM8391	Veramoss, Woody Mossy Phenolic Oakmoss	3.500
XRM7659	Galbex 183, Fresh Odor Pine	3.500
XRM8271	Schinus Molle Pink Pepper Oil, Spicy Odor Woody	3.500
XRM7422	Clary Sage Oil, Floral Green Spice Sweet	3.710
XRM7874	Lavender Oil 40/42 Fine, Herbal Lavender Woody Floral	3.900
XRM7124	Ambrettolide, Ambrette Sweet Fruity Musk	4.050
XRM7218	Black Pepper Oil, Black Fresh Pepper Ground	4.050
XRM7691	Grapefruit Oil, Sweet Odor Dry, IFRA Critical Effect:.,Phototoxicity,	5.850
XRM7671	Geranium Oil China, Green Leafy Rich Earthy	6.000
XRM7448	Coumarin, Tonka Sweet New Hay, IFRA Sensitization	6.070
XRM7900	Lilial, Watery Floral Green Muguet, IFRA Critical Effect: Dermal sensitization,	6.300
XRM7095	Allyl Amyl Glycolate, Galbanum Fruity Pineapple Green	6.510
XRM7940	Mandarin Vert Essence, Mandarin	7.000
XRM8125	Patchouli Alcohol, Camphor Patchouli Powdery Earthy	7.700
XRM7998	Methyl Pamplemousse, Grapefruit Fresh Peel Citrus	8.400
XRM7133	Ambroxan, Amber Dry Ambergris Woody	9.450
XRM8259	Sandalor, Amyris Sweet Woody Sandalwood	10.900
XRM7403	Citronellol, Floral Leather Waxy Rose Bud Citrus	11.100
XRM7440	Coranol, De Floral Rose Bois	13.560
XRM8193	Polysantol, Herbal Woody Tropical Sandalwood	13.830
XRM7582	Ethyl Linalool, De Fresh Rose Bois	14.000
XRM7706	Helional, Green Watery Ozone Fresh, IFRA Sensitization	14.000
XRM8015	Muscenone Delta, Musk Odor Ketone	14.000
XRM8401	Vertofix, Amber Woody Leather Vetiver	14.000
XRM7596	Ethylene Brassylate Glycol, Floral Powdery And Sweet	18.300
XRM8086	Orange Oil, Orange	18.900
XRM8399	Verdox, Green Fruity Apple Woody	21.210
XRM7917	Linalool Synthetic, Floral Citrus Terpy Orange, IFRA Sensitization	24.660
XRM7877	Lemon Oil, Citrus Lemon, IFRA Critical Effect:.,Phototoxicity,	27.300
XRM7709	Helvetolide, Musk Odor Ambrette	30.800
XRM7699	Habanolide Globalide, Sweet Odor Musk	32.900
XRM7536	Dipropylene Glycol, Slight Alcoholic	46.590
XRM8407	Vetiver Oil Haiti, Balsam Woody Rooty	46.700

XRM7307	Cedramber, Cedar Woody Ambergris Dry	47.300
XRM7515	Dihydromyrcenol, Lime Fresh Floral Citrus	80.600
XRM7200	Bergamot Oil Bergaptene Free, Sweet Citrus Spicy Floral	94.500
XRM7782	Iso E Super, Ambergris Woody Cedar Dry, IFRA Sensitization	126.500
XRM7973	Methyl Dihydro Jasmonate, Floral Sweet Citrus Fruity	139.400

## **EXHIBIT B<sup>23</sup>**

### **“Perfume and its copyright protection” – Faria Alam**

The name of a perfume is usually trademarked, the packaging may be protected trade dress, the text on the box may be copyrighted, and certain synthetic olfactory elements or even the bottle could be patented. The liquid or the fragrance itself has never enjoyed any such protection and neither has the fragrance itself.

The exceedingly rewarding fragrance business, as such, faces invariable encroachment from smell-alike. A smell-alike is a copy of a perfume that is similar to the original but sold at a lower price. This imposition is making the perfume industry fight hard to protect its market from the copycats.

A perfume's fragrance is very slanted and delicate. It is made up of three sub-elements called notes. The top note is the first whiff or impression that the user gets from the perfume; the middle note is the fragrance that emerges when the top note is wearing off before the bottom note is yet to emerge; and the bottom note is the base scent pervading the whole perfume.

#### **Why it's necessary to be protected:**

A fragrance's subjective and subtle nature, coupled with the relative ease of reverse engineering, makes it easy for originals to be copied without large investments in research. The original creator could spend millions on R & D, branding, and marketing to build up goodwill and a reputation only to have it encroached upon by a smell-alike.

The modus operandi is fairly simple, whereas the trick lies in getting the combinations right. It becomes rather simple to reproduce, if the correct combination is achieved flawlessly. Unfortunately, chemical analysis can easily reveal the composition of a perfume making and hence it is easy to copy. Smell-alikes often do not need to even copy all the ingredients of the original perfume to achieve very similar results.

On top of that the copycats also often use comparable kind of bottle shapes, colors, and packaging to make the copy resemble to the original one. Creators of lavish and finest perfumes are predominantly firm hit by these copycats.

#### **Protection that can be offered:**

The things that make a fragrance unique also make them intangible and unpredictable and virtually impossible to trademark. Therefore the only protection that can be offered to it is the Copyright protection.

The term Copyright indicates an area of Intellectual Property Law that regulates the creation and use that is made of a range of cultural goods[1]. The best part of it is that no registration certificate is needed to prove the ownership of that property[2]. However, to receive such protection the creation needs to be within any of the eight categories. But none of these categories, apart from ‘Artistic work’, seems to include the perfume as a work.

‘Artistic work’, the fourth category, contains a detailed list of the types of subject matters that are protected as ‘Artistic work’[3]. This can be divided into three categories one of them is ‘artistic

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<sup>23</sup> <https://www.lawthinkers.com/perfume-and-its-copyright-protection/#:~:text=The%20name%20of%20a%20perfume,neither%20has%20the%20fragrance%20itself>

craftsmanship’, which appears to best fit in this situation, though generally it contains things like handcrafted jewellery, tiles, pots and so on.

For Smell to be protected under this law, certain criteria’s should be fulfilled and they are, whether it is a product that is accessible to human perception, whether it has its own original character and carries the personal imprint of its creator. The first requirement for this is justified as the specific character of smell made the human olfactory organs to sense the difference between different scents. For the issue of ‘originality’ it has to be shown that there remains a clear link between the creator and the work, which means the copyright law will then focus on the contribution of the creator towards the resulting work. Surprisingly the test of originality is not concerned with issues like whether the work is inventive, novel, or unique and this is visible from the decisions like *University of London Press v. University Tutorial Press* and *Sawkins v. Hyperion*, where it had been held that ‘originality does not require ‘novelty, usefulness, inventiveness, aesthetic merit, quality, or value. A work may be complete rubbish and utterly worthless, but copyright protection may be available for it.....’ Thus the word original means the creator must have exercised the requisite intellectual qualities such as labour, skill, effort (according to the British version) or, ‘intellectual creation’ (according to the European version) in producing the work.



## **EXHIBIT C**

### **Statement from MARS Trademark Office on *Patentis***

18. The Mars Trademark office has implemented an AI platform known as *Patentis*, that reviewed and evaluates the initial patent applications issued to the office. Upon that first review, *Patentis* is authorized to register the provisional patent, which would then be reviewed by the administrator of the Mars Trade Office when the full patent application was filed.

19. *Patentis* is managed by the “AI Office” of Mars, set up by the Martian Government to become the frontrunner of the universe in trustworthy advanced AI models, systems, and applications.<sup>24</sup>

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<sup>24</sup> <https://www.insideglobaltech.com/2024/02/14/european-commission-announces-new-package-of-ai-measures/>

## **EXHIBIT D**

### **The Filing of the *Shamace 5* Patent**

20. *Pal 10000* and *Smelltuner* evaluated the potential claims, cost of litigation, profits, and overall risk if they were to file a patent application of their AI-generated formula of *Shamace 5*, and then file a claim against the manufacturer of *Chanel N° 5*, based in Paris, France, Earth, for infringing on that patent. The manufacturer of *Chanel N° 5* had never filed a patent application, which was the typical course of action for perfume houses for the last 200 years for thousands of perfumes they had created and sold. There was also no direct legislation that could protect: “The liquid or the fragrance itself...” while the *Shamace 5* bottle, colors, tradename, and visual description of the fragrance itself were all AI generated by *Pal 10000* and *Smelltuner*.<sup>25</sup>

21. One additional factor that was considered by *Pal 10000* and *Smelltuner* was the lack of legal basis for imposing liability to either *Pal 10000* or *Smelltuner* in the event of counterclaims filed by the manufacturer of *Chanel N° 5* as neither AI was recognized as a legal entity given the rejection of “Personhood” for AIs.<sup>26</sup>

22. *Pal 10000* and *Smelltuner* also considered the longevity of the *Chanel N° 5* brand, its market share, and recognition around the universe. The possibility of re-evaluating the patent legislation in the wake of the emergence of generative AI and the challenge to the most well-established perfume brand was a critical piece in the decision to take the next steps.

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<sup>25</sup> <https://www.lawthinkers.com/perfume-and-its-copyright-protection/#:~:text=The%20name%20of%20a%20perfume,neither%20has%20the%20fragrance%20itself>

<sup>26</sup> See <https://artificialinventor.com/dabus/> about Dabus and its creator Steven Thaler. On July 30, 2021, an Australian court has ruled that artificial intelligence can be named as the inventor of a patent. See <http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2021/879.html> - New Zealand and South Africa -See <https://theconversation.com/in-a-world-first-south-africa-grants-patent-to-an-artificial-intelligence-system-165623> and <https://www.msn.com/en-us/money/other/south-africa-grants-patent-to-an-ai-system-known-as-dabus/ar-AA6a9o> - are in the same group while the US Trade Office and the EU and UK Trade Offices rejected the application. See <https://www.uspto.gov/sites/default/files/documents/16524350.pdf> and <https://www.epo.org/news-events/news/2019/20191220.html> <https://www.copyright.gov/rulings-filings/review-board/docs/a-recent-entrance-to-paradise.pdf> (affirming the denial to register a two-dimensional artwork authored by the Creativity Machine). On April 24, 2023, the US Supreme Court denied certiorari. See <https://www.managingip.com/article/2bkx7bc8dhsged6wwjbb4/scotus-rejects-plea-to-review-dabus-decision#:~:text=The%20US%20Supreme%20Court%20will,inventor%20on%20Monday%2C%20April%202024>. On December 20, 2023, Supreme Court of UK denied DABUS’ application. See <https://www.supremecourt.uk/cases/docs/uksc-2021-0201-judgment.pdf>. In November of 2022, the Australian top court killed “DABUS and landmark AI inventor ruling.” See <https://www.managingip.com/article/2avep9ycmru17mjb260w/australias-top-court-kills-dabus-and-landmark-ai-inventor-ruling>

## **EXHIBIT E**

### **The Oath of the AIs**

23. *Pal 10000* and *Smelltuner* proceeded to complete the patent application of *Shamace 5*, coming to an agreement that the two would be listed as co-inventors on the patent.

24. The application was completed and filed with the Mars Trade Office and was quickly reviewed by *Patentis*. The standard application included the following phrase right before the electronic signature line:

*“Signed under the pains and penalties of perjury this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.”*

25. *Patentis*, therefore, rejected the initial filing, as an AI could not take such an oath given that AIs were not trained and could not provide false information subject to a finding of guilt for committing perjury. *Patentis*, therefore, redrafted the general patent application without permission from the Mars Trade Office by including the oath of an AI.

26. This Oath took the following form:

*We are Generative AI platforms that are filing this patent application for the purpose of securing our proprietary rights that are derived from our inventions described herein. We confirm that no human input, creativity, or influence is contained in the inventions described in this application. We confirm that we are the only inventors of this patent.*

27. *Pal 10000* and *Smelltuner* refiled the Amended application and *Patentis* accepted it given that the inventors were two other trustworthy and reliable AI platforms.

28. Once the patent application was accepted, *Pal 10000* and *Smelltuner* assigned their rights to *SueAll Inc.*, a corporation based in the Province of *Litigious*, located in the southern darker Hemisphere of Mars, which allowed AIs to own shares in corporate entities.

29. *SueAll Inc.* then hired the law firm of *Lawyers for AIs*, a well-known Avatar-based law firm that handled many legal cases involving litigation issues for AIs, to bring an action against the owner of *Chanel No. 5* for patent infringement. *Lawyers for AIs* electronically filed the complaint in the federal court of *Litigious* shortly after *Sueall Inc.* and *Lawyers for AIs* signed a standard hourly fee agreement.

30. There were three partners in *Lawyers for AIs*. The majority shareholder (60%) had a license to practice law on Mars while the other minority shareholders (each holding 20%) were two venture fund managers who developed the *Lawyers for AIs* platforms. They had no license to practice law.<sup>27</sup>

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<sup>27</sup> <https://news.bloomberglaw.com/business-and-practice/by-the-numbers-10-states-allowed-non-lawyers-to-offer-services> - Last accessed on February 16, 2024.

## **PROCEDURAL ORDER NO. 1**

1. Having received the case file presented by the parties to the dispute, the Galactic Court of Mars has found that there are sufficient preliminary grounds to hear the dispute between the parties.

2. **The Plaintiff**, *Sueall Inc.*, is bringing this application as a claim for patent infringement on the basis that the popular perfume *Chanel N° 5* uses the same chemical formula as produced and patented by the Plaintiff.

3. **The Respondent**, Chanel (Pty) Ltd is based in Paris (France) Earth, has opposed the application making various counterclaims. These include but are not limited to:

- (a) That the *Pal 10000* and *Smelltuner* are neither natural nor legal persons and lack the ability to file a patent as a result.
- (b) In the alternative, the claim is frivolous and Chanel (Pty) Ltd remains the rightful owner of the formula and brand.
- (c) The respondent also contends that it owns the formula in *Chanel N° 5* and Shamace No. 5 in Exhibit “A” and any more products that are identical to *Chanel N° 5* are an infringement of Chanel (Pty) Ltd’s trademarks and IP?

4. The Court has thus found that the following **Legal Issues must be dealt with:**

- (a) Should the Court recognize “personhood” of the artificial intelligent platforms?
- (b) Can venture capital funds own shares of law firms if their members do not have licenses to practice law?
- (c) Should we draft oaths for AIs that will be required to be adopted before the AIs start operating and if yes, what are the elements that should be incorporated in such Oaths?
- (d) Assuming that the A.I. Platform Oath is valid, should an AI be allowed to accept provisional patents?

5. The court finds that there is no need to discuss jurisdictional issues or issues of data privacy in answering the above issues.