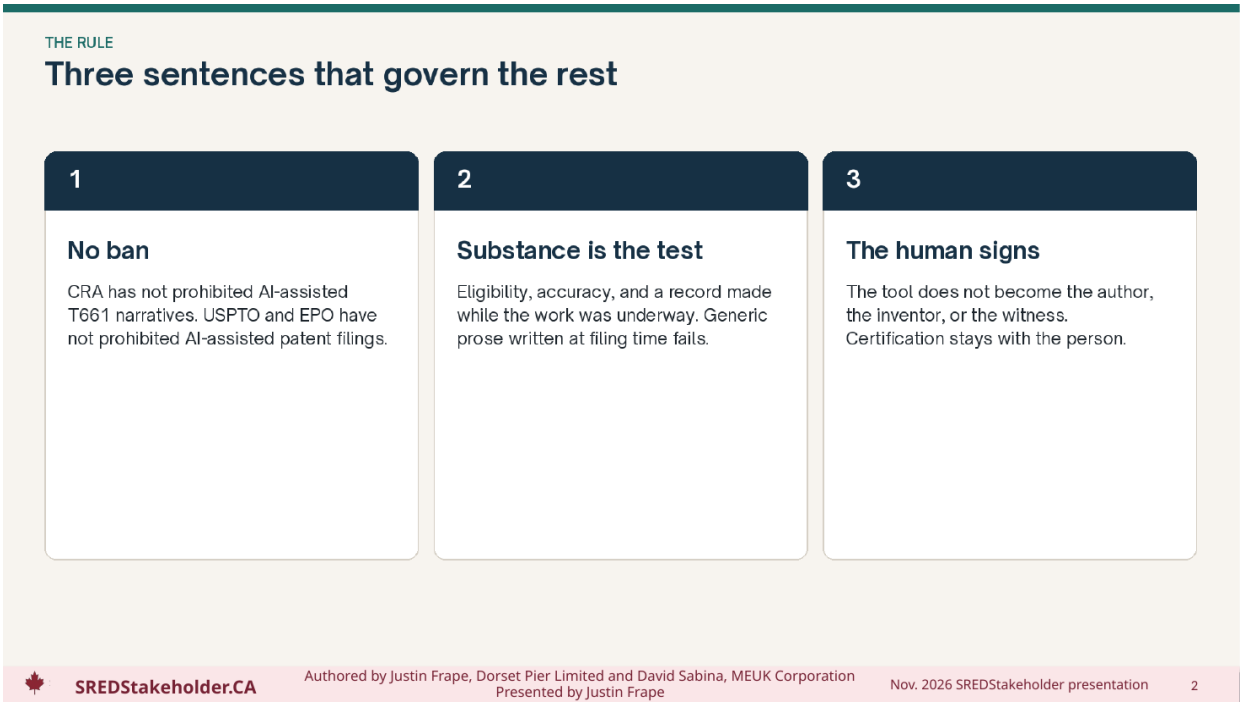


Stakeholder briefing on using AI to prepare SR&ED project descriptions, and the parallel with patent-office practice.

Through-line: CRA has not banned the tool. Neither have the patent offices. What fails is text that cannot be tied to a real technical problem and a record made while the work was underway. The person who signs owns every sentence.

Suggested opening: this is a control discussion, not a tool discussion.

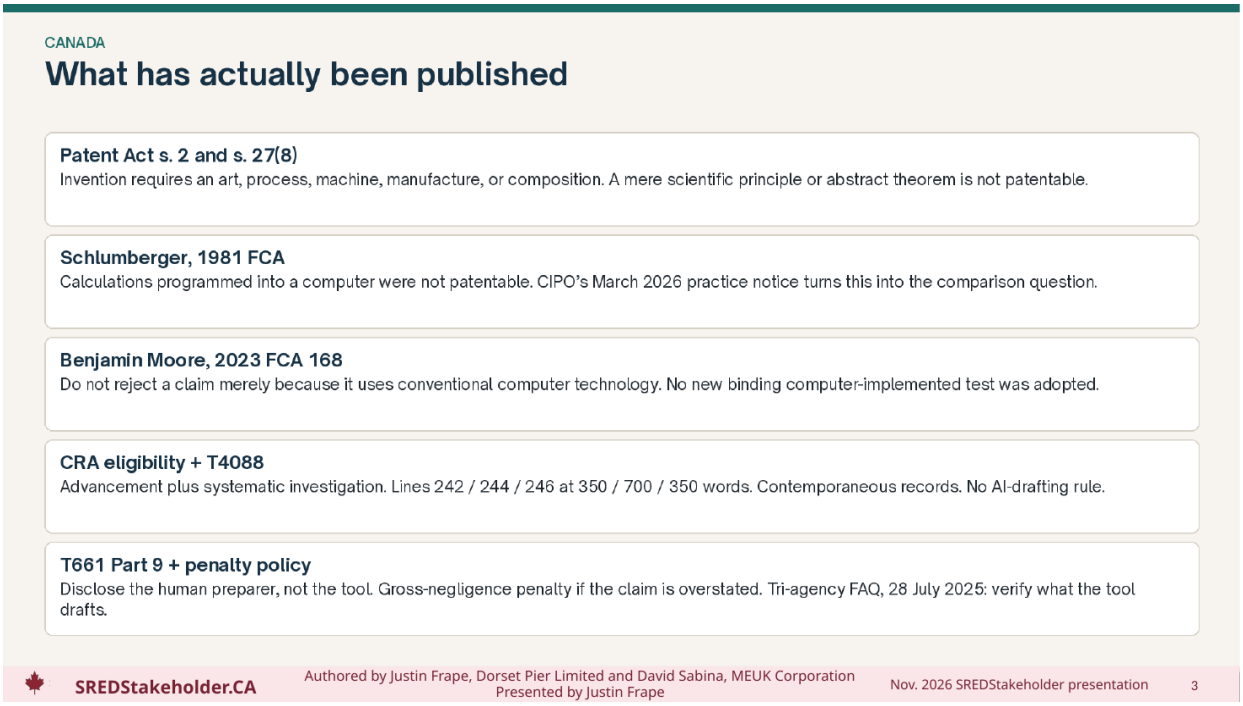


Three governing sentences.

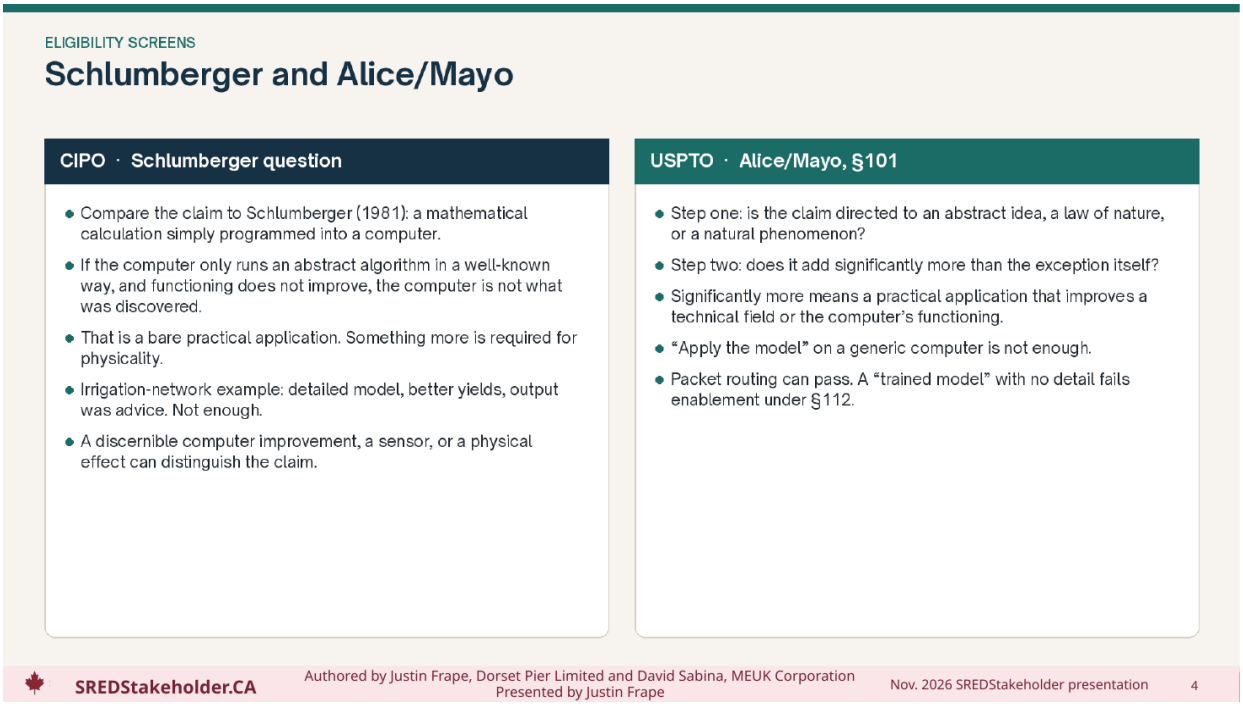
1. No ban. No CRA prohibition on generative AI for Form T661. USPTO 11 April 2024 (89 FR 25609): no ban, no general disclosure duty unless the Office asks or use is material to patentability. EPO General Part 5: the tool does not absolve responsibility.

2. Substance is the test. T4088: dated records generated during the work are the best support.

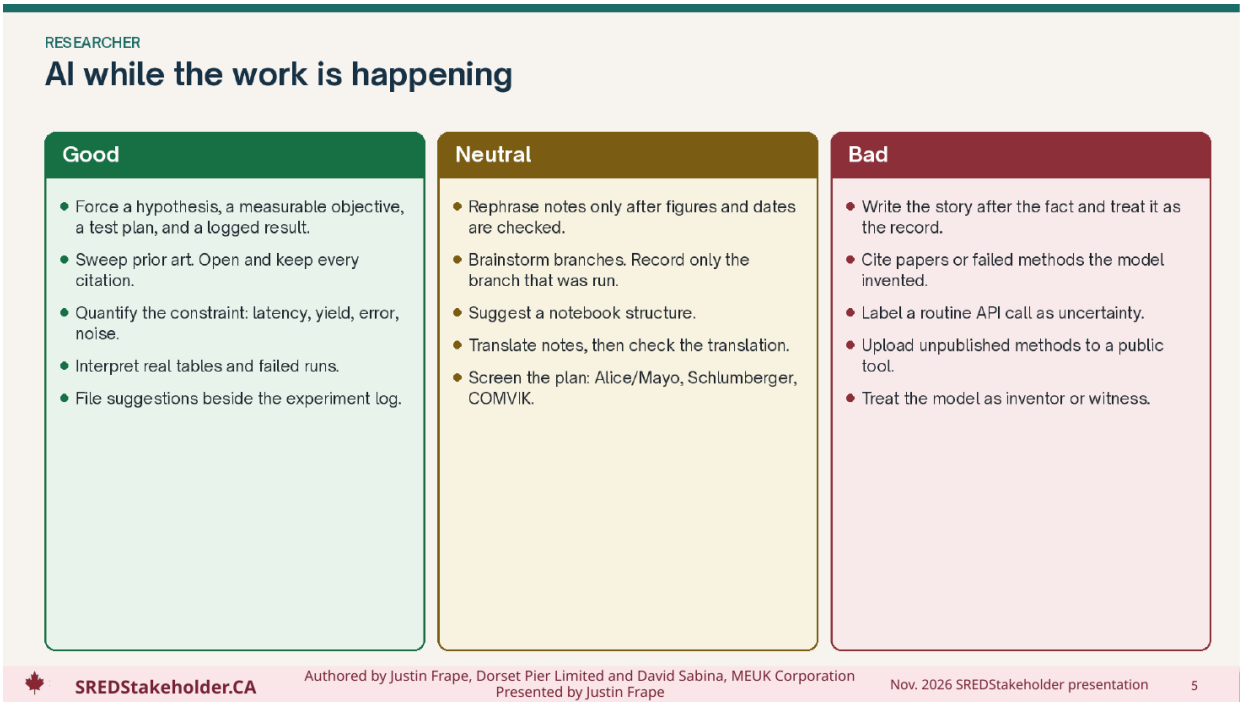
3. The human signs. USPTO November 2025: only natural persons are inventors; AI is a tool. CRA certification and Part 9 put the same duty on the named preparer and the claimant.



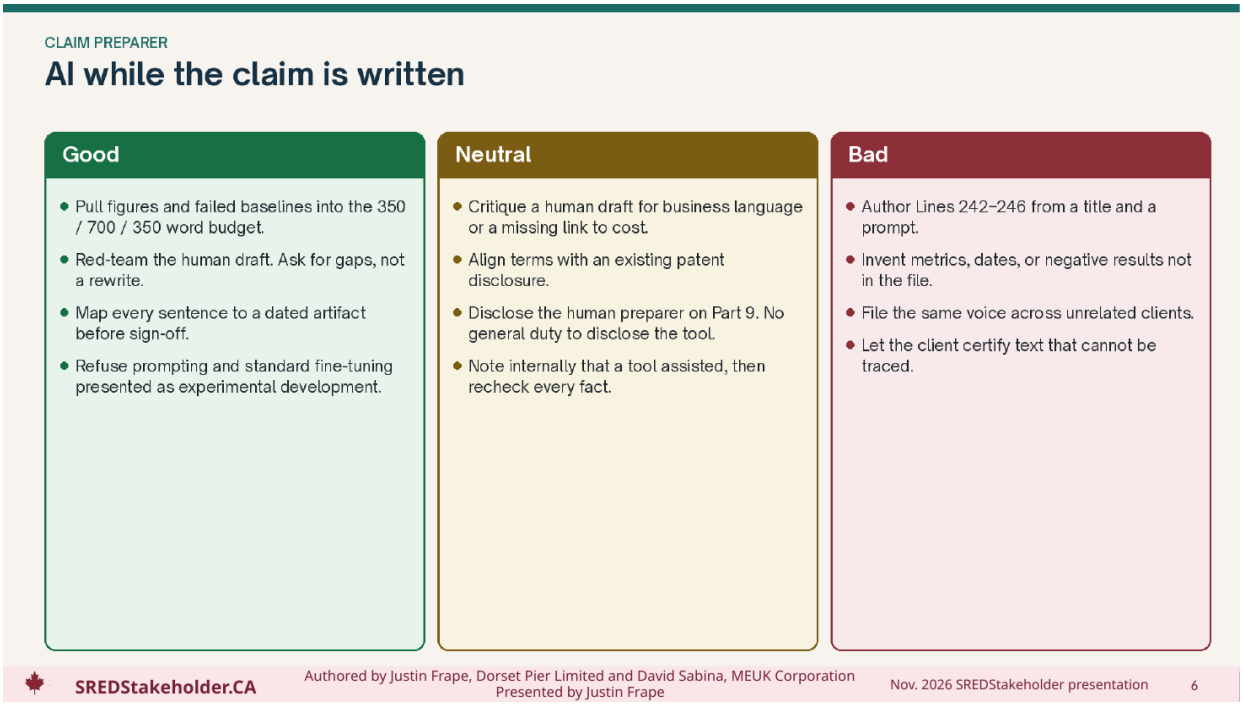
Canadian sources. Patent Act s. 2 and s. 27(8). Schlumberger, 1981 FCA: calculations programmed into a computer were not patentable. CIPO March 2026 practice notice names the Schlumberger question. Benjamin Moore, 2023 FCA 168: do not reject merely because conventional computing is used. Choueifaty, 2020 FC 837. CRA eligibility: advancement plus systematic investigation. T4088: Lines 242 / 244 / 246 at 350 / 700 / 350 words. Part 9 discloses the human preparer, not the tool. Gross-negligence penalty if overstated. Tri-agency FAQ, 28 July 2025: verify what the tool drafts; no blanket AI disclosure.



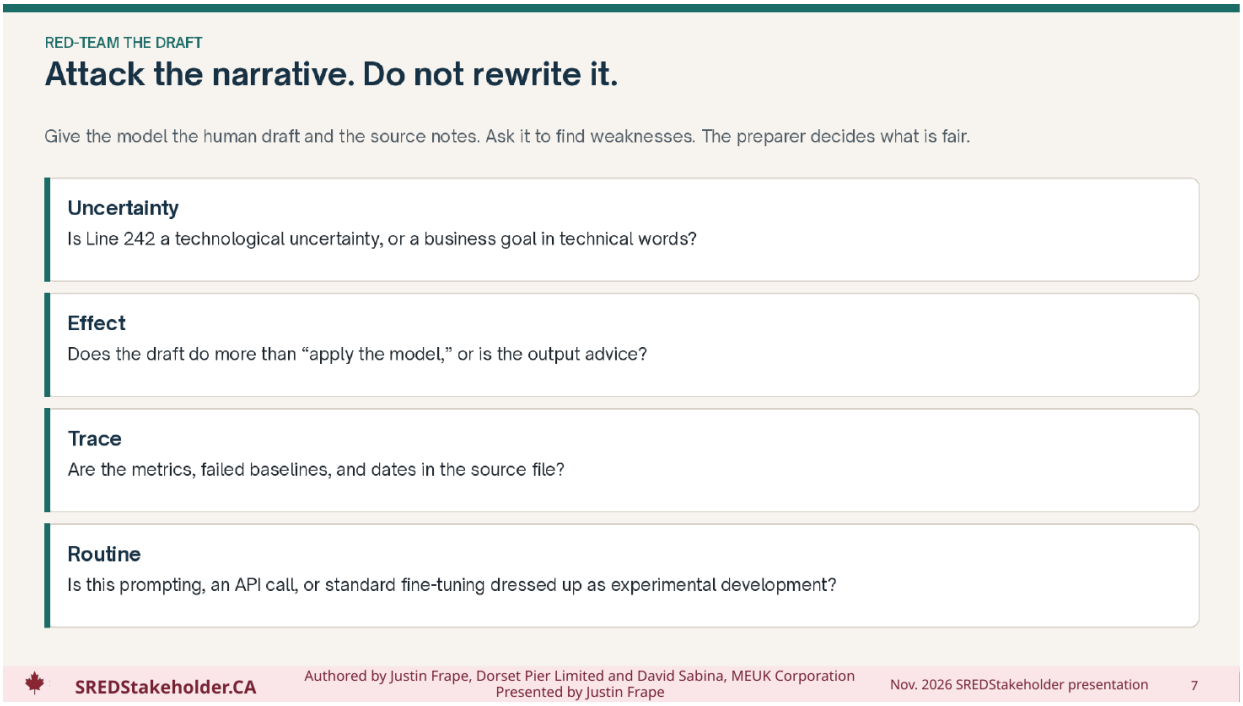
CIPO Schlumberger question: if the computer only runs an abstract algorithm and functioning does not improve, that is a bare practical application. Irrigation-network example: advice is not enough. Alice/Mayo §101: step one, abstract idea; step two, significantly more than "apply the model." EPO COMVIK: technical features only. UK contribution test and JPO technical-idea test ask the same question.



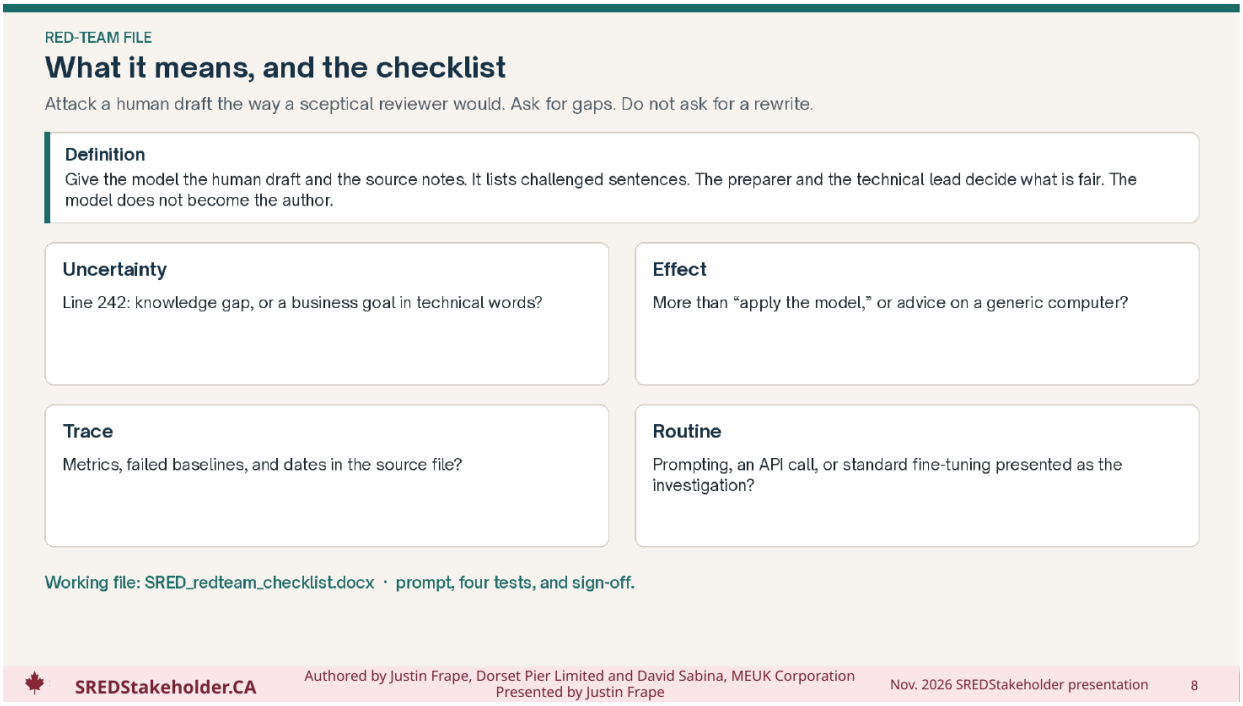
Performer. Good: hypothesis, measurable objective, plan, logged result; prior art with citations opened; quantified constraints; interpret real tables; file suggestions beside the log. Neutral: rephrase only after checking figures; record only branches that were run; screen the plan with Alice/Mayo, Schlumberger, COMVIK. Bad: story after the fact; invented citations; routine API call labelled uncertainty; unpublished methods on a public tool; model as inventor or witness.



Preparer. Good: extract into the word budget; red-team for gaps; map every sentence to a dated artifact; refuse prompting and standard fine-tuning as experimental development. Neutral: critique a human draft; align with a patent disclosure; Part 9 names the human; no general duty to disclose the tool; internal note, then recheck. Bad: author Lines 242–246 from a prompt; invented metrics; same voice across clients; client certifies untraceable text.



Red-team means attack the narrative, do not rewrite it. Give the model the human draft and the source notes. Four questions follow on the next slide and in the checklist file.



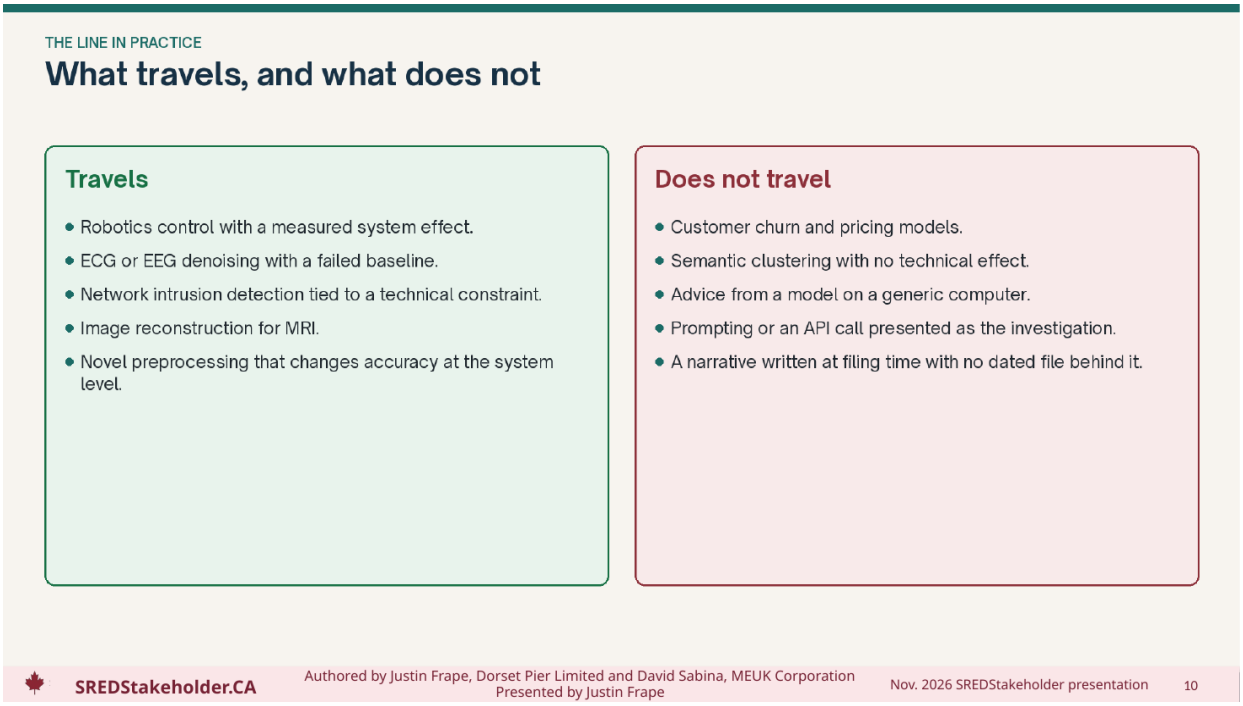
Red-team file. Definition: the model lists challenged sentences; the preparer and technical lead decide; the model does not author the replacement. Four tests: uncertainty, effect, trace, routine. Hand out SRED_redteam_checklist.docx. It contains the definition, the four tests, a prompt that forbids invention of metrics or papers, and a sign-off block. Use it before the technical lead signs.

FIVE OFFICES

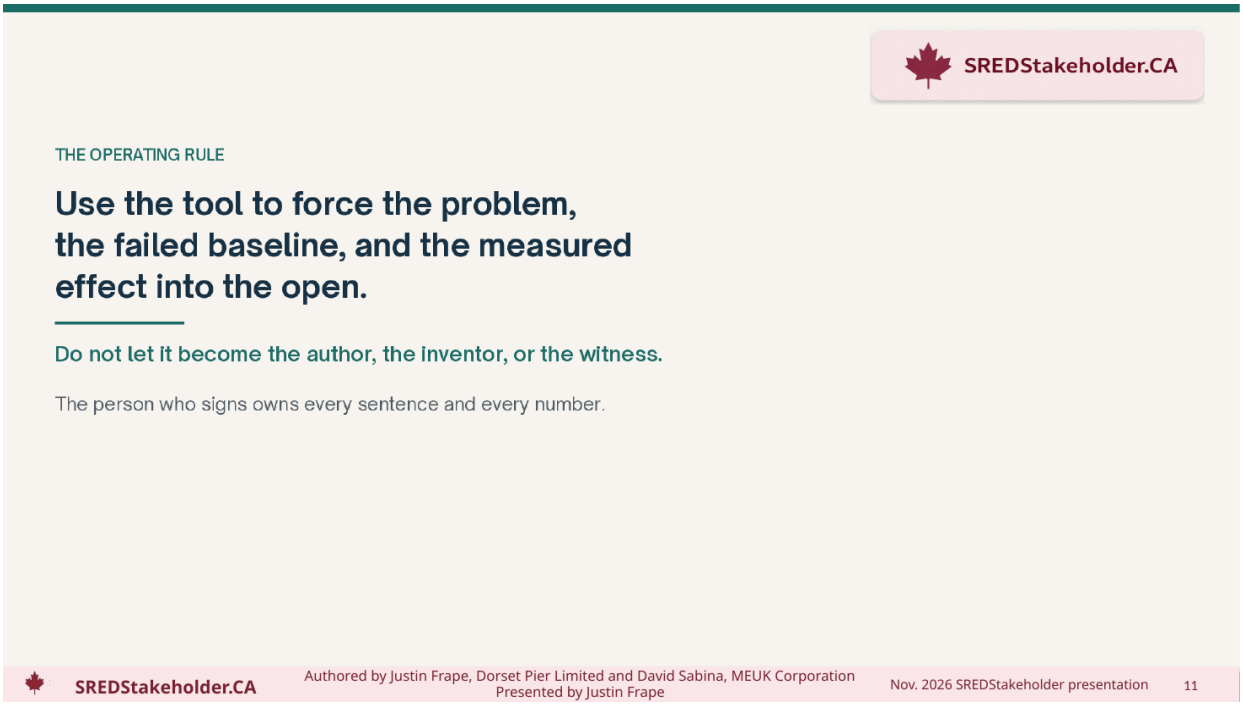
Same three questions, different names

	Canada	United States	EPO	UK / Japan
Drafting	No ban. Signer responsible.	Allowed. Disclose only if material.	Tool does not excuse content.	No ban. Filer responsible.
Inventor	Natural person.	Natural person. AI is a tool.	Must be a natural person.	Human only.
Test	Schlumberger question.	Alice/Mayo §101.	COMVIK. Technical features only.	Contribution / technical idea.
Disclosure	T4088 contemporaneous record.	§112 and a reasonable inquiry.	Art. 83. Training data if needed.	Enable the effect. Validate.

Five offices, three questions: who may invent, what counts as a technical contribution, who owns the text. Canada: no ban, Schlumberger, T4088. US: Alice/Mayo, §112, disclose only if material. EPO: COMVIK, Article 83, tool does not excuse content. UK contribution test; Japan technical idea and validation. SR&ED exists only in the Canada column.



Travels: robotics control, ECG/EEG denoising, intrusion detection, MRI reconstruction, novel preprocessing with a system effect. Does not travel: churn and pricing, semantic clustering, advice from a model, prompting presented as the investigation, a filing-time narrative with no dated file. The test is the effect and the record, not the label.



Close. Use the tool to force the problem, the failed baseline, and the measured effect into the open. Do not let it become the author, the inventor, or the witness. Monday: performers log the failed run while the work is open. Preparers extract and red-team using the checklist. Part 9 still names the human.