

Gary Edwards and Michelle Jacobs in Construction Global on Autonomous Construction Vehicles

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PRACTICES Intellectual Property

[Gary Edwards](#) and [Michelle Jacobs](#), partners at Haynes Boone, outline how to protect intellectual property and minimise liability

Autonomous construction vehicles (ACV) can offer significant benefits in terms of safety and efficiency compared with conventional construction vehicles. There are certain intellectual property and liability issues, however, which those who develop, purchase, or lease ACVs must carefully consider.

Intellectual Property

An ACV includes components, such as its mobile platform, articulating components, sensors, communications, and AI processors which enable mobility and functionality. These components and their integration raise a variety of intellectual property considerations.

Technology Protection

The technology for use in ACVs is often developed by a plurality of different developers for separate aspects of the ACV. Protection for these inventions is often obtained through patent or trade secret protection. Patent applications can be filed in various jurisdictions to help prevent others from practicing the inventions. Inventions that are not capable of deduction from a product can be protected by keeping it secret. Steps need to be taken by the developer to protect the secret, which is lost when discovered or redeveloped by others.

Ownership

A purchaser of an ACV should carefully review the purchase agreement. Although ownership of the hardware may transfer, the purchaser may license the software - the ownership of which remains with the manufacturer. Although this provides for continuous upkeep and maintenance of the ACV software, it also may result in the purchaser's inability - without the active involvement of the manufacturer of the ACV - to modify, diagnose, or repair an ACV.

Data Ownership

ACVs often collect and store large amounts of data which is used for analysis, evaluation, and training purposes. This data may be valuable to both the purchaser and the manufacturer. Ownership of the data is not often well defined but can be controlled by contractual arrangements between the manufacturer and the ACV owner.

Excerpted from *Construction Global*. To read the full article, click [here](#).