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AI, Intellectual Property, and National Security: Understanding the Administration's Contrasting Strategies

Armin Ghiam and Andre Earls*

In this article, the authors examine the Trump administration's approach to reshaping government policies affecting the growth and development of AI technologies.

In June 2026, the U.S. House of Representatives passed the Legislative Branch Agencies Clarification Act by voice vote and sent the bill to the Senate. The bill would substantially restructure the governance of three important congressional institutions: the Library of Congress, the Government Publishing Office (GPO), and the Copyright Office. Its central aim is to reduce presidential influence over legislative-branch agencies, strengthen congressional oversight, and give the Copyright Office greater administrative independence.

Furthermore, the bill would replace the current presidential appointment process for the Librarian of Congress and the Director of GPO with selection by a bipartisan congressional commission. Candidates would be chosen without regard to political affiliation, and removal would require the approval of both the majority and minority leaders of the House and Senate. This approach is intended to promote institutional independence and bipartisan accountability, although it would also concentrate significant appointment and removal authority within congressional leadership.

Congress's passage of the law, in some respects, is a response to President Trump's aggressive approach to reshaping government policies affecting the growth and development of artificial intelligence (AI) technologies. In March 2026, President Donald Trump appointed 13 members to the newly formed President's Council of Advisors on Science and Technology, including prominent

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technology leaders and key tech stakeholders. That move, together with the administration's broader engagement with leading AI companies and executives, reflects a strong policy emphasis on accelerating AI development and aligning that development with national security priorities. This emphasis appears not only in the administration's general technology agenda but also in its approach to intellectual property policy. While the administration has taken an aggressive position on patent protection, its approach to copyright law has been comparatively lenient. These differences appear to be influenced by national security considerations, which help explain the administration's seemingly inconsistent policies in these areas.

Under the leadership of newly appointed United States Patent and Trademark Office Director John A. Squires, the administration's Patent Office has moved decisively to bolster patent rights, making it significantly more difficult to challenge patents through administrative proceedings. Since Squires assumed office, the denial rate for inter partes review (IPR) petitions has surged to nearly 75 percent, resulting in a marked decline in IPR institutions. In May 2026, Squires released a Director Discretionary Decision in which he denied institution of an IPR outlining a new set of principles that should guide how the Office institutes America Invents Act (AIA) proceedings. Most notably in the decision, Squires stated that "many petitioners seek AIA review in parallel with litigation to gain litigation leverage" rather than a genuine inquiry into the discrete question of the validity of a patent. Additionally, the Patent Office has issued clear guidelines regarding the patent eligibility of AI-generated inventions, providing inventors with greater certainty and encouraging further innovation in the field. Collectively, these actions reflect the administration's broader strategy to accelerate the protection and development of AI-related patents.

Copyright Protection

In contrast, the administration's approach to copyright protection has been far less robust. Following the U.S. Copyright Office's release of comprehensive reports exploring intellectual property issues in AI and reconsideration of the boundaries of the "fair use" doctrine, President Trump made attempts to remove Shira Perlmutter and Carla Hayden from their positions as Register of

Copyrights and Librarian of Congress, respectively. Many observers linked these removals to the publication of the AI copyright report, which questioned the expansive fair use arguments advanced by some AI companies. Specifically, the cited work circulated by Perlmutter highlighted research suggesting that unauthorized uses of copyrighted works undertaken by tech firms to train generative AI systems aggressively were unlawful under current U.S. copyright policy. There were also allegations that Perlmutter resisted pressure to permit large-scale AI training on copyrighted works. Critics have warned that weakening copyright protections could undermine the production of original expressive works, thereby diminishing the quality of training data available for future AI development.

Additionally, as institutions continue to adapt to the ever-changing landscape of copyright protections in the age of AI, a trend of seeking alignment with the administration's approach to copyright policy has begun to emerge. For example, the Motion Picture Association (MPA) has endorsed Trump's recommendations for how to deal with the proliferation of AI in every aspect of corporate life. As they align themselves with Trump's national framework on AI regulation, institutions like the MPA continue to grapple with how to maintain a workable system of copyright protection while also embracing a tech-forward atmosphere that allows AI to flourish.

Security Considerations

This apparent inconsistency in intellectual property policies may be explained by domestic and national security considerations. As the AI sector experiences unprecedented growth, ensuring access to extensive training data has become central to the administration's strategy. In addition to issuing an executive order rolling back regulatory protection processes from the Biden administration that sought to safeguard Americans from AI risks, the current administration has also leaned into its use of AI both domestically and abroad. Recently, FBI Director Kash Patel said the bureau has used AI to help stop multiple attacks, including school shootings, as part of a broader push to modernize federal law enforcement under this administration. Additionally, in light of the administration's executive orders, Department of Defense Secretary Pete Hegseth has also discussed how the U.S. military is pursuing an

"AI-first strategy" to integrate AI across military operations, aiming to accelerate decision-making, enhance combat effectiveness, and maintain technological superiority to create a strategic advantage against its adversaries.

Strong copyright protection for the data required to train AI models could hinder this objective, especially as other nations competing in the AI race show little regard for U.S. copyright law when it conflicts with their own technological advancement. In the summer of 2025, Trump made comments at an AI Policy Summit about loosening AI regulations, stating "we have to grow that baby and let that baby thrive" with regard to the country's handle on AI innovation. He is now starting to follow through on this approach to AI by not only loosening red tape but also forming agreements with key stakeholders on how it will be used within the federal government and its agencies. In March 2026, he appointed 13 members to a new AI advisory panel, including big names in the technology industry. The advisory group will report to Trump on technology and AI innovation policy, among other things. This comes in conjunction with the Pentagon acknowledging new agreements with OpenAI, Nvidia, and several other tech leaders, for their AI tools to be used on the agency's classified networks for "lawful operational use."

Conclusion

By reducing legal barriers to data access while simultaneously strengthening patent protections, the administration appears to be pursuing a dual-track strategy: fostering domestic innovation through robust patent rights, while facilitating the availability of high-quality data for AI model training. The administration's divergent approaches to patent and copyright law reflect a balancing act between promoting intellectual property rights and supporting the rapid advancement of the domestic AI industry. By aggressively protecting patents, the administration encourages the development of new technologies, while its more permissive stance on copyright law appears designed to ensure that AI companies have the resources necessary to remain competitive on a global scale. As the international race for AI supremacy intensifies, continued debate over the optimal balance between intellectual property

protection and technological progress is likely to shape the future of U.S. policy in this critical area.

Note

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