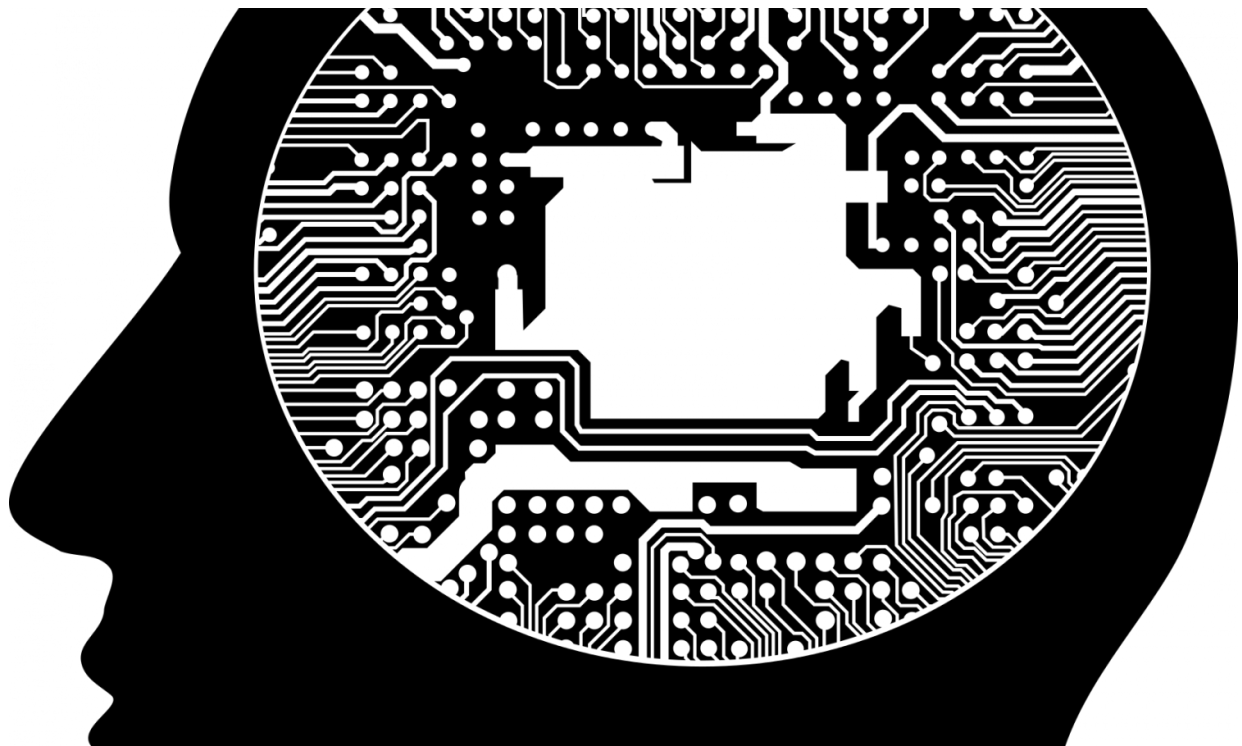


AI bots lack human touch to be inventors, UK top court rules

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Artificial intelligence programs can't be named as an inventor for patents, the U.K.'s top court said in a crucial ruling refusing to put machines on a near-equal footing with humans.

Britain's Supreme Court rejected the request by Imagination Engines

Inc. founder Stephen Thaler, who sought [patents](#) naming his AI machine DABUS as the [inventor](#). Laws on patents require an inventor to be a natural person, and "DABUS is not a person at all," the judges said, dismissing Thaler's appeal unanimously.

While the ruling follows the same stance as decisions in the U.S. and the European Union, it's the first by any country's highest tribunal. It assumes significance, as it comes when the U.K. is aiming for a pioneering role in AI technologies and stakeholders debate safeguards and regulation around it.

"Science has collided with common sense in a highly significant way," said Thaler, who had tried registering the patents in multiple countries for a beverage container and a flashing light, saying DABUS was the inventor.

The judgment puts the U.K. at a substantial disadvantage in supporting AI-dependent industries and could disincentivize the disclosure of inventions by AI systems, said Robert Jehan, a partner at law firm Williams Powell, which represented Thaler in the case. It "shows how poorly current U.K. [patent](#) law supports the aim of making the UK a global center for AI and data-driven innovation," he added.

Given the striking speed of advancing AI capabilities, the issue "may need to be addressed again in the future," said Yohan Liyanage, a partner at law firm Linklaters. "If the U.K. government is serious in its aspiration to establish itself as an AI superpower, legislative intervention may be required to allow patentability of inventions which are independently created by AI systems," Liyanage said.

The ruling was not concerned with the broader question of whether technical advances made by an autonomous AI-powered machine are patentable, according to the court.

"The judgment does not preclude a person using an AI to devise an invention—in such a scenario, it would be possible to apply for a patent provided that person is identified as the inventor," said Rajvinder Jagdev, a partner law firm Powell Gilbert.

The judges agreed with the government's lawyers who had argued that allowing Thaler's request would leave the U.K. as an outlier. If Thaler's request is allowed, inventors in future could include "my cat Felix" or "cosmic forces," the lawyer had argued.

Any change in patent laws to help the U.K. become a global center for AI can only come following international level deliberations, the U.K.'s Intellectual Property Office said in an emailed statement after the judgment. "The government will nevertheless keep this area of law under review to ensure that the U.K. patent system supports AI innovation and the use of AI in the U.K."

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