



RETHINKING INVENTORSHIP IN THE AGE OF AI: MOVING PAST HUMAN-CENTRIC PATENT LAW

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ABSTRACT

In terms of creation and innovation, artificial intelligence (AI) has become a revolutionary force, producing solutions that often surpass human capabilities. Nevertheless, patent laws in many jurisdictions continue to be based on a human-centric view of inventorship, which excludes ideas generated by AI. This conflict is most evident in the "DABUS" case,¹ in which courts in the US, UK, EU, and other countries have flatly denied AI's status as an inventor. Long-held beliefs that machines can only ever be used as instruments and that patents are solely rewards for human ingenuity are exposed by this resistance. The law's rejection of allowing AI inventorship, according to this argument, runs the risk of undercutting its own objectives of encouraging disclosure, promoting innovation, and advancing the public interest. The legal myth that invention is solely human-led is criticised in this study, which demonstrates how distributed, collaborative, and machine-assisted processes are already essential to modern innovation. It then suggests a spectrum-based rethinking of inventorship, including acknowledging dual human-AI inventorship, emphasising contribution over personhood, and testing out sui generis regimes for autonomous creations. The essay also humanises the subject by pointing out that the exclusion of AI-generated ideas has actual ramifications for human researchers, entrepreneurs, and the larger innovation ecosystem, rather than just being an abstract legal matter. In the end, the question is not whether AI can be an inventor in the philosophical sense, but rather whether patent law can change to guarantee that the results of creative hybridity between humans and machines are revealed, safeguarded, and used to advance society.

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¹ Kingsley Egbunu, "The Latest news on the DABUS patent case"

<https://www.ipstars.com/NewsAndAnalysis/The-latest-news-on-the-DABUS-patent-case/Index/7366> accessed on 27 September 2025.

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INTRODUCTION

Inventing is a fundamentally human activity, according to patent law. Inventing is viewed as the result of human imagination and inventiveness, from the lone inventor in the nineteenth-century workshop to the contemporary corporate R&D team. However, a new reality has emerged that challenges this vision: artificial intelligence systems that can produce technical answers with little to no human assistance.

The "DABUS" case best exemplifies this collision. In patent applications submitted in several jurisdictions, Dr. Stephen Thaler attempted to list his artificial intelligence system, "Device for the Autonomous Bootstrapping of Unified Sentience" (DABUS), as the inventor.² The petitions were denied because inventorship must be human, with very few exceptions, South Africa being the most notable. To maintain that robots cannot be inventors, courts emphasised statutory wording like "individual," "natural person," or "person."

This rejection, however, is not unavoidable. It represents a normative decision to uphold human exclusivity in inventorship, even at the expense of undermining the primary objective of patent law, which is to encourage transparency and reward innovation. According to this essay, such a decision is untenable. Patent law runs the risk of stifling innovation, warping incentives, and impoverishing society if it keeps excluding AI-generated ideas. In the futuristic era, it is time to reconsider inventorship.

PRESENT LEGAL SITUATION

Law Enforcement Structures: Human inventorship is assumed by the majority of patent laws globally. An "individual" must be the inventor according to the US Patent Act.³ The term "persons" is used in the European Patent Convention.⁴ Similar consideration is given to "true and first inventors," as specified by the Indian Patents Act. These frameworks don't specifically account for non-human innovators.

² Wikipedia, "DABUS" <https://en.wikipedia.org/wiki/DABUS> accessed on 27 September 2025.

³ USPTO GOV., "35 U.S.C. § 100(f) (defining "inventor" as an "individual")" <https://www.uspto.gov/web/offices/pac/mpep/s2109.html> accessed on 27 September 2025.

⁴ European Patent Convention, "Section 81: Conversion of European patent applications" <https://www.gov.uk/guidance/manual-of-patent-practice-mopp/section-81-conversion-of-european-patent-applications> accessed on 27 September 2025.

The Court's Handling of DABUS: The courts' rejections have been constant. An inventor must be a natural person, according to the Court of Appeal's ruling in *Thaler v. Comptroller-General of Patents (UK)*.⁵ In *Thaler v. Vidal*,⁶ the U.S. Federal Circuit came to the same conclusion: "Only a natural person can be an inventor." The Legal Board of Appeal of the EPO reaffirmed this strategy, emphasising the statutory references to human applicants.⁷

One notable exception is South Africa, which granted a patent citing DABUS as the inventor. However, observers point out that this was because of the depository system's lack of substantial review.⁸

The Fundamental Theory: There is more to the judicial rationale than just the interpretation of the statute. Its normative premise is that patents are an acknowledgement of labour, creativity, and human endeavour. As merely tools, machines are not eligible for these benefits. The cornerstone of the current worldview is human-centred.

THE HUMAN-CENTRIC PARADIGM'S FAULTINESS

AI as a Creator versus AI as a Tool: AI is seen as an extension of human input in the dominant narrative. However, this breaks down when AI systems produce results that their programmers were not prepared for. Large datasets are used to train deep learning models, which frequently provide findings that are hidden even from their creators. To call them "mere tools" is to go beyond what is considered the concept of toolhood.

The Lone Inventor Myth: The idealised view of the lone genius in patent law is already out of date. Today's innovation is more institutional, dispersed, and collaborative. Research labs, universities, and corporations all contribute to the creation of inventions. Why should the law not adjust to artificial intelligence-driven inventorship if it can accept corporate applicants regardless of their lack of individuality?

⁵ *Thaler v. Comptroller General of Patents, Designs, and Trademarks* [2023] UKSC 49.

⁶ *Thaler v. Vidal* 43 F.4th 1207 (Fed Cir 2022).

⁷ European Patent Office, "Designation of Appeal" <<https://www.epo.org/en/boards-of-appeal/decisions/j200008eu1>> accessed on 27 September 2025.

⁸ Jeremy Smith, "South Africa issues world's first patent naming AI as inventor" <<https://www.mathys-squire.com/insights-and-events/news/south-africa-issues-worlds-first-patent-naming-ai-as-inventor/>> accessed on 27 September 2025.

RE-EVALUATION OF INVENTORSHIP

Flexible Approach for Inventorship: Binary inventories are not necessary. Patent law could identify a process rather than determining whether an innovation was created by humans or artificial intelligence:

- AI is a passive instrument in human-generated inventions.
- Joint human-AI innovations in which AI makes significant creative contributions.
- AI-driven innovations with little human input.

Without degenerating into philosophical arguments concerning the personhood of machines, this spectrum enables sophisticated recognition.

From Individuality to Input: The nature of the contribution should be the primary emphasis of patent law, rather than the inventor's metaphysical standing. Patents may use a collaborative transparency framework, just as copyright increasingly looks at originality in lieu of authorship identification. This will ensure accountability while recognising the contributions of machines by identifying the roles that people and AI perform.

Reasonable Adjustments: Several measures could make this change operational:

- **Required Human Accountability:** Even in cases when AI makes a significant contribution, a human applicant is still in charge of ownership, exploitation, and legal compliance.
- Applications may allow for shared attribution between humans and AI systems, listing humans next to AI systems.
- **Sui Generis Protection:** Lawmakers could establish a parallel system that provides restricted protection to guarantee disclosure for entirely self-sustaining AI inventions without bestowing conventional monopoly rights.
- **Innovation Funds:** To support public research, governments should look into payment schemes such as mandating royalties or fees on patents created by AI.

THE ARGUMENT

The real-world experiences of researchers and innovators go beyond dogma and policy. Disqualifying AI inventors penalises the people who use them, not the computers themselves.

When scientists use sophisticated AI techniques, they cannot be protected for results that are truly beyond their creative effort.

The ethical context is just as significant. Patent law runs the risk of encouraging humanistic regimes that misrepresent the relational aspect of creation by adhering to human exclusivity. AI broadens the scope of what humans and robots may accomplish together, rather than replacing them. Acknowledging AI's contribution supports human creativity's adaptability rather than diminishing it.

CONCLUSION

The argument over AI inventorship is not about giving machines personality or rights. It concerns whether, in a time when invention is distributed, hybrid, and becoming more post-human, patent law can change to meet its goals. By requiring exclusive human inventorship, present regulations run the danger of inhibiting innovation, deterring transparency, and causing the law to become out of step with reality. The solution is to rethink inventorship as a range of contributions that acknowledges machine inventiveness while maintaining human accountability. The objectives of patent law are upheld by this new perspective, which also brings it into line with the technological advancements influencing our future. The question, therefore, becomes whether we will permit patent law to continue to be applicable in a world where innovation is no longer solely the domain of humans, rather than whether AI is an inventor.