



IP Guide



CNIPA Plans to Introduce Regulations Excluding AI Systems from Being Named as Inventors

Recently, the CNIPA has sought public comments on the *Guidelines for Patent Applications Related to Artificial Intelligence (Draft for Comments)* (hereinafter referred to as the “Draft”). A notable aspect of the Draft is its clarification regarding inventorship, specifically addressing whether artificial intelligence (AI) systems can be named as inventors. This issue has garnered significant attention in recent years within the realm of patent applications.

The Draft stipulates that the names of inventors listed in patent documents must be those of

natural persons, AI systems and other non-natural entities cannot be named as inventors. In cases where there are multiple inventors, each inventor must individually be a natural person. The rights associated with inventorship, including the right to receive benefits and the personal right to be named as an inventor, are considered civil rights under law. According to civil law, only entities that qualify as civil subjects can hold these relevant civil rights. Since AI systems do not currently qualify as civil subjects and thus cannot enjoy civil rights, they cannot be named as inventors.

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