

Inventions generated by Artificial Intelligence.

Patent protection & moral connotations

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It may be stated that, today, there are already patentable inventions created by a phenomenon commonly known as *Artificial Intelligence*. This concept -in contrast to the natural intelligence developed by human beings- encompasses many realities such as creative computers endowed with artistic, interactive or even learning skills; or machines provided with inventive abilities capable of solving problems on their own. It is precisely this "creativity" –coming from an intellectual effort- the differentiating feature between men and machines.

However, as a result of the emergence of these new “creative agents”, it could be questioned whether such machines can be holders of an exclusive right. Particularly, in the case of patent protection -with exceptions- the inventor is considered the owner of the moral and economic rights over the invention. But, what would happen in a scenario where a machine that emulates a human brain develops an invention that can be considered patentable? Could we then think about a new creative subject? or maybe co-authorship?

Hence, we are witnessing a potential paradigm shift, *inter alia*, in the system of attribution of IPRs that, up to now, had always been based on the individual -natural person- as the creative subject. This paper aims to call the aforementioned issues into question that deserve to be solved always in light of the basic principles that inspire the IP system such as morality and public order.