

A South African Perspective on Artificial Intelligence and Inventorship Status

Authors : Meshandren Naidoo

Abstract : An artificial intelligence (AI) system named DABUS 2021 made headlines when it became the very first AI system to be listed in a patent which was then granted by the South African patent office. This grant raised much criticism. The question that this research intends to answer is (1) whether, in South African patent law, an AI can be an inventor. This research finds that despite South African law not recognizing an AI as a legal person and despite the legislation not explicitly allowing AI to be inventors, a legal interpretative exercise would allow AI inventorship.

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