

The main concern as regards deciding whether an AI should have equal rights to human inventors, is the issue of defining the term "legal entity." Therefore, the basic question is about whether or not an AI agent should be equated to a human being. This would also require defining the notion of the term "AI agent". Bryson, Diamantis and Grant (2017) have said that an agent cannot be considered a subject with legal capacity because the agent is not conscious despite the fact that it is intelligent. According to Solaiman (2017), an agent cannot be a subject with legal capacity because he cannot claim his rights or perform his duties. Bryson, Diamantis, and Grant (2017) argue that treating intelligent agents as legal entities is a "slippery way" because it allows them to evade corporate and individual responsibilities. It has also been pointed out in the literature that since it is theoretically impossible to punish or kill a self-conscious agent without creating a module designed for the agent, we cannot create an agent that complies with human rights principles (Hellström, 2013).

If we legally, yet declaratively, give a definition to the term "legal entity" it wouldn't improve legal clarity or solve substantial liability issues that arise in everyday life. Also, an AI agent, if given the status of a legal entity, should embrace all the elements that apply to humans as legal entities(inventors in this case), meaning that an AI agent should be able to bear rights and responsibilities, which due to the lack of consciousness, characteristic to humans, is lacking and therefore the rights are not enforceable. As a general recommendation, legal entity for an artificial intelligence (agent) should be ruled out because that would create apparent legal uncertainty and would not resolve liability issues.