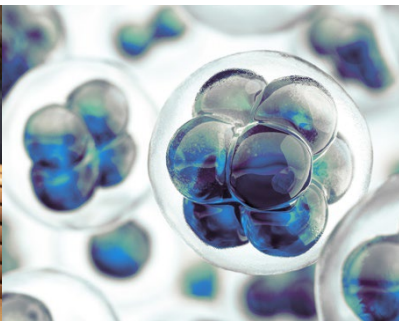




Europäisches  
Patentamt  
European  
Patent Office  
Office européen  
des brevets

# Patenting AI-related inventions under the European Patent Convention

## Securing legal certainty



# Patentability of CII, including AI

## Art. 52 (1) EPC

- Inventions in all fields of technology

## Art. 52(2) and (3) EPC

- Mathematical methods, schemes, rules and methods for performing mental acts and computer programs etc. **are not regarded as inventions**
- if claimed **as such** in the application

## Art. 54, 56 EPC

- An invention must be **novel**
- An invention must be **non obvious** for the skilled person over the prior art

patentability of  
CII and AI

# EPO guidelines on patenting AI

European Patent Office  
Office européen des brevets

Media Contact  
English ▾

Home Searching for patents Applying for a patent Law & practice News & events Learning About us

Home > Law & practice > Legal texts > Guidelines for Examination

Table of Contents

General Part

Part A – Guidelines for Formalities Examination

Part B – Guidelines for Search

Part C – Guidelines for Procedural Aspects of Substantive Examination

Part D – Guidelines for Opposition and Limitation/Revocation Procedures

Part E – Guidelines on General Procedural Matters

Part F – The European Patent Application

**Part G – Patentability**

Part H – Amendments and Corrections

Index for Computer-Implemented

## Guidelines for Examination

Print Share  
 Show modifications

Table of Contents - Guidelines for Examination	
Part G – Patentability	< >
Chapter II – Inventions	< >
3. List of exclusions	< >
3.3 Mathematical methods	< >
3.3.1 Artificial intelligence and machine learning	>

**3.3.1 Artificial intelligence and machine learning**

Artificial intelligence and machine learning are based on computational models and algorithms for classification, clustering, regression and dimensionality reduction, such as neural networks, genetic algorithms, support vector machines, k-means, kernel regression and discriminant analysis. Such computational models and algorithms are per se of an abstract mathematical nature, irrespective of whether they can be "trained" based on training data. Hence, the guidance provided in **G-II, 3.3** generally applies also to such computational models and algorithms.

Terms such as "support vector machine", "reasoning engine" or "neural network"

# EPO LBoA decisions J 8/20 and J 9/20

- Under the EPC the **inventor must be a person with legal capacity**
- Statement indicating the origin of the right to the invention must indicate the inventor or their successor in title (Article 60 EPC)
  - The EPO is competent to examine this

# Common understanding of inventorship

- The **inventor is the person who created the invention** by their own creative activity
  - Decisions in the EPO, UK, Germany, USA, Australia
  - Discussions with the EPC countries and IP5
  - Academic study on inventorship
- **Human-centric approach to AI** endorsed by the European Parliament and the Commission

**Thank you for your attention**