



Entscheidungsgründe (Anlage)		Grounds for the decision (Annex)		Motifs de la décision (Annexe)	
Datum		Blatt		Anmelde-Nr.	
Date	27.01.2020	Sheet	1	Application Nr.	18 275 163.6
Date		Feuille		Demande n°	

I. Summary of the relevant facts and submissions

1. European patent application EP 18 275 163 was filed with the Intellectual Property Office of the United Kingdom (Article 75(1)(b) EPC) and forwarded to the European Patent Office (EPO) on 17.10.2018. In the request for grant of a European patent (Form 1001P) the field for indicating the inventor was left empty. A separate designation of the inventor has not been filed.
2. With a communication dated 15.11.2018, the applicant was invited to remedy the deficiency by filing a separate document containing the designation of the inventor drawn up according to Article 81 and Rule 19(1) EPC within sixteen months of the date of filing. The applicant was informed that this time limit would be deemed to have been met if the information was communicated before completion of the technical preparations for the publication of the European patent application (Rule 60(1) EPC) and that this period was not extendable. He was further informed that if he failed to remedy the deficiency within the prescribed time limit, the application would be refused in accordance with Article 90(5) EPC.
3. On 24.07.2019, the applicant filed a designation of the inventor (Form 1002) indicating as inventor a machine, DABUS. In the accompanying submission, the applicant explained that DABUS is a type of connectionist artificial intelligence (AI) from which he had acquired the right to the European patent as employer.
4. In a later submission (02.08.2019), the applicant filed a corrected designation of the inventor in which he indicated that he had obtained the right to the European patent as a successor in title.
5. The applicant explained that the invention had been made by a machine and that the machine "identified the novelty of its own idea before a natural person did". He argued that the machine should be recognised as the inventor and that the applicant, as the owner of the machine, was an assignee of any intellectual property rights created by this machine. This is in line with the purpose of the patent system which is to incentivise disclosure of information, commercialisation and development of inventions. The applicant further argued that acknowledging machines as inventors would facilitate the protection of the moral rights of human inventors and allow for recognising the work of the machine's creators.
6. The Receiving Section decided to consolidate the proceedings concerning applications EP 18 275 163 and EP 18 275 174 for the purpose of conducting