

## Recent developments in applying patent law to AI outside the USA

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### *Use of AI in Drug Discovery in the USA and Europe*

*Machine learning identifies candidates for drug repurposing in Alzheimer's disease* - Rodriguez, S., Hug, C., Todorov, P. et al. - Nat Commun 12, 1033 (2021).

<https://www.nature.com/articles/s41467-021-21330-0>

*Identification of SARS-CoV-2-induced pathways reveals drug repurposing strategies* - Han, N., Hwang, W., Tzelepis, K. et al., Sci. Adv. 2021; 7 : eabh3032 30 June 2021

<https://www.science.org/doi/10.1126/sciadv.abh3032>

### *The international AI patenting landscape*

*Artificial Intelligence A worldwide overview of AI patents* (UK IPO June 2019)

<https://www.gov.uk/government/publications/artificial-intelligence-a-worldwide-overview-of-ai-patents>

### *Designating AI as an inventor*

#### **Australia (under appeal)**

*Thaler v Commissioner of Patents* [2021] FCA 879 (30 July 2021)

<https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2021/2021fca0879>

#### **EPO (under appeal, hearing scheduled for 21 December 2021)**

Prosecution of EP 18275163A and EP 18275174 (J8/20 & J9/20)

<https://www.epo.org/news-events/news/2020/20200128.html>

<https://register.epo.org/application?number=EP18275163&lng=en&tab=doclist>

<https://register.epo.org/application?number=EP18275174&lng=en&tab=doclist>

#### **UK**

*Thaler v The Comptroller-General of Patents, Designs and Trademarks* [2021]

EWCA Civ 1374 (21 September 2021)

<http://www.bailii.org/ew/cases/EWCA/Civ/2021/1374.html>

For argument see

<https://www.judiciary.uk/publications/thaler-v-the-comptroller-general-of-patents-designs-and-trademarks/>

***European patents already granted to DeepMind, Inc***

EP3497629B - GENERATING AUDIO USING NEURAL NETWORKS

<https://register.epo.org/application?number=EP17780543&tab=main>

EP3497630B - PROCESSING SEQUENCES USING CONVOLUTIONAL NEURAL NETWORKS

<https://register.epo.org/application?number=EP17780544>

***Other aspects of AI and patents***

**EPO**

Artificial Intelligence (EPO)

<https://www.epo.org/news-events/in-focus/ict/artificial-intelligence.html>

**EU**

*Trends and developments in artificial intelligence - Challenges to the intellectual property rights framework : final report* (The Joint Institute for Innovation Policy: Christian HARTMANN, Jacqueline E. M. ALLAN; IViR – University of Amsterdam: P. Bernt HUGENHOLTZ, João P. QUINTAIS, Daniel GERVAIS, Publications Office of the European Union)

<https://op.europa.eu/en/publication-detail/-/publication/394345a1-2ecf-11eb-b27b-01aa75ed71a1/language-en>

**UK**

*Government response to call for views on artificial intelligence and intellectual property* (UKIPO 23 March 2021), to be followed by further consultations later in 2021

<https://www.gov.uk/government/consultations/artificial-intelligence-and-intellectual-property-call-for-views>