Innovating Inventions: Need for Restructuring Indian Patent Regime under the Conundrums of Artificial Intelligence

*Pankaj Chhuttani

ABSTRACT

Artificial Intelligence (AI) is a robot or a computer that acts like a person and executes acts that are more reliable than human beings, such as voice, words, movements, thought processes and even centralized decisions. With the rise of AI-based technologies, it has begun to have a significant impact on companies' Intellectual Property Rights, especially in India's patent regime.

In the area of patents, AI plays a significant part in search and analytics, as well as the drafting and filing of patents. Not only that, AI would also review patent applications and updated claims for novelty, patentability, claim support, and other factors using mathematical formulas and equations to make decisions based on real-time results.As a result, we obtain the whole invention, which was developed by AI and is a very useful tool for companies.

The Indian Patent Act safeguards the interests of the author, and it is apparent from the statute's reading that the patent's inventor may only be a natural individual and not any other person, and that such person is only entitled to the rights granted by the statute. But what if the whole invention is produced by artificial intelligence?So, on the one hand, AI is a valuable feature for increasing market productivity, but on the other hand, Indian Patent Law does not consider AI-created inventions. As a result, the author of this paper will analyze certain circumstances and suggest a solution to address the growing interaction among AI and the Indian Patent Regime.

Key Words: Invention, Artificial Intelligence, Innovation, Business Efficiency, Business Growth, Technological Development

1. Introduction

At the very outset, Artificial Intelligence (AI) refers to a computer or a machine that acts like a person and executes acts that are more reliable than human beings, including voice, words, movements, thought processes, and even decision making. Artificial Intelligence (AI) has arisen in the domains of creative mind and science, and it is anticipated to turn into an ordinary component of regular day-to-day existence not long from now.

New AI developments give promising prospects to headways in the performing expressions and film areas, just as in different fields. Nonetheless, there are social, financial, and moral ramifications that should be talked about, just as administrative changes should be made.

AI advances are incorporated dangerously fast nowadays, with considerably more cutting-edge innovation being coordinated into them. Computer-based intelligence empowered advances have advanced from essential calculation to the making of music, mold, just as different types of more refined craftsmanship. It prompts us to think whether or not such work, similar to some other sort of work made by a distinguished human source that is secured under IP laws, possibly be agreed to be given any unique status under IP laws.

This subject raises a large number of other complex issues, which the author desires to uncover in this article. This paper presents the meaning of Artificial Intelligence, which is joined by insights into Patent protection under the broad umbrella of Intellectual Property laws. The paper at that point proceeds onward to the more deliberative finish of the patent contention according to AI arrangements, underlining the basic intersection between patent laws and AI frameworks. At last, the paper also makes suggestions on the situation refereeing to such interface problem.

1.1. Patent

The granting of patents is an agreement between both the state and the creator; it is an agreement that includes the inventor's rights and claims, as well as technological aspects and a new solution to the market. The Indian Patents Act of 1970 establishes the laws under which the

*Student, School of Law, University of Petroleum and Energy Studies, Dehradun.

Indian Patent Office and courts determine whether a device or process is patentable in India. The act's section 2(1)(m)allows for the granting or grant of a patent for an "invention." Besides that, Section 2(1)(j)defines "invention" as a new product or procedure that requires a creative step and is worthy of technological use. The term 'inventive step' is defined under Section 2 (1) (ja) of the act. As per the definition of inventive step two conditions are necessary for an invention to be considered to have an inventive step and they are an inventive step in the existing knowledge or prior art and non-obviousness to a person skilled in the art.

For one person an invention can seem obvious, but not for another. The obviousness of an invention to a person is relative to the expertise that he has in the field. Much of the technical details would be vague to a common man as patents deal with more scientific issues. It would be confusing to an average individual (taking into account the country's enormous percentage of analphabets). The fact that inventions involve the need for a high degree of expertise in the area they are produced requires a person who has ability and experience in the field to decide on the obviousness of the invention rather than allowing a layman or a common man to determine the obviousness factor of the invention.

1.2. Artificial Intelligence

Artificial (AI) is the term used to portray a computer framework's capacity to settle on choices of its own. Mr. John McCarthy, a computational researcher, propounded the word "Artificial Intelligence" at a meeting in 1956. This was the possibility of controlling and following up on information so that the result is near to what a clever human will respond to comparable criticism, according to him. Computer-based intelligence adventures were planned in a manner that empowered for the execution of capacities including human-like creative mind because of this reliance and interest for machines.

Nonetheless, an inquiry emerged about outcomes that are delivered by an AI with the help of its calculations and functions. To cope with the situation, Sir Alan Turing proposed a test called the 'Turing test'. In this test, users were approached to interface with a computer/individual in content possibly design, and afterward, demonstrate on the off chance that they thought they were speaking with a human or a machine. As per Turing, an Artificial Intelligence Computer showed astuteness if its answers were unmistakable from real human responses. Although this test was functional for a few decades, these were limited to expression devices and some pestering uses. The World Intellectual Property Organization (WIPO) recognized AI and proposed three AI classifications: artificial intelligence, vision systems, and natural processes.

Master frameworks are AI that addresses issues in particular subject matters like diagnosing clinical problems, recommending medicines, and assessing geographical conditions, to name a couple. These gadgets are likewise utilized for imaginative reasons, like the improvement of compositions and different works of comparative nature.

In India, at the point when the Registrar of Patents wouldn't allow licenses to electronic creations, it requires serious legal or statutory backing in this area. This is an inquiry that numerous states presently can't seem to address. "Frameworks of discernment" are those instruments that empower a machine to decipher the world utilizing its eyes and ears? Topologists, term sense specialists, and others utilize this. At long last, a characteristic language machine should have the option to grasp the implications of sentences, which requires the utilization of a language store.

What's interesting is that the algorithm considers various grammatical and textual contexts while doing a semantic analysis. People needed to secure the outputs of these AI systems because their use had become too widespread. Even so, these aspirants' dreams were dashed.Creations were denied a patent in 1956. The controversy, however, did not die down, and it also entered national courts due to its importance to the field of intellectual property, especially copyrights and patents.

1.3. Innovating Inventions

A patent is the right to use and sell a product created out of human intellect. This term means any product or process that gives consumers a new way to do a specific action, even those that include a new approach to an existing technological issue. By statute, the owner of this right has the responsibility to prohibit anyone from creating, distributing, or otherwise using the patented invention. Accordingly, the advantage ensured for this situation legitimizes the foundation of an advantage to support it has until now.

As at present said, Artificial Intelligence gadgets are fit for performing assignments and in any event, making manifestations, which are ordinarily the result of the activity of social intelligence. Accordingly, the advantage ensured for this situation legitimizes the foundation of an advantage to support has until now. Today, Artificial Intelligence -empowered frameworks are fit for performing assignments dependent on their center learning, permitting them to imagine new things. While this is a critical specialized progression, it raises new and

troublesome lawful issues, especially about patent law. Furthermore, at last, clarifying the problems that this connection between patent law and the law of Artificial Intelligence presents.

An 'Inventor,' as indicated by Indian patent law, is an individual or a gathering of people who considered or found the patent's topic. These standards out any idea that the legal point in India was to include developments or, all the more accurately, the probability of innovations being made by somebody other than people, for example, an AI-based machine or system. Such scrutiny can be seen in the European Union's efforts to persuade nations to broaden their domestic legislation to include patentable objected generated through computers and other technologies Also, it poses a real question of the liability of the patent infringers...suppose if an AI infringes someone 'patent then in such situation can we impose liability over an AI or the inventor of AI itself who has programmed such system.

The European Parliamentary Committee has noted how AI-based technology could substitute manual intelligence especially for executing areas in a matter of decades, actively contributing to what these AI systems govern and handle their fate if left unchecked. Due to the high degree of independence obtained by AI, special attention to patent rights is expected. This independence empowers AI-empowered frameworks to do undertakings without the requirement for broad human cooperation. Because of this expanded usefulness, these PCs or frameworks will presently be utilized at a beginning phase of testing, maybe prompting some sort of 'disclosure' considering the machine's abilities.

The willingness of an invention to pass the patentability criteria is a critical factor in determining whether it will be awarded a patent. This necessitates it having novelty, an innovative move, and the ability to be used in industry.The biggest test against obtaining a patent is passing this three-stage test, which is due to inventions by AI-powered frameworks/innovations. The production must be different from everything that appears in previous craftsmanship to demonstrate curiosity.In certain cases, this necessitates an in-depth study of previous craftsmanship by the artist to efficiently determine at the production stage if his ingenuity can be anticipated without issue or is the product of additional investigation and an imaginative mental portion.

Although an AI system will undoubtedly approach earlier inventions because of human researchers overseeing data, is it truly autonomous, let alone capable of deciding if its development should reflect something novel?When it comes to the subject of creative progress, if oddity is difficult to determine through an AI system, the chances of creating improvements on current models or ideas that aren't obvious to skilled inventions are significantly more difficult to accomplish. Now, AI is usually dealt with in terms of previous objectives that are changed to achieve them.

The aim of the invention should be to provide these systems with human-like information so that they can make careful decisions in new situations. Furthermore, a review of options governing the patentability of computer programming, for example, reveals that the Court has granted licenses to applications solely because the functions they perform are mechanical rather than invention. This is an important consideration since AI is based on computer algorithms that are designed to execute specific functions and are susceptible to variations created by the human designer. The upcoming field will provide insight into this human/robot innovator divide, as well as the difficulty in granting licenses to AI-created projects.

Be that as it may, with nations like India eliminating their unbending necessity of just computer programs related to novel equipment being qualified for a patenton the off chance that anIt can include practical utility, perhaps in more than one market, allowing the fulfillment of the modern application requirement within the patentability test. The AI-powered framework created programming that can be used on traditional computers. On a broad level, existing regulations and guidelines can be smoothed out in a manner that allows for AI technologies to be granted licenses. Be that as it may, with a few obstructions' disarrays existing over patentability and other angles, a more profound assessment of the issues is required.

1.4. Comparative Study with USA

The invention, as seen, has numerous significant components, deciding regardless of whether a patent might be conceded. In any case, there are sure necessities that are to be met when one is to be delegated a creator. In the US case of Townsend v. Smith, it was opined that a legitimate result of an invention should experience the phase of 'conception', i.e., a lasting thought probably been imagined in the mind of the inventor before the equivalent is incorporated. In the case of something is diminished not because of an assumption, at that point, something like this can't be named development, and such an individual, thus, isn't an inventor.

The reasoning behind the elimination of the "burst of genius" patentability test is one of the most compelling reasons for AI as an "inventor."The US Senate overruled this clause, stating that if an invention contributed to the

progress of the technology it was working on, then the method by which it was created was sufficient, becomes meaningless in the opinion of the inventor. Several AI systems, such as AlphaGo, Watson, and others, accomplish tasks like providing solutions based on massive influxes of data information, it could be suggested that such approaches help to improve the situation. As a result, a patent must be awarded for the advancement of such a science. In the current situation Scholars, on the other hand, believe that the crisis is not as dire plain and simple.

And if the joint invention rationale were to be included, recognizing machines as inventors alongside their modern companions, this isn't so because computers don't have "legal personality" under most legal systems, which is similar to businesses not becoming citizens. Although machines that are unaware of emotion will not be motivated by this, they will continue to motivate people to develop those technologies because they see the benefits emerging due to patent protection. A patent, on the other hand, was mostly intended to shield the inventor and respect his connection to the creation, which he does not want others to exploit at an accelerated scale. As a result, critics of granting patent rights to AIs contend that machines lack any such connection. This renders them unable to form firm views on how their invention can be used, undermining the very object of patent protection.

1.5. Probable Solution: A Way Forward

There is a lot of room for lawmakers to establish rules for assessing those cases and ensuring the best procedural protection possible. The author, on the other hand, agrees with Stephen Hawking that AI autonomy can undermine the value of human thought and creativity.A more preferable answer would be to give AI technologies, a more cooperative method of patent enforcement. It is because handling the rights and responsibilities involved with patents requires a human aspect that cannot be achieved entirely by a computer.

Furthermore, given the increasing probability of deploying thousands of AI-enabled networks that run with or without human intervention, patent protection must be provided to every anthropomorphic object that can be established in the case that such technology malfunctions or causes a possible law violation, resulting in criminal liability.It's worth noting that to make IP laws more adaptable to new technologies; we can't want to create inequality by undermining the intended effects of criminal laws that depend on human intervention. Furthermore, we cannot fully rely on AI technologies because this will jeopardize mankind's status.

Although there is a strong distinction between the inventor and the invention, with the introduction of AI systems, policymakers must consider whether AI-enabled systems can be included in this grouping. With the widespread adoption of these technologies and the vast range of solutions that they generate, security has become a critical concern. The need for proper guidance is most pressing in the field of incentivizing human scientists to build more of these devices, as well as the dangers of giving full control to these super-intelligent systems.

2. Conclusion

AIs now perform human-like roles in all fields. It wouldn't surprise me if they were able to manage tasks differently than humans and make their own choices in the future. The current IP status of AIs is concerning, in that while acknowledging AI-generated work is a step forward, putting it into practice is the real problem. Although AIs are a reality all over the world, we are only recognized in a few nations, such as the U.S. The acknowledgment of AIs by all member countries of multilateral trade platforms, for example, in the form of an extension to TRIPS, will be a positive move in the right direction.

3. Suggestions

- For autonomously produced works, Indian patent law should have a clause stating that the AI computer should be called an inventor.
- Patents developed by a machine should have a human assignee and the legal backing behind the same. - (Owner-Human, Inventor –AI)
- The AI's holder would be able to benefit from its ingenuity, which would be a positive move in the right direction.
- Legislation governing AIs should be drafted, which can provide punishments both for civil and criminal offenses committed by AIs against their human counterparts.
- The Act may also provide a legal mechanism to regulate and arbitrate AIs' actions, as well as investigate any crimes they could have performed.

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