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Patentability of Artificial Intelligence-Generated Inventions in India: Rethinking Inventorship and the Requirement of Human Contribution

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Abstract

The growing use of AI in the innovation process includes the development of new technology with the various degrees of human interaction. It threatens the very basis of patent law, which is based on certain human elements such as inventorship, inventive step, and human intellect. As stated by the Patents Act, 1970 in India, "there should be a mention of the person who claims to be the true and first inventor in a patent application. The present examination process in India divides patents into inventions developed by AI and those with AI assistance. As per the new guidelines issued by India, inventions made solely by AI or by the AI with minimal human intervention are not patentable due to the fact that "the AI cannot be considered as a person claiming to be an inventor according to Section 6 of the Patents Act, 1970.

This study takes a critical look at whether the current requirement of human inventorship is still relevant in an age when AI systems could independently play a part in the conception and development of inventions. This paper discusses the interplay of AI-driven innovations and the current requirement of human contribution, paying attention especially to Sections 2(1)(j), 2(1)(ja), 3(k), 6 and 7 of the Patents Act, 1970 and the developing examination paradigm in case of inventions involving AI in India. Additionally, the paper will consider the implications of denial of patentability to inventions which are genuinely driven by AI in terms of their implications on innovation incentives, ownership and disclosure and commercialisation of the same. In this way, the paper demonstrates how insistence on traditional human inventorship creates a gap between technological reality and patent law.

Keywords: Artificial Intelligence, AI-Generated Inventions, AI-Assisted Inventions, Patentability, Inventorship, Human Contribution

INTRODUCTION

Artificial intelligence ("AI") has become increasingly influential in changing the way innovation in technology takes place. Modern AI technologies have been able to perform computational analysis tasks but can also produce innovative solutions by means of machine learning, pattern recognition, prediction and optimization. This has resulted in the patent system being confronted with a technological challenge, as AI challenges many of the assumptions of the patent system regarding the origin of invention. According to the World Intellectual Property Organization ("WIPO"), AI could provide innovative solutions by means of generating ideas and enhancing the process of technological development, thus posing important

questions about the interpretation of the term "inventor."[1] With the rise of AI systems having greater autonomy, the issue of who is to be considered an inventor has
become particularly pertinent. Traditionally, patent law has assumed that an invention results from human creative effort and the inventor can be recognized as the person responsible for the idea. The appearance of AI systems capable of coming up with solutions when they were not told what the particular solution had to be presented, however, challenges this presumption. The dispute regarding the DABUS system reveals this challenge. Patents were filed in different jurisdictions recognizing the DABUS, an AI system developed by Stephen Thaler, as an inventor. The cases in different jurisdictions have given rise to an international discussion about whether an AI system may be regarded as an inventor and, if not, about how the rights to patents should be distributed when inventions were created mostly using AI[2].

The current Indian legislation recognizes the human-centred definition of inventorship under its patent laws. As per the Patents Act, 1970, any person claiming to be the true and first inventor of the invention may apply for a patent as per Section 6(1)(a). Similarly, according to Section 6(1)(b), a patent application may be filed by any person who derives his title from the true and first inventor[3]. It should be noted that the reference to a "person" in the statute is relevant, since the Act does not envisage the possibility of a machine or any artificial intelligence system to be recognized as an inventor. Section 7 of the Act states that in any such case of filing the application, the inventor must be mentioned in the application[4]. Therefore, there appears to be an inherent contradiction where the inventive idea comes from an autonomous AI system and not from a human being.

Things get even more complicated when there is a differentiation made between inventions involving the use of AI systems and those created by AI systems. In the first scenario, AI can be viewed as a highly advanced technological tool being used in an inventive process that is largely controlled by humans. Humans may perceive the technical problem, set the goals, select the parameters, develop or configure the AI system, analyze its results, and make the final decision about the inventive concept. In the second scenario, an AI system can come up with an inventive concept with little human interference. The point is that from the perspective of patent law, the question arises as to whether human involvement in the process was sufficient to be considered an inventor.

The difference has become especially relevant in India in light of the framework created by the Indian Patent Office in respect of the patent examination process of inventions relating to AI. Guidelines for Examination of Computer Related Inventions have acknowledged the increasing importance of AI technologies in the patent examination process and have dealt with inventions that are related to AI and machine-learning technologies[5]. Subsequently, the Indian Patent Office's handling of the DABUS application has indicated more explicitly what the current Indian approach is. In April 2026, the Patent Office rejected a patent application wherein DABUS was named as the inventor on the grounds, inter alia, that an AI system cannot be considered as the "true and first inventor" as per the Patents Act, 1970[6]. This

[1] World Intell. Prop. Org., *AI Inventions* (2024), https://www.wipo.int/publications/en/details.jsp?id=4734
[2] World Intell. Prop. Org., *The Artificial Inventor Project*, WIPO Mag. (discussing the 2019 DABUS patent applications and the international challenge to traditional inventorship),
[3] The Patents Act, No. 39 of 1970, § 6(1)(a)–(b) (India).
[4] Id. § 7.
[5] Press Information Bureau, Government of India, *Revised Guidelines for Examination of Computer Related Inventions (CRI)–2025*, July 29, 2025.
[6] *Re* Patent Application No. 202017019068, Order under Section 15 of the Patents Act, 1970 (Patent Office Apr. 15, 2026).*DABUS* patent application decision, Indian Patent Office (Apr. 2026). (The Indian Patent Office rejected the application

is particularly significant because it shifts the Indian discussion on the question of AI inventorship from hypothetical considerations to practical application of the law.

The stance taken by India follows the larger international trend where the current patent regimes allow human inventorship. According to WIPO, the DABUS cases have led to a review of whether the current statutory understanding of inventorship is flexible enough to encompass the inventions created by AI systems[7]. It is not just India but the United States, the European patent system, and other jurisdictions which have adhered to this human-centric view. For instance, the European Patent Office has rejected the DABUS applications citing the fact that the inventor under the European Patent Convention should be a natural person[8]. This is indicative of the fact that the immediate legal response has been more towards retaining human inventorship than AI inventorship. Still, this failure to consider AI as an inventor fails to solve the legal issue at hand. The more challenging issue would relate to the role of a human who works alongside an AI system in the creation process. An AI system could generate multiple ideas, while the human will choose one of them, develop it, test or put it into action. Alternatively, the human could be the creator of the architecture of the AI system without having any idea about the technical solution generated by that system. There is a possibility where the human only realizes the usefulness of an idea after it was generated by the AI system. The answer to whether each of these interactions qualifies as inventorship may not simply lie in the human versus machine comparison.

This problem is closely related to the notion of "conception" in patent law. Under the traditional rules of inventorship in patents, the inventor is identified as the one who has contributed to the conception of the invention rather than to the reduction into practice of someone else's conception. According to the US Supreme Court, conception is the formation in the mind of the inventor of a definite and permanent idea of the complete and operative invention[9]. Although this rule of patent law is specific to the USA, it may be used as a comparative approach for analyzing AI-related inventions, as it emphasizes the need to establish the person behind the conception of the invention. The challenge in the case of AI is to find out if the human operator has indeed conceived the invention when the creative solution came from the computer.

The topic is also connected with the statutory requirements for the patentability in India. Under section 2(1)(j) of the Patents Act, 1970, the term "invention" means any new product or process involving an inventive step and capable of industrial application[10]. Furthermore, under section 2(1)(ja) of the Act, the term "inventive step" means a feature of an invention that involves technical advance as compared to the existing knowledge, or having economic significance or both, and that makes the invention not obvious to a person skilled in the art[11]. With the increase in the capabilities of AI technology in searching through the huge databases of technical information, finding the patterns, and generating possible inventions, the question arises how the inventive step requirement applies in the case when AI is involved in discovering the claimed invention.

naming DABUS as inventor and held that DABUS could not be recognised as the "true and first inventor" under the Patents Act, 1970).

[7] World Intell. Prop. Org., *AI Inventions* (2024), https://www.wipo.int/publications/en/details.jsp?id=4734

[8] *J 8/20*, Decision of the Legal Board of Appeal, European Patent Office (Dec. 21, 2021) (holding that the inventor designated under the European Patent Convention must be a natural person).

[9] *Burroughs Wellcome Co. v. Barr Lab'ys, Inc.*, 40 F.3d 1223, 1227–28 (Fed. Cir. 1994).

[10] The Patents Act, No. 39 of 1970, § 2(1)(j) (India).

[11] Id. § 2(1)(ja).

It must also be noted that the issue in question is not about whether artificial intelligence should be considered an inventor from the point of view of the legislation. It brings additional problems of ownership, right to claim, responsibility, and patent allocation. The matter of interest is whether the patent law is capable of determining under which conditions the human intervention in the inventive process mediated by the AI can be considered sufficient for claiming inventorship. Similarly, the further examination of AI and its impact on inventorship carried out by WIPO notes that the development of AI technology raised concerns regarding the involvement of AI in the inventive process and interpretation of inventorship under current patent laws[12].

In the context of this discussion, the present paper studies the patenting of AI-invented objects in India, especially paying attention to issues of inventorship and the requirement of the human intervention in the process. It analyses the corresponding articles of the Patents Act of 1970, the evolving structure of the Indian Patent Office and the case of DABUS in India. In light of the above discussion, the study attempts to evaluate whether the human-centred approach that is currently prevailing can effectively cater to innovations created with the help of AI or even generated by it and whether a more methodical evaluation of human contribution is needed.

Conceptual and Legal Framework of AI-Generated Inventions in India.

Artificial Intelligence (AI) is an umbrella term referring to computer systems that can perform tasks normally requiring human intelligence such as learning, reasoning, predicting, recognizing patterns and problem solving. Within the realm of innovation, AI has gradually progressed from being mainly an analytical or computational tool to playing an active role in advanced stages of research and development. Computer systems can recognize patterns in a data set, optimize technical parameters, predict outcomes, and even create possible solutions to technical problems. The gradual involvement of AI in the process of innovation thus brings about a new dynamic in the inventor-computer relationship. WIPO has noted that advancements in machine learning, natural language processing, and robotics are significantly affecting the patent system, including their capacity to be used as tools to assist in the inventive process through AI technology[13]. The importance of AI in patent law is not limited only to the use of AI as a tool, but also in the contribution that the AI may make to the inventive process. Conventionally, technological innovation involved a human-driven approach, where a human first identified a problem, thought of a solution and then turned this solution into a patentable invention. AI technology could break the conventional process since the system itself would come up with connections or solutions which were not even anticipated by the human user himself. This has led to the observation from WIPO that it is still an open question how much contribution the human has made in the development of such AI-enabled inventions[14].

In India, the Indian Patent Office has started realizing the relevance of AI in the patent examination process. The Guidelines for Examination of Computer Related Inventions (CRIs) – 2025 are specific about AI, Machine Learning and Deep Learning technology. These guidelines have divided inventions according to AI generated inventions and AI assisted inventions[15]. The second set of guidelines in this regard are the Guidelines for the use of Artificial Intelligence in Patent Examination Procedures released by the Indian

[12] World Intell. Prop. Org., *AI Inventions* (2024).
[13] *Id.*
[14] World Intell. Prop. Org., *Learning Machines: An Introduction to AI and IP for Small and Medium-Sized Enterprises* (2026).
[15] Press Information Bureau, Government of India, *Revised Guidelines for Examination of Computer Related Inventions (CRI)–2025*, July 29, 2025.

Patent Office on 7th August 2026[16]. Therefore, AI is not just a futuristic technology now, but a contemporary one too.

This point is significant in a legal context as the usage of AI as a tool does not automatically make a patent for such inventions impossible. Indeed, the 2025 CRI Guidelines issued by the Indian Patent Office indicate explicitly that AI-based inventions are not per se excluded from patentability under Section 3(k) of the Patents Act, 1970, as long as the requirements of patentability are met, and the invention in question has the required technical character or effect[17]. It follows that the mere fact that AI was used in the process of inventing does not automatically preclude the patentability of the invention in question.

It is significantly more challenging to determine the amount of human involvement needed for an invention assisted by AI to be attributed to a human inventor. For instance, in one scenario a human inventor discovers a technical problem and uses AI to generate various solutions, after which he makes an informed decision about the solution to be chosen. In another case, the role of a human might be confined to setting a certain objective, with the rest done by AI. These examples illustrate the point that "AI-assisted" inventions are not always the same. AI-generated inventions represent a completely different case. According to the 2025 CRI Guidelines from the Indian Patent Office, AI-generated inventions are defined as inventions made either autonomously or with minimal human interaction through AI technology. As per the guidelines, such inventions are not patentable since AI cannot be considered as a "person" making claims for being a true and first inventor as per section 6 of the Patents Act, 1970[18]. This statement clearly links the problem of AI-generated inventions with the statutory requirement of human inventorship.

It can be shown using the example of the international DABUS dispute. DABUS was an AI system invented by Stephen Thaler and the inventor was mentioned in the patent applications filed in various jurisdictions. The objective of the application was to challenge the presumption that inventorship must always be associated with a natural person.[7] In most cases, the applications related to DABUS were rejected, proving the importance of human inventorship in the current patent law[19]. However, the dispute does not solve the question of how the patent law should deal with inventions where AI played a significant role, while there must be human participation as the inventor.

The starting point to understand the patentability of an invention relating to AI in India lies in the statutory definition of the term “invention” as contained in Section 2(1)(j) of the Patents Act, 1970 that defines an invention to be “a new product or process involving an inventive step and capable of industrial application.”[20] Thus, there are three key elements in the definition – novelty, inventive step and industrial applicability.

The statutory definition is a technology-neutral definition and does not explicitly rule out patentability just on the grounds of use of AI in creating the invention. This implies that an invention created using AI

[16] Office of the Controller General of Patents, Designs & Trade Marks, *Guidelines for the Use of Artificial Intelligence in Patent Examination Procedures* (2026).

[17] Press Information Bureau, Government of India, *Revised Guidelines for Examination of Computer Related Inventions (CRI)–2025*, July 29, 2025.

[18] *Id.* (The 2025 Guidelines expressly distinguish AI-generated inventions from AI-assisted inventions and state that AI-generated inventions are not patentable because AI cannot be regarded as a “Person” claiming to be the true and first inventor under § 6 of the Patents Act, 1970.)

[19] *J 8/20*, Decision of the Legal Board of Appeal, Eur. Pat. Off. (Dec. 21, 2021); *Thaler v. Vidal*, 43 F.4th 1207, 1213–19 (Fed. Cir. 2022).

[20] The Patents Act, No. 39 of 1970, § 2(1)(j) (India). The current official text defines “invention” as a new product or process involving an inventive step and capable of industrial application.

cannot automatically be considered unpatentable only because of the use of AI in the process of its creation. An examination of the invention is required against the light of the statutory criteria and relevant exclusions from the Act. On the other hand, the statutory definition does not settle the issue of inventorship of the invention, which is regulated under other provisions of the Act. The patentability of an invention relating to AI in India lies in the statutory definition of the term "invention" as contained in Section 2(1)(j) of the Patents Act, 1970 that defines an invention to be "a new product or process involving an inventive step and capable of industrial application."[21] Thus, there are three key elements in the definition – novelty, inventive step and industrial applicability.

The statutory definition is a technology-neutral definition and does not explicitly rule out patentability just on the grounds of use of AI in creating the invention. This implies that an invention created using AI cannot automatically be considered unpatentable only because of the use of AI in the process of its creation. An examination of the invention is required against the light of the statutory criteria and relevant exclusions from the Act. On the other hand, the statutory definition does not settle the issue of inventorship of the invention, which is regulated under other provisions of the Act. Nevertheless, the use of AI technology is not a determinant of whether an inventive step has been made. The important question is whether the claimed invention meets the threshold as defined by the statute. The 2025 CRI Guidelines also note that inventions in connection with AI should be considered against the criteria of patentability and not automatically as patentable/unpatentable just because AI was used[22].

The "True and First Inventor" Requirement

The requirement of human inventorship is the primary legal concern in the current study. As per Section 6(1)(a) of the Patents Act, 1970, "an application for a patent may be made by any person claiming to be the true and first inventor of the invention."[23] Section 7 goes ahead and makes it mandatory for the application to disclose the true and first inventor[24]. The statutory requirement therefore envisions the existence of a legally recognized person who is the inventor.

This requirement raises a clear problem in case of autonomous AI-generated inventions. As per the current statutory definition of the term 'person', the AI system cannot be considered as a 'person' who can claim to be the true and first inventor. The CRI Guidelines 2025 of the Indian Patent Office therefore provide that autonomously or minimally human-generated AI inventions are not eligible for patents[25]. The issue of inventorship versus ownership is also important. It must be borne in mind that the person designated as inventor of the patented invention does not have to be the eventual owner of the patent. It may be possible for patents to be assigned or may belong to employers or other persons eligible for legal ownership. The necessity of designating a human inventor pertains to the matter of who invented it.

It is necessary for the invention based on AI to satisfy novelty, inventive step, and industrial applicability, but even if these conditions have been satisfied by the AI-related invention, it should not come under the exclusions as laid down in Section 3 of the Patents Act, 1970. One of the relevant sections in this regard

[21] Id. § 2(1)(j) (definition of "new invention").
[22] Press Information Bureau, Government of India, *Revised Guidelines for Examination of Computer Related Inventions (CRI)–2025*, July 29, 2025.

[23] The Patents Act, No. 39 of 1970, § 6(1)(a) (India).
[24] Id. § 7.
[25] Press Information Bureau, Government of India, *Revised Guidelines for Examination of Computer Related Inventions (CRI)–2025*, July 29, 2025.

is 3(k), according to which "a mathematical or business method or a computer programme per se or algorithms" cannot be patented[26]. It is important as many technologies of AI make use of algorithms, mathematical models, and computer-implemented methods. However, it does not necessarily mean that every invention that involves AI cannot be patented, as the CRI Guidelines of the Indian Patent Office lay down that the substance of the invention is to be considered along with taking into account the technical effect and technical contribution made by the computer-related inventions.

Statutory exclusions thus form another aspect of consideration that applies to AI inventions. Firstly, one needs to determine whether the invention falls within the definition of an invention provided in Section 2(1)(j). Secondly, one needs to check whether the invention is an invention that is excluded under Section 3. This substantive patentability analysis should be distinguished from the determination of inventorship as per Sections 6 and 7. The above discussion therefore shows that the patentability of AI inventions cannot be determined by simply determining whether AI is capable of being an inventor. It is necessary to take into account simultaneously other aspects such as the invention itself, its technical contribution, its patentability, and human intellectual contribution.

The Indian Position on AI Inventorship

The stance of India on the inventorship of artificial intelligence has now been made quite clear in the wake of the way the DABUS application was dealt with by the Indian Patent Office in April 2026. Specifically, the pertinent application, i.e., Patent Application No. 202017019068, filed by Stephen L. Thaler, listed DABUS as the inventor of an invention in respect of a food container. It is on April 15, 2026, that the Indian Patent Office rejected the application inter alia on the grounds that an AI system cannot be deemed the "true and first inventor" according to the Patents Act, 1970[27].

A review of the statute reveals another source of support for the reasoning. Under Section 6(1)(a) of the Patents Act, an application for a patent may be made by any person claiming to be the "true and first inventor" of the invention. Section 7(3) goes on to stipulate that each application shall identify the person who claims to be the true and first inventor, and, when the identified person is not the applicant himself, shall also make a statement declaring the belief of the applicant that such person is indeed the true and first inventor[28]. The statutory scheme thus implies the presence of a specific legal person in the role of inventor. In addition, Section 2(1)(y) defines the "true and first inventor" to exclude the first importer of an invention into India and any person to whom the invention is first communicated from outside India[29]. It is clear from the above that Indian patent legislation regards inventorship as a legal status of an individual rather than an independent technological entity.

The treatment of DABUS by the Indian Patent Office is thus consistent with the overall framework of the Patents Act. Currently, an artificial intelligence system cannot apply for a patent in its own legal personality; nor can it hold any proprietary rights or comply with the statutory obligations regarding the identity of the real inventor. Simply because a human owns, runs, trains, or controls the artificial intelligence system does not make him the inventor of each and every invention made by the AI system.

[26] The Patents Act, No. 39 of 1970, § 3(k) (India).
[27] *In re Patent Application No. 202017019068*, Indian Patent Office (Apr. 15, 2026); see also European Innovation Council & SMEs Executive Agency, *India's Patent Office Rejects AI as Inventor in Landmark DABUS Decision* (July 27, 2026).
[28] The Patents Act, 1970, No. 39 of 1970, §§ 6(1)(a), 7(3) (India).
[29] *Id.* § 2(1)(y).

The reason why this is very important is that the two issues of ownership of the AI system and inventorship of the invention made by it are completely different legal matters.

Moreover, such position has been made evident in India's Guidelines for Examination of Computer Related Inventions (CRI)–2025, where there has been distinction made between AI-generated inventions and AI-assisted inventions. AI-generated inventions are defined as inventions that have been generated independently by AI or through minimal human intervention, while such inventions are considered non-patentable on the ground that AI cannot be treated as a "Person" claiming itself to be the true and first inventor as per Section 6 of the Patents Act[30]. On the other hand, AI-assisted inventions are treated as inventions in which AI is treated as a tool used in the process of innovation and such inventions cannot be considered non-patentable just because AI was employed in the invention[31]. It should be noted that such distinction is especially relevant for the current research, because it helps Indian patent law to shift away from the binary approach towards the issue of AI's ability to generate inventions and makes it more complex and nuanced.

For India, the current position could thus be described as anthropocentric but not necessarily technophobic. While there is no recognition of AI as the inventor within Indian patent laws, neither is the mere presence of AI enough to deny an invention its patent protection. When the human being has played his part and has utilized the AI system as an instrument or technological tool for innovation, the invention would be able to satisfy the criteria for patentability in terms of novelty, inventive step and industrial application of the invention. The question that remains to be answered is not one of whether AI could be regarded as the inventor, since the Indian position is quite clear on that, but which human being among those involved would qualify as the inventor. The difference highlights the fundamental doctrinal deficiency that this study tries to resolve. While the Patents Act, 1970 provides for the "true and first inventor," it does not contain any test to define how much of a role human intellect should play in an invention created using artificial intelligence. While the 2025 CRI Guidelines differentiate between inventions produced by AI and those assisted by it, they do not create a progressive scale to define how much human effort is necessary to claim the status of an inventor. Thus, one who just gives a goal/prompt, one who chooses one solution among many generated by AI and one who significantly modifies the AI-generated solution may all have been a part of the same process of invention, yet their statuses of inventors can differ significantly. Hence, in relation to the issue of inventorship by AI post-DABUS in India, a good starting point would be: At present, the concept of inventor by AI is not recognised under Indian patent law. However, there is lack of clarity in the patent law as to the extent of human contribution necessary to prove inventorship in cases of AI assisted or substantial inventions by AI. It is precisely this issue that needs to be examined further. Therefore, the relevant question to ask would shift from "Is AI capable of being an inventor?" to "How much human contribution would make one an inventor where AI had substantially been involved in the inventive process?" In this context, the following recommendations are proposed to strengthen the existing Indian patent framework and provide greater clarity in determining human inventorship in AI-assisted and AI-generated inventions.

[30] Office of the Controller General of Patents, Designs & Trade Marks, Guidelines for Examination of Computer Related Inventions (CRI)–2025, § 5.2.1 (2025).

[31] *Id.* § 5.2.1. The Guidelines expressly distinguish AI-generated inventions from AI-assisted inventions and state that AI-assisted inventions are not categorically non-patentable under section 3(k), subject to satisfaction of applicable patentability requirements.

Recommendations.

In respect to the determination of inventorship in inventions using artificial intelligence, the Indian patent system should adopt a well-defined and uniform method of establishing such inventorship. The Indian patent regime needs to ensure that even when an invention uses AI technology, the requirement of human inventorship is maintained and that a human contribution test is formulated to assess whether the human intervention is substantial enough to establish inventorship. This human contribution test needs to cover all the stages of the inventive activity from the definition of the technical problem to be solved to the final stage where the invention developed through the intervention of AI system gets modified and improved to meet the required technical standards. In other words, the mere control and manipulation of an AI system alone cannot be treated as a human contribution.

Moreover, the Indian Patent Office should take into consideration the introduction of certain guidelines pertaining to inventions assisted and created through the use of AI into the current patent examination regime. The applicants for patents might be required to disclose the significant role played by AI in the inventive process as well as give relevant information about the individual roles played by the human inventor and the AI system. Disclosure of such information will help the patent examiners ascertain whether the invention was really invented as a result of some form of intellectual effort put in by humans or if it was invented independently by the AI system.

Similarly, a graded system could be considered whereby it could be determined whether the human effort was minimal, substantial or predominant in an invention. If the human only provided a general goal or instruction to the AI technology without having any meaningful intellectual control of the solution, then such effort may be generally inadequate for the inventorship. On the other hand, the human exercising substantial intellectual judgement in formulating a technical problem, guiding an inventive process, evaluating, selecting or refining an AI technology solution, or developing the technical solution will certainly justify being regarded as an inventor. In this way, the Indian patent law will be able to adapt to new technologies without ignoring the principle of human inventorship.

Lastly, the Indian patent law should conduct regular assessments of its policies in relation to the development of AI technologies as the distinction between human-invention and autonomous invention becomes increasingly harder to determine. The ideal reform would seek to retain the notion of human responsibility, accountability, and transparency and at the same time maintain the incentive for technological innovation within the patent system. The intention here is not to attribute inventorship to the AI itself but rather develop a legal mechanism that can help to recognize human contributions to technological innovations facilitated by AI.

Conclusion

The greater inclusion of artificial intelligence in inventive processes poses a challenge to the current human-centric notion of inventorship under Indian patent law. Although there could be inventions made by an AI system either with significant human input or with minimal human input, the current legal regime does not regard an AI as an inventor in itself, and yet the utilization of AI for purposes of technology does not bar the invention from patent protection. Therefore, the real issue before the law arises in the context of what the level of human contribution is required in order to identify whether a human being can be regarded as the true inventor in the presence of substantial contribution by AI to the process of invention. It is argued here that the Indian patent regime must adhere to the principle of human inventorship while adopting a proper human contribution test.