



FEDERAL PUBLIC SERVICE  
MINISTRY OF DEVELOPMENT, INDUSTRY, TRADE AND SERVICES  
BRAZILIAN NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY  
DIRECTORATE OF PATENTS, COMPUTER PROGRAMS AND TOPOGRAPHIES OF INTEGRATED CIRCUITS

March 13, 2023

**Note C. 9141**  
**Standing Committee on the Law of Patents<sup>1</sup>**  
**Brazil**

**General concept of inventorship, including employee inventors and joint inventors, as well as the application of that concept to inventions by AI**

Currently, INPI considers the inventor to be a natural person and has no specific definition of who the inventor should be in the context of an AI generated invention.

According to Industrial Property Law - IPL (Law No. 9279, of May 14, 1996) (INPI-IPL, 1996):

*Article 6º. It shall be assured to the author of an invention or a utility model the right to obtain a patent that guarantees his property, under the conditions established in this Law.*

According to Copyright Law (Law No. 9610, of February 19, 1998) (Brazil-Copyright, 1998):

*Article 11. The author of a literary, artistic or scientific work is the natural person who created it.*

So, INPI considers the inventor to be a natural person or group of people responsible to create the invention or the utility model. In this context, the inventor is a person or a group of people that solved the problem, either assisted or not by an AI. By solving the problem, the inventor defined or studied a technical problem and actually developed a solution for it.

In the case of an AI generated invention, i.e. invention generated entirely by an AI without human supervision, if the actual AI is chosen as the inventor in the application, INPI might not accept the filing of the patent application, since the inventor must be a natural person or group of people according to Patent Law.

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<sup>1</sup> The answers to this Note have been provided on behalf of Brazil by Brazilian National Institute of Industrial Property (INPI).