



INVENTIONS WITHOUT INVENTORS



Scan to review worksheet

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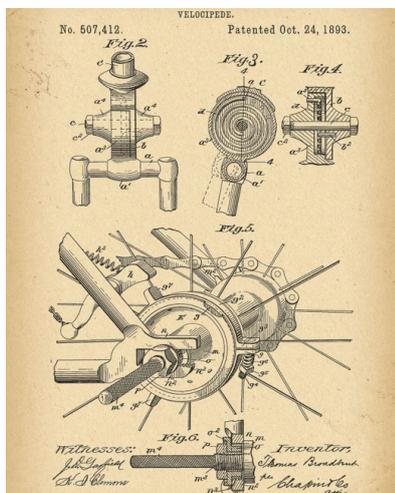


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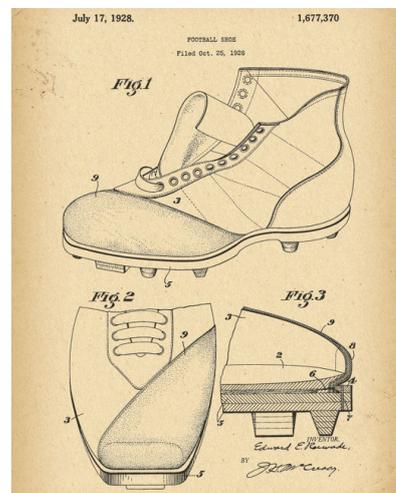
Warm up

In pairs, look at the images and discuss the following questions.

1. What does it mean to *patent* something? What are some things that you know of that are patented? How are patents different from *copyrights* or *trademarks*?
2. The first patent in England was granted in 1449 for the production of stained-glass windows. Why do you think someone would want to patent this?
3. Abraham Lincoln, US President from 1861-1865, said, "The patent system added the fuel of interest to the fire of genius." What do you think he meant by this?
4. Look at the photographs of old patent applications. What do they show you about the process and requirements for getting a patent?



picture 1



picture 2



2 Vocabulary

Part A: Match the vocabulary to the definitions.

Group 1

- | | |
|-------------------------------|--|
| 1. <u>statutory</u> term (n) | a. new or different from anything that came before |
| 2. <u>exclusive</u> right (n) | b. permission to do something that is only given to one person |
| 3. brand name (n) | c. not obvious |
| 4. <u>generic</u> (adj) | d. not using the name of the company that first produced it |
| 5. <u>novel</u> (adj) | e. the time specified for something according to a law |
| 6. <u>inventive</u> (adj) | f. the name of something that is given by the company that produces it |

Group 2

- | | |
|---|--|
| 1. <u>statute</u> (n) | a. a contract that prevents someone from talking about or sharing information |
| 2. <u>modification</u> (n) | b. a change to something to make it better |
| 3. non- <u>disclosure</u> agreement (n) | c. enforceable by law |
| 4. <u>legally binding</u> (adj) | d. a law passed by a legislative body, for example, Parliament |
| 5. <u>confidence</u> (n) | e. a feeling of trust that someone will keep something secret or private |
| 6. <u>monopoly</u> (n) | f. the total control, possession or use of something, often to benefit from it |



**Part B: Now complete the following sentences with words or phrases from Part A.**

1. Her company paid a lot for the _____ to sell those sweets in the UK for the next year.
2. His solution is quite _____! The six engineers we consulted before him failed to solve the problem.
3. Many people only want to buy the _____ product because they feel it's the best.
4. All of the requirements to protect your copyright are in the _____.
5. The _____ for copyright protection of musical works and written works is the same.
6. Putting the handle on the left side is a _____ idea to make the machine more user-friendly.
7. I can't share the documents with you unless you're willing to sign a _____.
8. Before those two new petrol stations opened, his company had a _____ on fuel around here.
9. We had to deliver the goods according to the contract because it was a _____ agreement.
10. You'll have to use the _____ name "cola" in your advert because you don't have the right to use the trademarked name.

3**Listening for main ideas**

Listen to an interview with an intellectual property expert on a legal podcast. Complete the main idea.



The expert focused on two types of intellectual property: _____¹
and _____². She mentioned two specific products: _____³
and a type of _____⁴.





4 Listening comprehension

Listen to the podcast interview again. Choose the correct answers.

- The statutory term for a patent in the UK is ...
 - 20 years, so long as fees are paid.
 - 70 years from the death of the holder.
 - forever, so long as fees are paid.
- A generic form of a drug can be produced and sold ...
 - before a patent expires if it doesn't use the brand name.
 - with the patent holder's permission if the patent is valid.
 - three years after the patent expires.
- The legal expert mentions ... legal requirements necessary to patent something.
 - two
 - three
 - four
- It can take up to ... years to approve a patent application in the UK.
 - five
 - seven
 - nine
- About 1 in ... patent applicants submit successful applications on their own.
 - 2
 - 12
 - 20
- If they haven't yet filed a patent application, inventors should only talk to investors who ...
 - can show they have enough money.
 - have experience with new inventions.
 - have signed an NDA.





5

Legal vocabulary

Part 1: Read the information from a university's blog page about patents.



University Intellectual Property Information

Frequently asked questions

What is a patent?

A patent is an intellectual property right granted by a legal **jurisdiction** for a limited period. In the UK, patents have a life of 20 years.

Who can own a patent?

The owner of a patent may be the inventor, the inventor's employer or someone else who has got **title** to the invention. If you **devised** your invention, even if you did so **autonomously** and on your own time, whilst employed by the University, your invention is likely the property of the University.

How to apply?

Obtaining a patent is complicated. Patents are legal documents; they are not research papers. As a result, the University always uses a **chartered** patent attorney to **file** patent applications. If you devise something you feel can be patented, the University will **enable** you to meet with a chartered patent attorney to discuss your invention.

Now, choose the highlighted words and write them next to their definitions.

1. _____ make it possible for someone (or something) to do something
2. _____ the legal right to own something
3. _____ present something so it can be formally officially reviewed, recorded or judged
4. _____ invent something or a new way of doing something
5. _____ being able to do something independently, without help from others
6. _____ a country or an area in which a specific system of laws has authority
7. _____ having successfully finished necessary training and exams

**Part 2: Write the words and phrases next to their definitions.****advocate**
hand down**at face value**
lodge an appeal**convey**
subsequently**credit**
undeterred

1. _____ after something else has happened
2. _____ recognition for something or responsibility for causing something
3. _____ unwilling to be stopped by someone or something
4. _____ a general term for a person who can appear in a court for someone
5. _____ to make a formal complaint to a higher court
6. _____ to officially give a judgement or statement
7. _____ to accept something without thinking there is a hidden meaning
8. _____ to legally change the ownership or possession of property from one person to another

Now, put the words from Part 2 into the correct gap.

1. You will need to sign the document in order to _____ your ownership in the land to Dr Fritz.
2. Do you think all members of the team should have equal _____ in the application?
3. It isn't fair that you rejected our proposal and then _____ used our suggestions in your plan!
4. Although the verdict wasn't in her favour, she was _____ and took the case to a higher court.
5. My solicitor believes the judge will _____ her decision today.
6. She is a skilled legal _____. I have seen her before this court several times.
7. He didn't ask any further questions, so he seems to have accepted your explanation _____.
8. If your application is rejected, you can _____, and the committee will have to review it again.

6**Reading**

You are going to read about inventions and patents. Skim the article on page seven. Choose the sentence with the best main idea that summarises the text.

1. A machine invented two things, but only Australia recognised it as an inventor in order to grant a patent.
2. A machine was able to invent new things, and it can receive patents for its inventions in Australia.
3. Australia and the United Kingdom had different decisions about granting patents for new inventions.
4. Australia is the jurisdiction most likely to grant a patent for something invented by artificial intelligence.



Machines can invent

Can they own their inventions?

1. Dr Stephen Thaler, an expert in artificial intelligence, created a machine called DABUS and then programmed it with information about abstract concepts related to design, practicality and emotion. His goal was to enable DABUS to invent something on its own, independent of human input. Subsequently, DABUS devised two novel products: a drink container that could change its shape so that a robotic or artificial hand could grasp it easily, and a light that copied brain activity to catch a person's attention more effectively in an emergency.
2. Thaler then filed patent applications in 17 countries, including the UK and Australia. Both patent applications required the name of the inventor, which Thaler listed as DABUS. Although Dabus is his property, Thaler claimed that he couldn't take credit as the inventor since DABUS devised the inventions autonomously. The patent offices in those two countries rejected the applications because an inventor must be human, and DABUS was not.
3. Undeterred, Thaler wanted to pursue the patents. With the support of The Artificial Inventor Project, an organisation dedicated to seeking intellectual property rights for inventions generated by AI without a traditional human inventor, Thaler accessed a global team of legal advocates who were willing to lodge appeals in those countries.

The results

4. The courts of Australia and the UK handed down different verdicts. The issue was not whether DABUS could invent something. The courts in both countries agreed that it could. However, the issue of ownership is where they differed. The matter of ownership is essential to the patent process. If the individual who files the application is different to the inventor, the applicant must show they have legally obtained the title to the invention. Thus, the issue becomes whether DABUS could hold title to its inventions and if so, whether it could convey title to Thaler.
5. The Court of Appeal in the UK relied on the wording of the governing statute, the Patents Act of 1977, and handed down a ruling in favour of the patent office. The Patents Act of 1977 required the inventor to be human, which DABUS clearly was not. However, Lord Justice Birss dissented. He summarised the facts, saying, "(Thaler) created, owns and operated DABUS and there is a rule of law whereby the owner and operator of a machine which creates inventions is entitled to the right to apply for and be granted a patent for an invention created by that machine." Lord Justice Birss then asserted, "If Dr Thaler had said he was the inventor in this case it is plain that that would have been accepted at face value by the Comptroller and the patents would have gone to grant." Therefore, he essentially felt that the majority was relying on too literal of an interpretation of the statute to uphold the denial.
6. Lord Justice Birss would have found more sympathetic colleagues in Australia. Australian Federal Court Justice Jonathan Beach said Australian legislation did not require the inventor, DABUS, to hold title or pass title to Thaler. He said it simply required Thaler to receive title in a way the law recognises. Justice Beach asserted that Thaler received title because he owned and controlled DABUS and possessed the output of DABUS, namely the two inventions. He also noted that without taking this position, there would be an "odd outcome" because inventions by DABUS would not be owned and would be unpatentable, which would be a patent black hole for inventions generated by AI.
7. For now, Australia is amongst the minority of countries accepting AI as inventors for purposes of granting patents. Will Australia become the jurisdiction of choice for the lodging of AI-invented patents? We may soon find out.

Sources: *England and Wales Court of Appeal, juve-patent.com*



7 Reading comprehension

Read the article and answer the questions.

1. What did DABUS invent?

2. Why didn't Thaler list himself as the inventor on the patent applications?

3. Why were the patents rejected in Australia and the United Kingdom?

4. What was the main issue on which the courts of Australia and the United Kingdom were different?

5. What was the argument of Lord Justice Birss in his dissent?

6. According to the Australian court, how did Thaler receive title to the inventions of DABUS?

8 Vocabulary/optional task

Find the words in the text on page 6 that match each definition.

1. _____ get something (para. 4)

2. _____ express an opinion different from the official or majority opinion (para. 5)

3. _____ a legal term meaning "by which" (para. 5)

4. _____ say something firmly or strongly (para. 5)

5. _____ the most basic or obvious meaning of a word or phrase (para. 5)

6. _____ when a court says that another court's decision was correct (para. 5)





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Talking point

Choose one of the following parts.

Part A:

Discuss the questions in pairs or small groups.

1. Do you think the patent applications listing DABUS as the inventor should have been approved? Why/why not?
2. Why do you think the Court of Appeal in the United Kingdom rejected Thaler's argument? Do you think there was more to their rejection than a literal reading of the statute?
3. Do you think Thaler cares more about getting the patents for the inventions by DABUS or having DABUS listed as an inventor on the patent applications? Why?
4. Do you agree that Australia will become the jurisdiction of choice for lodging patent applications by AI? Why/why not?

Part B:

Think about the drawings for the patents you saw at the beginning of the worksheet and what you have learnt about patents.

Patents protect inventions. In the United Kingdom, to be granted a patent, your invention must be all of the following:

- something that can be made or used - and has a practical application
- new (novel)
- inventive - not just a simple modification to something that already exists

1. Why do you think the things shown in the drawings received patents? How did they address the three requirements?
2. Which of the following do you think could be patented? Why or why not?
 - an unusual sound that tells hospital workers there is a problem with life-saving equipment
 - a suitcase in the shape of a banana to protect the banana from damage
 - a special pair of trousers that enables the wearer to collect fallen tree leaves

**10 Homework/optional extension**

Choose one of the following.

- **A) Vocabulary practice:**

Use the legal vocabulary from this lesson to fill in the gaps below.

1. Our family has had _____ to the land for about thirty years now.
2. The court is expected to _____ its decision today, so I will contact you the moment it happens.
3. The court has _____ the ruling so there is no need to consider appealing.
4. We were quite unhappy with the verdict, so we are planning to _____.
5. I don't think the court ruled correctly. I agreed with Lord Justice Langston's _____.
6. New education software will be developed _____ computer gaming skills will be combined with learning programs to make learning more enjoyable.
7. Legal procedures are similar in many _____ based on the common law tradition.
8. I think Parliament could have done a better job with the wording of the _____. It is not very clear.
9. The contract is _____, so do not sign it unless you are certain.
10. We won't share any information about our business plan unless you sign the _____.

- **B) Writing**

Choose one question and write a paragraph (200 words). Ensure that you check your grammar, spelling and punctuation.

1. What do you think is the future of patents and AI? Do you think more jurisdictions will allow patents for AI-created inventions? Why or why not?

2. In the final paragraph, Justice Beach says that without taking this position, there would be an "odd outcome" because inventions by DABUS would not be owned and would be unpatentable, which would be a patent black hole for inventions generated by AI. Do you agree with this? Why/why not?