

## Slovak Republic – issue of artificial intelligence inventorship

### General concept:

Pursuant to Article 10(2) of Act No. 435/2001 Coll. on Patents, Supplementary Protection Certificates and on Amendment of Other Acts as Amended (hereinafter referred to as “Patent Act”; see <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/435/>) *“an inventor is a person who created an invention by his own creative work”*.

Pursuant to Article 10(1) of Patent Act right to an invention, including right to file an application, belongs to an inventor unless otherwise stated in Article 11.

Pursuant to Article 11(1) of Patent Act if an inventor creates an invention in the course of their employment, right to an invention belongs to an employer unless parties to the employment relationship agreed otherwise. Right of an inventorship remains unaffected (also in case of employee invention right of an inventorship belongs to an inventor).

Pursuant to Article 10(3) of Patent Act joint inventors shall have right to an invention to the extent they have contributed to creation of an invention. Unless joint inventors agreed otherwise or unless a court decides otherwise, share of joint inventors in creation of an invention shall be deemed to be equal.

### Inventions created by AI:

Even though Patent Act does not explicitly restrict inventorship to human beings, it follows from Explanatory Memorandum to Patent Act (2001) that nonhuman entity cannot be appointed to being the inventor of the invention created by AI system. Explanatory Memorandum to Article 10 of Patent Act explains that *“only natural person can be the inventor as only natural person is capable of cogitation, creative cogitation that is basic precondition of creation of any invention.”*

It is important to note that AI lacks legal personality, which is a fundamental attribute and which is granted only to natural persons and legal persons.