

AI as an Inventor? A Critical Analysis of Patentability and Disclosure Requirements under Indian Patent Law

Charu Agarwal*

ICFAI Law School

Abstract: The rapid rise of Artificial Intelligence (AI) has greatly changed the innovation process in many industries, including healthcare, software development, pharmaceuticals, and engineering. As the capabilities of AI expand, they increasingly help create new inventions, sometimes with little or no human contribution. This paper investigates the challenges associated with AI-generated inventions under the Indian Patents Act, 1970, particularly focusing on how such inventions satisfy patentability criteria. It examines how Section 3(k) creates barriers for AI-related inventions that rely on software and data-driven processes. The inventorship aspect is analysed to determine whether AI can be recognised as a legal inventor under Indian law. The paper also evaluates disclosure requirements and highlights how the “black box” nature of AI complicates compliance. It concludes that legal clarity and reform are necessary to balance innovation with public interest.

Keywords: Artificial Intelligence, AI-Generated Inventions, Patent disclosure, Computer Related Inventions, Inventorship

* Student. Email: charuagarwal2127@gmail.com