



# **EXAMINATION GUIDELINES OF INVENTIONS, UTILITY MODEL, AND INDUSTRIAL DESIGN APPLICATIONS RELATING TO ARTIFICIAL INTELLIGENCE**

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## I. Introduction

Section 22 of the Intellectual Property Code (IP Code) considers computer programs as non-patentable inventions. However, technological trends have been gradually shifting to inventions involving computer systems and smart algorithms to provide technical solutions to real-world problems. The observable shift had led Intellectual Property (IP) Offices to start recognizing and to allow patents for inventions that use software and computers in a technical and meaningful way, moving beyond the mere abstract interpretation of such inventions to tangible and patentable ones.

As such, in recognition of such developments, examination of these types of inventions requires a specialized and subject-matter centric approach to complement the already existing general guidelines provided under the Manual for Patent Examination Procedure (MPEP) for Examiners.

In 2018, the Intellectual Property Office of the Philippines (IPOP HL) crafted the Information Communications Technology (ICT) and Computer-Implemented Inventions (CII) Examination Guidelines specifically for inventions involving subject-matters drawn to information and communication systems, software related systems, Internet of Things (IoT), digital broadcasting, and the likes. The guideline was further amended in 2022, further elaborating the five-step analysis test in determining whether the claimed invention is directed to a mere computer program and thus non-patentable subject-matter, or a computer-implemented invention, which falls within the patentable subject-matter protected under the IP Code. The development of the ICT and CII Examination Guidelines was deemed instrumental in providing clear and consistent guidelines for patent examiners in the examination of such an inherently complex technological field to provide standardized, fair, and predictable decisions.

Now, with the rapid rise and accessibility of Artificial Intelligence (AI), there is a pressing need to provide separate guidelines focused specifically on AI-related or AI-assisted inventions. The practical application of Artificial Intelligence is being widely adopted not only globally but even across the Philippines; specifically in industries such as finance, education, health, agriculture, and customer services. Said industries had begun incorporating the use of AI in their daily operations and services to optimize the delivery of their products and services to target market.<sup>1</sup>

For the government, an increase in awareness and recognition of the importance and impact of AI as a tool in providing efficient systems to streamline daily operations and procedures to better serve both the public and private stakeholders was becoming an option for upgrading the operations.<sup>2</sup> At present, the government has been actively working to build local talent, improve digital infrastructure, and create AI policies directed for controlled and responsible use thereof; aligning with the ongoing regional efforts as

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<sup>1</sup> AI Adoption in the Philippines, True Logic Marketing, 11 June 2024  
<https://www.truelogic.com.ph/blog/truelogic-episode-105-recap-adoption-of-ai-in-the-philippines/>

<sup>2</sup> The State of Artificial Intelligence in the Philippines, 04 September 2024  
<https://www.yondu.com/articles/the-state-of-artificial-intelligence-in-the-philippines>

elaborated on the ASEAN Guide on AI Governance and Ethics<sup>3</sup> among others to establish principles for safe, fair, and trustworthy use of AI while encouraging innovation.

In relation to inventions, the incorporation of AI and direct application thereof has been increasingly common in the past ten years. From 2017 to 2024, there was an increase in inventions of over 800% on filings relating to deep neural network architecture—synonymous with generative AI (GenAI) behind the Large Language Models. Such increase was said to be largely attributed to the release of OpenAI's ChatGPT chatbot in November 2022.<sup>4</sup>

Therefore, as the use and reliance with AI becomes more common in inventions, the IPOP HL hereby presents the Artificial Intelligence-Related Inventions Examination Guidelines for Examiners. These guidelines aim to help both applicants and patent examiners understand how AI-related inventions as a subset of ICT and CII inventions shall be assessed through the establishment of criteria for patentability that are unique thereof.

The guidelines shall cover key points on Artificial Intelligence-Related Inventions such as the issue on the inventorship of an AI, test of enablement and sufficiency of disclosure for clear description of AI's function or integration on the system and training data, clarity and support of the claims, patentable AI as subject-matter and likewise non-patentable AI in terms of distinguishing technical solutions from abstract ideas. The guidelines shall further cover examination processes such as the continued five-step analysis with technical detail check and claim examples as illustrative cases.

To note, this AI Examination Guidelines was designed with the aim to promote and support innovation in the Philippines by helping inventors protect genuine, technical contributions involving AI while improving the overall quality of patent examination.

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<sup>3</sup> ASEAN Guide on AI-Governance and Ethics  
[https://asean.org/wp-content/uploads/2024/02/ASEAN-Guide-on-AI-Governance-and-Ethics\\_beautified\\_201223\\_v2.pdf](https://asean.org/wp-content/uploads/2024/02/ASEAN-Guide-on-AI-Governance-and-Ethics_beautified_201223_v2.pdf)

<sup>4</sup> World Intellectual Property Organization (WIPO) (2024). Generative Artificial Intelligence. Patent Landscape Report. Geneva: WIPO. <https://doi.org/10.34667/tind.49740>

## II. Definition of Terms/Terminologies

**Abstract** shall mean as one relating to or involving general ideas or qualities rather than specific people, objects, or actions.<sup>5</sup>

**Artificial Intelligence (AI)** shall mean a technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision making, creativity and autonomy.<sup>6</sup>

**Artificial Intelligence-Assisted Invention** shall mean as inventions made using AI as a tool in the inventive process.<sup>7</sup>

**Artificial Neural Network (ANN)** is a form of artificial intelligence inspired by the human brain's learning processes, consisting of interconnected processing elements arranged into an input layer, one or more hidden layers, and an output layer.<sup>8</sup>

**Business Methods** shall mean a method of doing business wherein the term "method" in this sense shall mean an "orderly procedure or process . . . regular way or manner of doing anything; hence, a set form of procedure adopted in investigation or instruction".<sup>9</sup>

**Computer-Implemented Invention (CII)** shall mean any invention that is implemented, partly or fully, by means of a computer program on a computer, a computer network or any program-controlled devices.<sup>10</sup>

**Computational Model/modelling** is the process of mathematically and logically representing a problem in order to simulate and experimentally verify different properties of intelligence.<sup>11</sup>

**Convolutional Neural Network (CNN)** is a type of deep learning model inspired by the organization of the animal visual cortex, designed to automatically learn spatial hierarchies of features from grid-like data such as images, using a mathematical architecture typically composed of convolution, pooling, and fully connected layers.<sup>12</sup>

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<sup>5</sup> Online Merriam-Webster Dictionary

<sup>6</sup> "Artificial Intelligence." IBM, <https://www.ibm.com/think/topics/artificial-intelligence>. Accessed 21 July 2025.

<sup>7</sup> World Intellectual Property Organization (WIPO). (n.d.). WIPO AI Inventions Factsheet. Retrieved from [https://www.wipo.int/export/sites/www/about-ip/en/frontier\\_technologies/pdf/wipo-ai-inventions-factsheet.pdf](https://www.wipo.int/export/sites/www/about-ip/en/frontier_technologies/pdf/wipo-ai-inventions-factsheet.pdf)

<sup>8</sup> Engineering. (n.d.). Artificial Neural Network. ScienceDirect. Retrieved from <https://www.sciencedirect.com/topics/engineering/artificial-neural-network>

<sup>9</sup> *Bilski v. Kappos* 561 U.S. 593 (2014) citing Webster's New International Dictionary 1548 (2d ed. 1954)

<sup>10</sup> IPOP/PHL Patent Examination Guidelines for Information Communications Technology and Computer Implemented Inventions

<sup>11</sup> "Computational Modeling." ScienceDirect, Elsevier, <https://www.sciencedirect.com/topics/computer-science/computational-modeling>. Accessed 21 July 2025

<sup>12</sup> Geert Litjens et. Al. (2019). Deep learning in radiology: an overview of the concepts and a survey of the state of the art. <https://doi.org/10.1007/s13244-018-0639-9>

**Deep learning (DL)** is defined as a subset of machine learning (ML) in artificial intelligence (AI) that allows computers to build complex concepts from simpler ones using networks that learn unsupervised from data, improving performance through intricate layers of algorithms.<sup>13</sup>

**Deep Neural Network (DNN)** is defined as a system of hardware and/or software inspired by the structure and functioning of the brain, consisting of multiple layers of processing units that work in parallel to learn data representations automatically. Each layer processes the output from the previous layer, ultimately providing the overall output of the network.<sup>14</sup>

**Deep Q-Network (DQN)** is defined as a model that combines Q-learning with a deep CNN to train a network to approximate the value of the Q function, which maps state-action pairs to their expected discounted return.<sup>15</sup>

**Explainable Artificial Intelligence** refers to the area of research and practice that aims to provide transparency to algorithms by explicitly explaining decisions or actions to a human observer.<sup>16</sup>

**Generative AI** is a type of artificial intelligence that can learn from and mimic large amounts of data to create content such as text, images, music, videos, code, and more, based on inputs or prompts.<sup>17</sup>

**Genetic Algorithm** is an evolutionary computation technique that efficiently searches for approximate solutions to optimization and regression-based prediction problems by applying principles of natural selection, including heredity, mutation, and survival of the fittest.<sup>18</sup>

**Generative Adversarial Networks (GANs)** are a type of unsupervised Deep Learning models consisting of two networks, a generative network and a discriminative network. The generative network creates examples that resemble real data to deceive the discriminative network, which distinguishes between real and generated data, leading to a competitive training process.<sup>19</sup>

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<sup>13</sup> Elsevier. (n.d.). Deep learning. ScienceDirect. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/engineering/deep-learning>

<sup>14</sup> Elsevier. (n.d.). Deep neural network. ScienceDirect. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/engineering/deep-neural-network>

<sup>15</sup> Elsevier. (n.d.). Deep Q-network. ScienceDirect. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/computer-science/deep-q-network>

<sup>16</sup> Elsevier. (n.d.). Explainable artificial intelligence. ScienceDirect. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/computer-science/explainable-artificial-intelligence>

<sup>17</sup> Harvard University Information Technology. (n.d.). Generative AI. Harvard University. Retrieved July 21, 2025, from <https://www.huit.harvard.edu/ai#:~:text=Generative%20AI%20is%20a%20type,based%20on%20inputs%20or%20prompts>

<sup>18</sup> Elsevier. (n.d.). Genetic algorithm. ScienceDirect. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/engineering/genetic-algorithm>

<sup>19</sup> "Generative Adversarial Networks." ScienceDirect, Elsevier, <https://www.sciencedirect.com/topics/computer-science/generative-adversarial-networks>. Accessed 21 July 2025

**Generative Pre-trained Transformer (GPT)** is a large language model that uses deep learning to generate coherent, context-aware human-like text based on patterns learned from vast amounts of training data.<sup>20</sup>

**Hidden Markov Models (HMMs)** are statistical models that analyze sequential and spatially ordered data by inferring hidden states from observable sequences, making them especially useful in biomedical image analysis for tasks like segmentation, abnormality detection, and classification under the assumption that observations depend on current hidden states and follow a Markov process.<sup>21</sup>

**Knowledge Graph** is a type of semantic network that uses a graph-based data structure with nodes representing real-world entities and edges indicating their relationships, efficiently capturing these connections through components like information extraction, fusion, and processing.<sup>22</sup>

**Large Language Model** is a resource-intensive computer science model with a vast number of parameters requiring substantial memory and computing power for real-time deployment.<sup>23</sup>

**Long Short-term Memory (LSTM)** is a type of recurrent neural network architecture that enables the learning of long-term dependencies in sequential data (such as time series and video frames) by incorporating feedback loops that support pattern recognition and mechanisms that prevent the degradation or explosion of output signals during repeated information processing.<sup>24</sup>

**Machine Learning** is a research area within artificial intelligence that enables computers to learn and improve from large datasets without being explicitly programmed, by developing algorithms that analyze patterns in data and generate models for specific tasks, allowing for accurate predictions and intelligent behavior.<sup>25</sup>

**Machine Reasoning** is a branch of artificial intelligence that enables computers to make decisions and draw logical inferences based on rules, relationships, and context, often used in applications such as fraud detection and problem-solving.<sup>26</sup>

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<sup>20</sup> "Generative Pre-trained Transformer." Wikipedia, OpenAI, [https://en.wikipedia.org/wiki/Generative\\_pre-trained\\_transformer](https://en.wikipedia.org/wiki/Generative_pre-trained_transformer). Accessed 21 July 2025

<sup>21</sup> ScienceDirect. (n.d.). Hidden Markov model. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/medicine-and-dentistry/hidden-markov-model>

<sup>22</sup> ScienceDirect. (n.d.). Knowledge graph. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/social-sciences/knowledge-graph>

<sup>23</sup> ScienceDirect. (n.d.). Large language model. Retrieved July 21, 2025, from <https://www.sciencedirect.com/topics/computer-science/large-language-model>

<sup>24</sup> ScienceDirect. (n.d.). Long short-term memory. In ScienceDirect Topics. Retrieved July 22, 2025, from <https://www.sciencedirect.com/topics/chemical-engineering/long-short-term-memory>

<sup>25</sup> ScienceDirect. (n.d.). Machine learning. In ScienceDirect Topics. Retrieved July 22, 2025, from <https://www.sciencedirect.com/topics/computer-science/machine-learning>

<sup>26</sup> TrustDecision. (n.d.). Machine reasoning. Riskopedia. <https://trustdecision.com/riskopedia/machine-reasoning>

**Machine Learning Algorithm** is a mathematical model mapping method used to learn and uncover patterns in data, enabling pattern recognition, classification, and prediction from existing data.<sup>27</sup>

**Multi-Layer Perceptron (MPP)** is a widely used neural network consisting of an input layer, one or more hidden layers, and an output layer, with each layer containing neurons, and is applied in tasks like forecasting and image pattern recognition.<sup>28</sup>

**Neural Network** is a computer architecture in which a number of processors are interconnected in a manner suggestive of the connections between neurons in a human brain and which is able to learn by a process of trial and error.<sup>5</sup>

**Natural Language Processing (NPL)**, also known as computational linguistics, encompasses a variety of computational models and learning processes to solve practical problems of automatically analyzing and understanding human languages, including speech and text.<sup>29</sup>

**Neural Architecture Search (NAS)** refers to using machine learning techniques to automatically design neural network architectures.<sup>30</sup>

**Overfitting** (in mathematical modeling) is the production of an analysis that corresponds too closely or exactly to a particular set of data and may therefore fail to fit to additional data or predict future observations reliably.<sup>31</sup>

**Variational Auto-Encoder** is defined as a type of autoencoder that incorporates a generation process, enabling it to produce new data by sampling inputs alongside the bottleneck for decoding, thereby generating realistic new outputs from the input data.<sup>32</sup>

**Recurrent Neural Network (RNN)** is a deep neural network trained on sequential or time series data to create a machine learning (ML) model that can make sequential predictions or conclusions based on sequential inputs.<sup>33</sup>

**Reinforcement learning (RL)** is an interdisciplinary area of machine learning and optimal control concerned with how an intelligent agent should take actions in a dynamic environment in order to maximize a reward signal.<sup>34</sup>

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<sup>27</sup> ScienceDirect. (n.d.). Machine learning algorithm. In ScienceDirect Topics. Retrieved July 22, 2025, from <https://www.sciencedirect.com/topics/neuroscience/machine-learning-algorithm>

<sup>28</sup> ScienceDirect. (n.d.). Multilayer perceptron. In ScienceDirect Topics. Retrieved July 22, 2025, from <https://www.sciencedirect.com/topics/computer-science/multilayer-perceptron>

<sup>29</sup> ScienceDirect. (n.d.). Natural language processing. Elsevier. <https://www.sciencedirect.com/topics/engineering/natural-language-processing>

<sup>30</sup> ScienceDirect. (n.d.). Neural architecture search. Elsevier. <https://www.sciencedirect.com/topics/computer-science/neural-architecture-search>

<sup>31</sup> online Oxford Dictionary

<sup>32</sup> ScienceDirect. (n.d.). Variational autoencoder. Elsevier. <https://www.sciencedirect.com/topics/materials-science/variational-autoencoder>

<sup>33</sup> IBM. (n.d.). Recurrent neural networks. IBM. <https://www.ibm.com/think/topics/recurrent-neural-networks>

<sup>34</sup> "Reinforcement Learning." Wikipedia, Wikimedia Foundation, [https://en.wikipedia.org/wiki/Reinforcement\\_learning](https://en.wikipedia.org/wiki/Reinforcement_learning). Accessed 21 July 2025

**Retrieval-Augmented Generation RAG** is an AI framework for retrieving facts from an external knowledge base to ground large language models (LLMs) on the most accurate, up-to-date information and to give users insight into LLMs' generative process.<sup>35</sup>

**Self-Organizing Map (SOM)** is defined as an unsupervised neural network that clusters high-dimensional data and transforms it into low-dimensional (two-dimensional) features while preserving symmetrical relationships between samples.<sup>36</sup>

**(Study) AI Model** is a program trained on data to recognize patterns or make decisions by applying algorithms to input data without further human intervention.<sup>37</sup>

**Support Vector Machine (SVM)** is a supervised machine learning algorithm that classifies data by finding an optimal line or hyperplane that maximizes the distance between each class in an N-dimensional space.<sup>38</sup>

**Training Data** is a collection of information used to teach a machine learning model to perform tasks such as making predictions, recognizing patterns, or generating content by enabling the model to learn from example through repeated processing.<sup>39</sup>

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<sup>35</sup> IBM Research. (2023, June 15). *What is retrieval-augmented generation (RAG)?* IBM Research Blog. <https://research.ibm.com/blog/retrieval-augmented-generation-RAG>

<sup>36</sup> ScienceDirect. (n.d.). *Self-organizing map*. In *Earth and Planetary Sciences*. <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/self-organizing-map>

<sup>37</sup> IBM. (n.d.). *AI model*. IBM Think. <https://www.ibm.com/think/topics/ai-model>

<sup>38</sup> IBM. (n.d.). *Support vector machine (SVM)*. IBM Think. <https://www.ibm.com/think/topics/support-vector-machine>

<sup>39</sup> IBM. (n.d.). *Training data*. IBM Think. <https://www.ibm.com/think/topics/training-data>

## List of Major AI Abbreviations

<b>Abbreviation</b>	<b>Meaning</b>
AI	Artificial Intelligence
CII	Computer-Implemented Invention
ML	Machine Learning
DL	Deep Learning
ANN	Artificial Neural Network
DNN	Deep Neural Network
CNN	Convolutional Neural Network
RNN	Recurrent Neural Network
LSTM	Long Short-Term Memory
GenAI	Generative AI
GAN	Generative Adversarial Network
GPT	Generative Pre-trained Transformer
VAE	Variational Auto-Encoder
RL	Reinforcement Learning
DQN	Deep Q-Network
GA	Genetic Algorithm
XAI	eXplainable AI
NAS	Neural Architecture Search
LLM	Large Language Model
NLP	Natural Language Processing
RAG	Retrieval Augmented Generation
KG	Knowledge Graph
HMM	Hidden Markov Model
SVM	Support Vector Machine
SOM	Self-Organizing Map

### III. Types of AI-Related Inventions

AI-related inventions may be classified into the following categories based on their subject matter.

#### 1. Core AI Technologies (AI Algorithm-Level Inventions)

These inventions contribute to the advancement or improvement of AI technology itself. The inventive concept lies in the creation or enhancement of the AI model, learning algorithm, or training methodology.

##### Examples:

- A new type of neural network architecture (e.g., improvement over CNN or RNN)
- A novel training algorithm or optimization technique
- Enhancements to reinforcement learning (e.g., combining Q-learning with attention mechanisms)
- Architecture search techniques such as Neural Architecture Search (NAS)

#### Enablement Requirements for Core AI Inventions

To satisfy the enablement requirement, the application must provide:

##### 1) Detailed Description of the AI System

- Structure and functioning of the algorithm (e.g., neural network architecture, loss functions, training methods)
- Parameters or configurations relevant to the technical effect

##### 2) Disclosure of Training Data

- Sufficient information about the type, source, format, and preprocessing of the training data
- A description that enables a person skilled in the art to understand how the data contributes to the claimed invention's technical effect

##### 3) Correlation Between Input and Output

- A clear explanation of the relationship between the input data, the trained model, and the output/result
- Especially critical when the technical effect or novelty depends on how the AI model performs with specific data

##### 4) Implementation Details

- Hardware/software architecture used for training or inference
- Interactions between software components and hardware systems (e.g., how a GPU is used for training)

## 5) Reproducibility

- The invention must be reproducible by a person skilled in the art without undue burden or inventive effort

The disclosure must not amount to an invitation for further research.

## 2. Applied AI Technologies (AI Utilization or Domain-Specific AI Applications)

These inventions apply existing AI methods to solve technical problems in specific domains. The inventive concept lies in how the AI is applied and integrated to produce a technical effect in a particular field (e.g., healthcare, transportation, finance).

### Examples:

- Using an existing CNN to classify medical images (e.g., detecting tumors)
- Applying a trained AI model to optimize traffic light control
- A real-time traffic signal control system using prediction models
- A fraud detection system using AI-based anomaly detection

## Enablement Requirements for Applied AI Inventions

To satisfy the enablement requirement, the application must provide:

### 1) Specific Use Case or Technical Field

- Clear identification of the domain in which the AI is applied
- Description of the technical problem addressed

### 2) AI Integration in the Overall System

- Explanation of how AI components interact with sensors, controllers, or user interfaces
- Disclosure of system architecture or workflow

### 3) Data Used in Application Context

- Description of the input data (e.g., images, sensor data, transaction records)
- If applicable, an explanation of how the data is processed (e.g., feature extraction, normalization)

### 4) Role of the AI Model

- The specific task performed by the AI (e.g., classification, detection, prediction)
- Indication of whether the model is pre-trained or trained as part of the claimed system

## 5) Demonstration of Technical Effect

- Description of measurable improvements over prior systems (e.g., increased accuracy, speed, or resource efficiency)
- Supporting evidence may include benchmarks, simulations, or real-world test results

## 6) Implementation Practicality

- Disclosure must be sufficient for a person skilled in the art to reproduce the invention using known or reasonably available tools and models
- Avoid purely functional or black-box descriptions that do not convey how the system operates

## 3. Guidance for Examiners

- Examiners should first determine whether the claimed invention falls under **Core AI** or **Applied AI**.
- **Core AI inventions** typically require a **higher level of disclosure**, as they involve algorithm-level innovation.
- **Applied AI inventions** must clearly demonstrate how AI is integrated into a broader technical solution and must produce a **verifiable technical effect**.
- Claims that rely solely on functional or abstract descriptions of AI (e.g., “an AI model that performs a task”) without technical detail should be carefully assessed for **enablement and clarity**.

## 4. Examples

### Example 1: Core AI – Lacking Enablement

#### Claim:

*A method for training a neural network model to improve classification performance, comprising the steps of:*

- (a) inputting training data into a deep learning model; and*
- (b) optimizing the model to produce accurate outputs.*

#### Description Issues:

- No explanation of the model architecture (e.g., CNN, RNN, layers)
- No specifics on the training data (type, size, source)
- No indication of how performance is measured
- No details on optimization method

**Analysis:**

The claim uses vague language ("deep learning model," "accurate outputs") and the description fails to provide enough detail for a skilled person to reproduce the invention. There is no correlation between input and output, nor any technical structure.

**Conclusion:** Enablement requirement is not satisfied.

**Example 2: Core AI – Compliant with Enablement****Claim:**

*A computer-implemented method for training a convolutional neural network (CNN) to classify handwritten digits, comprising:*

- (a) receiving image data from a labeled dataset;*
- (b) preprocessing the image data through normalization and resizing;*
- (c) training a CNN with three convolutional layers, ReLU activation, and max-pooling using cross-entropy loss and stochastic gradient descent; and*
- (d) outputting a trained model that classifies digits with at least 95% accuracy.*

**Analysis:**

- The architecture is clearly described
- Preprocessing, training method, and model parameters are included
- Performance expectation is disclosed
- A skilled person can reproduce the invention based on the description

**Conclusion:** Enablement requirement is satisfied.

**Example 3: Applied AI – Lacking Enablement****Claim:**

*A system for managing city traffic using artificial intelligence, comprising:*

- (a) a sensor module for collecting traffic data; and*
- (b) a model that optimizes traffic signals based on said data.*

**Description Issues:**

- No indication of what kind of model is used (ML algorithm? Neural network?)
- No structure or data explanation
- No performance or deployment information
- Lacks system architecture or workflow

**Analysis:**

The claim is abstract, using undefined terms like "model" and "optimizes" without supporting structure or implementation in the description. The system is not reproducible.

**Conclusion:** Enablement requirement is not satisfied.

#### IV. AI as an Inventor/Maker/Designer and/or Applicant

Intellectual property rights, being a private right, to be enforceable requires the active participation of the holder of such rights, may it be transmission of such rights or assignment<sup>40</sup> therein. Consequently, the nature of such right is also applicable in enforcing infringement cases.

As such, an applicant and/or its inventor/maker/designer must have the personality to institute said rights.

Therefore, operating within such a notion, it is interpreted that artificial intelligence (AI) cannot be recognized as a being falling within the definition of a “person” under Philippine law as, as defined whether under the Civil Code or the Intellectual Property Code. The obvious legal reason being is the absence of the critical characteristics required for a person to enforce its rights under Philippine law--- that is the presence of a civil personality and juridical capacity.

##### 1. International Jurisprudence on AI as an Inventor

Among the leading decided cases in the US relating to AI, involved the identification of Device for the Autonomous Bootstrapping of Unified Sentience (DABUS), an AI system developed by Dr. Stephen Thaler, as the sole inventor on patent applications filed in the United States Patent and Trademark Office (USPTO).

DABUS as the inventor was eventually rejected by USPTO which led to the issue being decided in the court. The decision on the issue was finally decided in the U.S. Court of Appeals for the Federal Circuit in *Thaler v. Vidal*<sup>41</sup> (*Thaler*). In the decision, the Court upheld the decision of USPTO and the lower courts that an inventor as defined under the Patent Act refers to “the individual who invented or discovered the subject matter” and that the term “individual” refers to a natural person. As such, under the current U.S. law, “only a natural person can be an inventor, so AI cannot be.”

##### 2. “Persons” as intended in Philippine Law

Book I: Title I, Chapter 2 and 3 of Civil Code of the Philippines, established that a “person” under Philippine law may only either be a natural person<sup>42</sup> or a juridical/artificial person<sup>43</sup>.

In the case of *Angel T. Limjoco v. Interstate Estate of Pedro O. Fragante*<sup>44</sup>, the Supreme Court defined “natural person” to refer to a human being while a “juridical person” or “artificial person” is defined as to include (1) a collection or succession of

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<sup>40</sup> **SEC. 103.** Transmission of Rights. - 103.1. Patents or applications for patents and invention to which they relate, shall be protected in the same way as the rights of other property under the Civil Code.

103.2. Inventions and any right, title or interest in and to patents and inventions covered thereby, may be assigned or transmitted by inheritance or bequest or may be the subject of a license contract. (Sec. 50, R.A. No. 165a)

<sup>41</sup> 43 F.4th 1207, 1213 (Fed. Cir. 2022), cert denied, 143 S. Ct. 1783 (2023)

<sup>42</sup> Chapter 2. Natural Persons, Civil Code of the Philippines

<sup>43</sup> Chapter 3. Juridical Persons, Civil Code of the Philippines

<sup>44</sup> G.R. No. L-770, April 27, 1948

natural persons forming a corporation; (2) a collection of property to which the law attributes the capacity of having rights and duties.

Further, “juridical persons” as further elaborated in Article 44 of the Civil Code of the Philippines pertains to either of the following: (1) The State and its political subdivisions; (2) Other corporations, institutions and entities for public interest or purpose, created by law; their personality begins as soon as they have been constituted according to law; (3) Corporations, partnerships and associations for private interest or purpose to which the law grants a juridical personality, separate and distinct from that of each shareholder, partner or member.

However, the crucial characteristic of what makes a “person” under the Philippine law is the existence of a civil personality and juridical capacity or capacity to act.

Civil personality is the ability to be subject to rights and obligations

“Natural persons” are said to have obtained civil personality by birth<sup>45</sup> which consequently may be extinguishable by death<sup>46</sup>. As for juridical persons, it acquires personality as provided under the law governing their creation and has the right to acquire and possess property of all kinds as well as incur obligations and bring civil or criminal actions, subject to applicable rules and regulations.<sup>47</sup>

Likewise, both natural and juridical persons are characterized by the existence of their juridical capacity or fitness to be subject of legal relations which includes the capacity to act or the power to do acts with legal effects.<sup>48</sup> Accordingly, while juridical capacity is said to be inherent in every natural person under the Civil Code, the same was not explicitly provided for by law for juridical persons. Regardless, recognition of juridical capacity of juridical persons is established by the Court in the case of *Felipe M. Roldan v. Philippine Veterans Board, et. al.*<sup>49</sup>; wherein juridical persons are described as a “being of legal existence, susceptible of rights and obligations, or of being subject of juridical relations”<sup>50</sup>.

### 3. AI can neither be an Applicant or Inventor/Maker/Designer under the IP Code

The Intellectual Property Code (Republic Act No. 8293) defines inventorship and authorship in terms of human creators and does not recognize AI systems as legal

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<sup>45</sup> **Article 40.** Birth determines personality; but the conceived child shall be considered born for all purposes that are favorable to it, provided it be born later with the conditions specified in the following article.

<sup>46</sup> **Article 42.** Civil personality is extinguished by death. The effect of death upon the rights and obligations of the deceased is determined by law, by contract and by will.

<sup>47</sup> **Article 46.** Juridical persons may acquire and possess property of all kinds, as well as incur obligations and bring civil or criminal actions, in conformity with the laws and regulations of their organization. (38a)

<sup>48</sup> **Art. 37. Juridical capacity**, which is the fitness to be the subject of legal relations, is inherent in every natural person and is lost only through death. Capacity to act, which is the power to do acts with legal effect, is acquired and may be lost.

<sup>49</sup> G.R. No. L-11973, June 30, 1959

<sup>50</sup> *Ibid*, citing 2 Sanchez Roman, p. 119, quoted in Padilla's Civil Code Annotated, Vol. 1, 94, 1956 ed.

persons, inventors, or designers in the context of inventions and industrial design applications.<sup>51</sup>

Section 28 of the Intellectual Property Code (IP Code) and Rule 300 of the 2022 Revised IRR provides that the right to a patent belongs to the inventor, his heirs, or assigns. Likewise, the IP Code explicitly identified that only natural or juridical person may apply for patents, under Rule 500<sup>52</sup> of 2022 Revised IRR.

Therefore, it is clear from the IP Code that inventor/maker/designer and applicants must be a “person” as recognized in the Philippine jurisdiction.

An inventor of a patent or designer of an industrial design is first and foremost recognized as the original owner thereof. An invention and design being a creation of the mind can only emanate from an individual or a natural person possessed with human ingenuity. The IP Code also recognizes that ownership of such creation may be protected and converted to an intangible property protected by the IP Code. And like any property, ownership therein includes the right to transfer rights and enforce the same within the operation of the Civil Code<sup>53</sup> and the IP Code.

The absence of the civil personality necessary to enforce and exercise acts of ownership and dominion over a property became the main reason why an Artificial Intelligence cannot be named as an inventor/maker/designer here in Philippine jurisdiction. Specifically, Artificial Intelligence lacks the personality and capacity to act to file a case for infringement or even transmit its rights. Consequently, artificial intelligence failed to possess a legal personality to sue or even be sued.

In addition, while the IP Code and its Implementing Rules and Regulations did not explicitly provide that inventors can only be “natural persons”, the same is implied in the manner on how an inventor must be identified. In filing an application, Section 34<sup>54</sup> of the IP Code requires the identification of the inventor and proper identification pertains to the inclusion of the legal name of the individual i.e. first name, middle initial, and surname<sup>55</sup>. As such, since AI failed to possess a legal name recognized here in the Philippines, this supports the intention of the lawmakers to exclude AI as an inventor to be named in an IPR application.

### **3.1. Joint-Inventor/Co-inventor must also be a human being**

Likewise, Section 28 of the IP Code and Rule 300 of the 2022 Revised IRR recognize the right of a patent shall belong to joint inventors/makers/designers jointly in cases where two (2) or more persons have jointly made an invention.

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<sup>51</sup> SECTION 25.2. For the purposes of Subsection 25.1, "inventor" also means any person who, at the filing date of application, had the right to the patent. (n)

<sup>52</sup> Rule 500 *Who may Apply for a Patent*. - Any person, *natural or juridical*, may apply for a patent. If the applicant is not the inventor, the Office shall require him to submit a proof of his authority to apply for the patent.

<sup>53</sup> Section 103. Transmission of Rights, IP Code

<sup>54</sup> **SEC. 34. *The Request***. - The request shall contain a petition for the grant of the patent, the name and other data of the applicant, the inventor and the agent and the title of the invention. (n)

<sup>55</sup> Rule 404. The Request –(f) Inventor’s first name, middle initial, and last name

Applying the same interpretation and logic under merely to a composition of “persons”, such may only mean to pertain to a composition of “natural persons”.

The same rule applies for joint-makers and joint-designers.

#### **4. AI as a tool in the creation of an AI-assisted Invention or AI-generated Design**

Artificial Intelligence, however, just like any technological advancement, may be recognized as a tool to aid inventors, makers, or designers subject to ethical considerations. Hence, while an individual sought the use of artificial intelligence in the creation of an AI-assisted invention or AI-generated design, the person who inputted the prompts and instructions for the AI to generate the design or invention would still be considered as the inventor and/or applicant thereof. The reason being such rationale is that inventions and designs as intellectual property assets are integrally linked to human creativity and intellectual contribution under current Philippine law.

Therefore, even if an AI system was used and played a crucial role in generating or assisting in the development of an invention or design, such AI cannot be named as inventor/maker or designers due to the absence of civil personality and juridical capacity. Hence, in any application in the IPOPHL, AI system must be excluded to be named as an inventor/maker or designer despite the use thereof in the development of the invention or design.

Prohibition as to the extent of use of AI in generation of an invention or design while not provided for under the current IP Code and cannot be considered as a ground for non-patentable inventions, such extensive use may have its own legal consequence under other relevant laws such as copyright, unfair competition, and infringement.

Hence, despite the absence of prohibition on the use thereof in AI-assisted inventions or AI-generated designs, an application aided by the same should be met with extra diligence or prudence on the part of the Examiner in the substantive examination of the same as to the possibility of having the materials from which the AI may have based its output may be considered as prior art.

The citing of unreliable sources or made-up sources are among common problems specifically in AI-assisted inventions. Faced with such possibilities, Examiners while may not be required to check each cited reference in the specification, must be alert and immediately raise such findings in the Office Action for the removal or correction of such resources as to maintain the integrity and quality of inventions being granted under Philippine jurisdiction.

## V. Patentable and Non-Patentable Subject Matter

### 1. Patentability of AI-Related Inventions

Understanding the patentability criteria for AI inventions in the Philippines is important as it directly influences the scope and nature of the required disclosure. While the Intellectual Property Code (IP Code) sets forth the general requirements for patentable inventions, it also provides specific exclusions that particularly impact AI related applications.

An invention is generally considered patentable if it constitutes a technical solution to a problem in any field of human activity, which is new, involves an inventive step, and is industrially applicable (Section 21 of the IP Code). However, Section 22.2 of the IP Code explicitly states that **computer programs are not patentable**. Furthermore, the Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs of 2022 (2022 IRR) provides clear distinction between patentable inventions and exclusions related to the utilization of a computer in the claimed invention, i.e., **“computer-related inventions”** (Rule 201(c) of the 2022 IRR) are considered patentable while **“programs for computers”** are excluded from patentability (Rule 202(e) of the 2022 IRR). Such exclusion also extends to discoveries, scientific theories, mathematical methods, abstract ideas, schemes, rules, and methods of performing mental acts and playing games, and method of doing business (Rule 201(a)-(d)), all of which, within the current trend of technology, can be executed or utilized with the aid of computers and now can be incorporated with some form of artificial intelligence or machine learning.

Therefore, the exclusion of "computer programs as such", as patentable subject-matter imposes a significant issue in terms of the assessment of AI-related inventions as patentable subject-matter. AI-related inventions are primarily implemented via software and may sometimes involve algorithm or mathematical formulas in its claim, and thus there is a need to carefully assess when an AI-related invention shall be considered as an invention which may be protected under the IP regime or merely “computer programs as such” or “mathematical methods” and thus non-patentable.

AI-related inventions currently are considered in the Philippine jurisdiction as a subset or sub-category of computer-implemented inventions. Therefore, to become patentable, such inventions must also demonstrate a "technical contribution" or "technical effect" to the known art.

The importance of the existence of “technical contribution” or “technical effect” is deeply entangled with the definition of what an invention is as defined in the IP Code. This means that an AI-related invention must provide a technical solution to solve a technical problem demonstrated through a concrete and external technical effect beyond the mere execution of a program on a generic computer. To demonstrate, without any practical application or a tangible technical outcome, an AI-related invention which merely executes mathematical calculation despite being implemented in a computer would likely be deemed as non-patentable for being a “computer program as such”. On the other hand, an AI system which is deeply connected to the control of robotic parts specifically to perform tasks or an AI algorithm incorporated into the device specifically for the

processing of medical images for diagnostic use would be recognized to display technical contribution which solves an existing technical problem.

Currently, the relevant guidelines established by the IPOPHL which may be a supplement in the assessment of AI-related inventions is the "Examination Guidelines for Information and Communications Technology patent applications" (ICT and CII Guidelines). The ICT/CII Guidelines was initially established to provide guidance for examiners in examination of claimed subject matters within the ICT/CII field.

Since AI-related inventions are largely considered a subset of computer-implemented inventions, they are currently examined under these existing ICT/CII guidelines. However, despite AI-related inventions may be examined using the existing ICT/CII Guidelines, the reliance therein may be deemed insufficient as the discussion therein may be broader in the absence of more specific AI-focused guidance resulting in the possibility of examiners adapting general principles despite the unique complexities of AI.

This situation could potentially framework, inconsistencies in examination outcomes or a lack of granular clarity for applicants, as the general ICT/CII framework may not fully address the nuanced technical and legal challenges posed by AI's distinctive characteristics, such as its "black box" nature or heavy reliance on training data.

## 2. Five Step Claim Analysis as Extended in AI-related Inventions

### 2.1. Determination of Subject Matter Eligibility

Inventions involving Artificial Intelligence or AI-related inventions are considered as a specialized branch or sub-branch of ICT and Computer-implemented inventions (CII). As such, assessment of subject matter eligibility of patent applications involving AI-related inventions finds basis in Sections 21 and 22 of the IP Code as well as in Rules 201 and 202 of the 2022 Revised IRR.

**Section 21 of the IP Code: *Patentable inventions*** - Any **technical solution** of a problem in any field of human activity which is new, involves an inventive step and is industrially applicable. It may be, or may relate to, a **product**, or **process**, or an **improvement of any of the foregoing**.

**Section 22 of the IP Code: *Non-Patentable Inventions*** - The following shall be excluded from patent protection:

22.1 Discoveries, scientific theories, and mathematical methods, xxx;

22.2 Schemes, rules, and methods of performing mental acts, playing games, or doing business, and programs for computers.

22.3 xxx;

22.4 xxx;

22.5 xxx;

22.6 xxx;

**Rule 201 of the IRR. Statutory Classes of Patentable Inventions - A patentable invention may be or may relate to:**

- (a) A product, such as a machine, a device, an article of manufacture, a composition of matter, a microorganism;
- (b) A process, such as a method of use, a method of manufacturing, a non-biological process, a microbiological process;
- (c) Computer-related Inventions; and
- (d) An Improvement of any of the foregoing.

**Rule 202 of the IRR. Non-patentable Inventions. – The following shall be excluded from patent protection:**

- (a) Discoveries, scientific theories, and mathematical methods, a law of nature, a scientific truth, or knowledge as such;
- (b) Abstract ideas or theories, fundamental concepts apart from the means or processes for carrying the concept to produce a technical effect;
- (c) Schemes, rules, and methods of performing mental acts and playing games;
- (d) Method of doing business, such as a method or system for transacting business without the technical means for carrying out the method or system;
- (e) Programs for computers;
- (f) xxx;
- (g) xxx;

## **2.2. Technical Character of AI-related Inventions**

Considering that AI-related inventions involve, in the same manner as Information Communication Technology and Computer-Implemented Inventions ICT/CII, computers, computer programs, computer implemented method, and computer programmed devices/apparatus, eligibility determination mainly follows the five-step claim analysis used for ICT/CII related inventions. The focus of the assessment lies on whether the invention for which protection is being sought has a technical character.

The involvement of a technical character is a requirement for a patent application to be considered an invention within the meaning of Section 21 of the IP Code. In other words, a claimed product or process is an invention within the meaning of Section 21 if, for example, a technical effect is achieved by the invention or if technical considerations are required to carry out the claimed invention.

An invention for which these guidelines apply is deemed as manifesting technical character when technical consideration is required to practice the invention defined by the claim/s, express and/or implied. For the technical character to be present, there should be concrete means and computer-related technical concepts involved in realizing the invention.

In assessing the invention being sought for protection, it is noteworthy that the scope of the invention should be interpreted by the Examiner based on the scope being defined by the claims. Although the description and drawings define the invention whereby cooperation of computer program and hardware is evident, when no such definition is stated in the claims, the invention as claimed is considered as lacking technical

character and ineligible for patent protection for it is the claim that sets the boundaries of protection and not the description.

Pursuant to Section 36 of the IP Code, it is the claims that define the matter for which protection is sought while the description only provides support for the claims. In *Godines vs Court of Appeals (G.R. No. 97343)*, the test of literal infringement was established: "...resort must be had, in the first instance, to the words of the claim. If the accused matter clearly falls within the claim, infringement is made out and that is the end of it." In short, the claims are the vital part of the patent and define the scope of patent grant for in the contents of the claim infringement could be determined.

### **2.3. Broadest Reasonable Interpretation**

Claim interpretation of AI-related inventions also follows the Broadest Reasonable Interpretation principle as provided in the Manual for Patent Examination Procedure (MPEP). Scope of the claims using the broadest possible interpretation is useful in the determination whether the boundary of the claim covers only eligible matters.

In cases where the claims are unduly broad in that the claim covers areas not patentable pursuant to Section 22, a rejection that the claim is ineligible for patent protection should be made by the examiner.

In AI-related claims, it is important to determine whether the claim as drafted may contain abstract ideas, mechanical formulas or algorithm, or even just computer programs devoid of technical character, thus making the scope thereof ineligible for patent protection despite the semblance of what may appear as technical character.

### **2.4. Test of Eligibility (Five-Step Claim Analysis)**

In accordance with the Five-Step Claim Analysis established under the ICT/CII Guidelines, the following steps herein are extended for AI-related inventions.

#### ***Step 1: Does the claim involves computer-implemented inventions and involves AI?***

- No – Perform eligibility determination using criteria/method applied for other subject matters (General Criteria)
- Yes – Proceed to Step 2.

NOTE: A claim is said to involve AI when it includes neural networks, machine learning, and/or trained models.

#### ***Step 2: Is the claim directed to matter which is against public order or morality?***

- No – Proceed to Step 3.
- Yes – Ineligible Subject Matter

**Step 3: Is the claim directed to a statutory class of invention i.e. product or process within the meaning of the IP Code?**

- No – Ineligible Subject Matter
- Yes – Proceed to Step 4.

**Step 4: Does the claim involve non-technical matters?**

- No – Eligible Subject Matter, i.e., the claim has technical character (i.e., directed to technical elements and excludes feature/s relating to non-technical matters)
- Yes – Proceed to Step 5.

**Step 5: Does the claim constitute technical character after weighing all the factors?**

- No – Ineligible Subject Matter
- Yes – Proceed to assess novelty, inventive step, and industrial applicability

## **2.5. Technical Character Assessment under Step 5**

For AI-related inventions directed to a product or process claim, the Examiner should be able to identify technical character and eligibility indicators or the lack thereof in assessing the involvement or absence of a technical character.

### **a) Product Claim**

#### Technical Character and Eligibility Indicators

- A man-made tangible embodiment (neural network, memories, nodes, computer models, computers) with a real-world use can be evidence of technical character.
- Computer-related technical aspects or considerations are applied in realizing the invention whereby tangible features provide substantial contribution to produce technical effect/practical result.

#### Lack of Technical Character and Ineligibility Indicators:

- The claim is a mere statement of a general concept.
- AI performs purely abstract functions such as mathematical calculations and data processing without practical application
- The claim only states a problem to be solved or results.

*Example: A trained model that can predict annual amount of rain fall.*

### **b) Process Claim**

#### Technical Character and Eligibility Indicators

- Recitation of a machine (either express or inherent)

- Machine implements the claimed steps (performance of process steps are tied to a particular device)
- AI is used for a technical purpose and application in such a manner that implementation constitutes a technical solution to a problem which meaningfully limits the execution of the steps

***NOTE: Technical purpose means that computer and ICT-related technical considerations are applied in realizing the invention whereby hardware provides substantial contribution in carrying-out the proposed invention.***

- The claim is more than a mere statement of a concept in that the claim implements a concept in some tangible way (neural network, memories, nodes, computer models, computers) in which AI is used for technical and practical application

*Lack of Technical Character and Ineligibility Indicators:*

- No involvement of a machine (either express or inherent).
- Machine is not used for a technical purpose where application of computer/ICT/AI-related technical concepts and considerations are absent.
- Skill required to implement the claimed invention merely resides in knowledge of abstract or non-technical concepts/ideas.
- Insufficient machine involvement
- The claim is a mere statement of a general concept and only states a problem to be solved and results.

After weighing all the factors, if the claim is not drawn to an eligible subject matter, reject the claim as being directed to a statutory non-patentable subject matter. If the claim is drawn to an eligible subject matter, proceed to the determination of novelty, inventive step, and industrial applicability

### 3. Examples

#### [Example 1] (Machine Learning Cacao Grading System)

##### CLAIM:

A computer-implemented system for grading a cacao bean, comprising of:

- (a) an imager that captures and loads the cacao bean digital images;
- (b) a feature extraction module configured to receive and extract features from loaded cacao bean digital images;
- (c) a training module that matches cacao bean extracted image features to corresponding grades;
- (d) a testing module that automates the grading of the ungraded cacao bean extracted image features; and
- (e) a database that stores the cacao bean extracted image features and corresponding grades.

## **Eligibility Assessment**

*Step 1: Does the claim involve AI?*

- Yes – The claimed process includes an ML algorithm to classify Cacao beans which signifies the presence of AI.

*Step 2: Is the claim directed to matter which is against public order or morality?*

- No – The claim is clearly not against public order or morality.

*Step 3: Is the claim directed to a product or process within the meaning of the IP Code?*

- Yes – The claim directed to a computer system with an imager which falls under the definition of product invention pursuant to Sec 21 of the IP Code.

*Step 4: Does the claim involve non-technical matters?*

- Yes – While the claim is directed to a computer system, the process by which the system determines the grade of Cacao beans such as training data and image comparison are per se mental or abstract matters.

*Step 5: Does the claim constitute technical character after weighing all the factors?*

- Yes – The claim defines a computer system that grades/classifies cacao beans by means of image data. References to a computer, imager, and training module collectively suggest the presence of hardware components. The claim likewise indirectly states involvement of hardware inherently working with AI systems such as computer memories and display devices. As such, a person skilled in the art would know that classification of Cacao beans using ML algorithm and image processing, as defined by the claim, are concretely carried out by means of hardware resources.

The invention claimed, therefore, is a computer system for classifying/grading cacao beans comprising of computer hardware and ML algorithm. The claimed invention satisfies the technical character requirement under the IP Code, firstly, due to the presence of concrete hardware components. Secondly, the cooperation of hardware and software components results in Cacao beans classification and grading which is as a practical/technical effect.

**Conclusion:** In view of thereof, the claim is directed to an eligible computer system which is statutory patentable subject matter pursuant to Sections 21 and 22 of the IP Code.

## **[Example 2] (Power Generation System)**

### **CLAIM:**

A power generation system, comprising:

- (a) a steam turbine power generation unit having a turbine steam inlet system, turbine coupled to the turbine steam inlet system and powered by steam from the turbine steam inlet system, and a steam outlet;
- (b) an electrical energy generation unit mechanically coupled to the steam turbine and adapted to produce an electrical energy load based on movement of the steam turbine;
- (c) a control system adapted to develop a process control signal to control pressure in the turbine steam inlet system to thereby control the electrical energy load produced by the electrical energy generation unit; and
- (d) a feedforward neural network model of a relationship between turbine steam inlet pressure and the electrical energy load operatively coupled to the control system, wherein an input of the feedforward neural network model includes an electrical energy load set-point to produce a pressure set-point control system output and the pressure set-point control system output is coupled to an input of the control system.

### ***Eligibility Assessment***

*Step 1: Does the claim involve AI?*

- Yes – The claim recites a feedforward neural network model for controlling relationship between turbine steam inlet pressure and the electrical energy load operatively coupled to the control system which suggests involvement of an AI component in the operation of the power generation system.

*Step 2: Is the claim directed to matter which is against public order or morality?*

- No – The claim defines a power generation system which is clearly not directed to matters that are considered against public order or morality.

*Step 3: Is the claim directed to a product or process within the meaning of the IP Code?*

- Yes – The claim directed to a power generation system for generating electricity by means of steam including power generation unit, electrical energy generation unit, neural network and control system which are concrete features that collectively falls under the definition of product invention pursuant to Sec 21 of the IP Code.

*Step 4: Does the claim involve non-technical matters?*

- No – The power generation system defined by the claims purely comprises concrete technical features and excludes non-technical matters either expressly or implied. Therefore, the claim is purely technical in nature and, as such, has technical character.

Eligible Subject Matter, i.e., the claim has technical character (i.e., directed to technical elements and excludes feature/s relating to non-technical matters)

**Conclusion:** In view of thereof, the claim is directed to an eligible computer system which is statutory patentable subject matter pursuant to Sections 21 and 22 of the IP Code.

**[Example 3] (AI-Based Personality Assessment Method)**

**CLAIM:**

A method for determining an individual's personality traits using AI, comprising:

- (a) collecting user responses to psychological questions;
- (b) analyzing responses using a machine learning model trained on personality data; and
- (c) generating a personality profile based on statistical correlations.

***Eligibility Assessment***

*Step 1: Does the claim involve AI?*

- Yes – The claim involves used of AI for determining individual personality traits.

*Step 2: Is the claim directed to matter which is against public order or morality?*

- No – as supported by the description, using AI in determining personality traits involves no matters that are considered against public order or morality.

*Step 3: Is the claim directed to a product or process within the meaning of the IP Code?*

- Yes – comprises a series of activities/steps (e.g. collecting responses, analyzing responses, and generating a personality profile).

*Step 4: Does the claim involve non-technical matters?*

- Yes – The steps of collecting responses, analyzing responses, and generating a personality profile are by nature intellectual steps which are non-technical matters.

*Step 5: Does the claim constitute technical character wherein a technical solution to a problem is evident after weighing all the factors?*

- No – The claim defines a method for determining an individual's personality traits using AI. The term AI does not necessarily confer technical character to the claimed method. While there is recitation of the AI, the claim also recites mental activities namely, collecting user responses to psychological questions; analyzing responses using a machine learning model trained on personality data; and generating a personality profile based on statistical correlations. Therefore, the broadest reasonable interpretation of the claimed method may cover an arrangement whereby abstract human activities are working in cooperation with an AI means which suggests insufficient or insignificant

hardware involvement and some steps can be performed mentally and not by a machine/device. In other words, the ***claim could be considered an abstract idea given that the claim involves mental steps to process non-technical data which is evidently not something that integrates AI into a practical application beyond data analysis to produce technical effect.***

Therefore, it follows that the invention defined by the claim is considered as constituting a statutory non-patentable invention within the meaning of Section 22 of the IP Code.

**Conclusion** After weighing the factors, the claim is found to be drawn to a non-technical method claim that has no technical character and is ineligible for patent protection (method) under the IP Code.

#### **[Example 4] (AI-Based Personality Assessment Method)**

##### **CLAIM:**

A method for determining an individual's personality traits using AI, comprising:

- (a) collecting user responses to psychological questions;
- (b) analyzing responses using a machine learning model trained on personality data;
- (c) generating a personality profile based on statistical correlations; and
- (d) publishing the personality profile of all individuals on the Internet.

##### ***Eligibility Assessment***

*Step 1: Does the claim involve AI?*

- Yes – The claim involves used of AI for determining individual personality traits.

*Step 2: Is the claim directed to matter which is against public order or morality?*

- Yes – The claimed method is directed to determination of individual personality traits by means of AI. The step of publishing the personality profile of each individual on the Internet is clearly against public order or morality for violating the provisions of RA 10173 or Data Privacy Act of 2012 which ensure that personal information including personality traits of individuals are secured and protected.

**Conclusion:** After weighing the factors, the claim is deemed as not a patentable subject matter for invention for being against public order or morality in view of Section 22 of the IP.

## **[Example 5] (Satellite Based Map Generation Model)**

### **CLAIM:**

A convolutional neural network-based model that can be used to cost-effectively process, analyze, classify, and segmentize satellite data from low, medium and geosynchronous orbits (still images and/or video recordings) to produces detailed maps of the Earth surface including road network systems.

### ***Eligibility Assessment***

*Step 1: Does the claim involve AI?*

- Yes – The claim recites neural network-based model which is indicative of an AI model involvement.

*Step 2: Is the claim directed to matter which is against public order or morality?*

- No – analyzing, classifying, and segmenting satellite data using a convolutional neural network-based model exclude matters that contrary to public order or morality.

*Step 3: Is the claim directed to a product or process within the meaning of the IP Code?*

- No – The claim is directed to a convolutional neural network-based model which may be purely computer program or algorithm and neither a product (machine, article of manufacture etc.) nor a process (a series of activities) pursuant to Implementing and Regulations on Patent (IRR).

**Conclusion:** After weighing the factors, the claim is deemed as not patentable subject matter for not being directed to product nor a process invention.

## **VI. Disclosure and Enablement**

### **1. Sufficient Disclosure and Enablement**

The requirements for sufficient disclosure as established in the IP Code and its Implementing Rules and Regulations (IRR) apply to all inventions, including those involving Artificial Intelligence.

As stated in the IRR, the patent application must disclose the invention in a manner that is sufficiently clear and complete for a person skilled in the art to carry it out.<sup>56</sup> The disclosure must be comprehensive enough to enable a person skilled in the art to put the invention into practice merely by following the directions provided in the patent specification. The disclosure must be sufficiently clear and detailed, outlining the technical features, the process of making, performing, and using the invention, leaving nothing to conjecture or undue experimentation.<sup>57</sup>

The description shall therefore disclose the essential technical features of the invention – including any training method, data processing method, or algorithm used in implementing the AI invention, and specify how these features interact or function together to arrive at the desired technical effect.

When necessary, drawings are also included to understand the invention. These drawings must be clear, sufficiently detailed, and complement the written description.<sup>58</sup> However, for AI inventions which rely mostly on abstract components rather than physical components, the visual representation of the essential features of the invention may include the use flowcharts, block diagrams, and other representations that may effectively convey the underlying logic and system architecture of the AI invention, rather than strictly physical depictions.

### **2. Disclosure and Enablement Requirements**

For AI inventions, satisfying the requirement for sufficient disclosure and enablement oftentimes presents a challenge since AI models, especially those that involve machine learning, are often developed iteratively and can continuously learn or evolve post-filing.

In order to completely assess the sufficiency of disclosure and enablement of AI inventions, a detailed disclosure of the following shall be therefore required:

- (i) training data sets;
- (ii) training model or algorithm; and
- (iii) technical effect.

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<sup>56</sup> Rule 405 of the 2022 Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs

<sup>57</sup> Rule 406.1 of the 2022 Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs

<sup>58</sup> Rule 413 of the 2022 Revised Implementing Rules and Regulations for Patents, Utility Models, and Industrial Designs

## 2.1. Training Data Sets

AI systems, especially those based on machine learning, are heavily reliant on training data. The quality, quantity, characteristics, and curation of this data significantly influence the resulting model's performance and behavior. Without a clear and sufficient description of these training data characteristics, a person skilled in the art may not be able to effectively implement or reproduce the claimed AI invention, thereby hindering reproducibility and practical application.

As such, a detailed disclosure of the training data used in AI-related inventions is therefore essential in understanding the invention and ensuring its reproducibility. The training data must be described in sufficient detail to enable a person skilled in the art to reproduce the AI system and comprehend how it contributes to achieving the claimed technical effect.

- **Training Method Indication:** The training method indication explains how the AI model is trained, including the algorithm, parameters, and the overall training methodology.
- **Training Data Characteristics:** While generally there is no requirement to disclose the specific training dataset itself, the characteristics of the training dataset are crucial in the assessment of enablement. If the technical effect of the machine learning algorithm is dependent on particular characteristics of the training dataset, those characteristics required to reproduce the technical effect must be disclosed, unless a skilled person can determine them without undue burden using common general knowledge. This includes the quantity and quality of training data required for the invention to function successfully, the scope of input variable variations needed, and how to obtain the necessary training data. For example, if the training data involves a correlation among various data types, this relationship must be demonstrable or reasonably inferable based on common general knowledge.
- **Data Curation and Pre-processing:** Details regarding the curation, labeling, and pre-processing steps applied to the training data are highly relevant for complex models, especially in fields like life sciences, and should be included to ensure proper understanding and reproducibility.

## 2.2. Training Model or Algorithm

Many advanced AI models, such as deep neural networks, operate in ways that are not fully understood. While the inputs provided to these systems and the outputs they produce can be observed, the internal logic, decision-making process, or the precise parameters that lead to a specific outcome are often inscrutable or cannot be described in human-understandable terms.

As such, it is therefore necessary to have a clear disclosure of the training model or algorithm used in the AI-related invention. This includes the provision of detailed descriptions of the computational models, algorithms, and their specific

implementations, which is crucial for a person skilled in the art to understand and evaluate the invention's technical features, and reproduce the invention.

- **Computational Model Specification:** If the invention involves a machine learning model, the patent must provide details about the model's architecture and type. This includes specifying the topology and class of the model (e.g., neural network type, number of layers, neurons per layer), how the nodes are mathematically modeled (e.g., linking of input and output values, propagation and activation functions), and the learning algorithm employed. For instance, simply naming an AI model without providing implementation details is insufficient.
- **Input Features and Output Variables:** The disclosure should clearly specify the input features (e.g., types, attributes, content, and acquisition procedures of the data) that the AI model processes and the exact result or prediction the AI generates (the specific output variable). This ensures clarity on what the AI operates on and what it produces.

### 2.3. Technical Effect

For an AI invention to be patentable, it must not only be sufficiently disclosed but also be able to achieve its stated technical effect across the entire scope of the claims. Mere allegations of a technical effect are insufficient; and while comprehensive proof may not always be required, the disclosure must provide enough information to make the technical effect credible. This often necessitates providing supporting evidence, such as experimental data or test results, to validate the AI model's performance and functionality.

It is therefore necessary that the technical effect of the AI invention and its interrelationship with the claimed AI be clearly disclosed. This includes providing evidence or disclosure demonstrating how the AI technology contributes to solving a technical problem or achieving a technical effect. The technical effect should be apparent from the description and may be supported by experimental data, mathematical proofs, or other relevant evidence.

### 2.4. Working Examples and Supporting Evidence

To further demonstrate enablement and plausibility, AI patent applications may include concrete examples and supporting data.

- **At Least One Workable Example:** The description must include at least one concrete, workable example with a specific selection of input parameters for the computational model, demonstrating how the invention can achieve the desired result. For inventions where AI estimates a substance's function (e.g., in materials informatics), the detailed description must include working

examples where the substance is actually produced and its function evaluated; the AI's predicted result alone is insufficient.

- **Supporting Experimental Data:** Present data from experiments, simulations, or tests that validate the performance of the AI model and support the claimed relationship between input data characteristics, data processing, and the generated output. While comprehensive proof is not always required, mere allegations are not enough.
- **Distinction of Examples:** If AI tools are used to produce or draft examples, particular care should be taken to differentiate "prophetic examples" (hypothetical scenarios) from "actual working examples". This helps readers understand the verified aspects of the invention.

## VII. Clarity

### 1. Claims

A claim is the most important part of a patent application since it defines the scope of protection granted to an invention. To ensure compliance with legal requirements for patentability, a claim should be clear, concise and well-structured.

The IP Code and the Revised IRR 2022 set forth in:

**Sec. 36. *The Claims.*** - 36.1. The application must contain one (1) or more claims defining the matter for which protection is sought. Each claim must be clear and concise, and supported by the description.

**Rule 417. *Form and Contents of the Claims.*** – The claim shall define the matter for which protection is sought in terms of technical features.

Like in other technological domains, claims relating to AI inventions should in general adhere to the statutory requirements prescribed in the IP Code and the Revised IRR 2022. In addition, the MPEP and Clarity Guidelines 2022 alongside the patent claim examples in the ICT and CII Examination Guidelines (2022) should serve as supplementary references.

To assist examiners in analyzing the scope and construction of claims, the following sections shall provide direct and practical guidance.

#### 1.1. Structure of Claims

A well-structured claim defines a scope that would ultimately establish the legal boundary of what is aimed to be protected while ensuring conformity to prescribed technical and legal standards

##### 1.1.1. Categories of Claims

In the same manner with inventions in other fields, the claims of AI-related inventions may be classified into two (2) general categories in view of the Section 21 of the IP Code: The claims may be directed to a product or process or improvement thereof.

- **Product** – claims that relate to a physical entity such as a device, apparatus, machine or system of devices

Examples:

- 1) An apparatus for training neural network...
- 2) A sugar content estimation system comprising: a model generation means for generating a determination model through machine learning...

- **Process** – claims that relate to a method or a series of activities

Examples:

- 1) A computer-implemented method, comprising: obtaining, by a data processing apparatus, a trained convolutional neural network...
- 2) A method for determining an individual's personality traits comprising analyzing responses using a machine learning model trained on personality data...

A claim must be definite in scope in which it clearly defines whether the subject matter is a method, system/device/apparatus, or computer-readable medium.

As stated in the Clarity Guidelines 2022, the claim can sometimes be worded differently; however, the interpretation of which would fall into either of the said categories. Inventions may also be claimed by more than one category to ensure full protection.

### 1.1.2. Types of Claims

An AI-related patent invention should contain one (1) or more independent and dependent claims.

**(1) Independent claim** – recites all essential features of the AI-related invention

Example:

*Claim 1. A fraud detection system using machine learning, comprising a memory that stores a database of transactions data, a feature engineering module that processes transaction characteristics, a model trained on transaction data to identify fraudulent activities, and a processor configured to provide a decision that classifies transactions as fraudulent or legitimate based on model predictions.*

**(2) Dependent claim** – any claim which includes all the features of any other claim

Example:

*Claim 2. The fraud detection system of claim 1, wherein the machine learning model is a deep neural network trained using supervised learning techniques.*

**(3) Reference to another claim/other claims**

Example:

*Claim 3. An AI-powered financial security platform comprising the fraud detection system of claims 1 or 2, a real -time risk management engine, a transaction monitoring module and a compliance reporting means.*

## 2. Clarity of Claims in AI-related Inventions

As particularized in the IP Code, a claim must be clear and concise and be fully supported by the description. In the context of AI-related inventions, clarity is essential due to the technical complexity and potentially abstract nature of AI systems and

methods. Thus, every word in the claim should be given utmost importance and careful consideration. The claim must be clear and concise to ensure well-defined metes and bounds.

## **2.1. Requirements for Clarity**

AI-related claims must be:

### **1. Technically Precise**

- Avoid vague terms such as “AI module,” “intelligent system,” or “smart decision-making” without specific definitions.

### **2. Definite in Scope**

- Clearly define whether the subject matter is a method, system/device/apparatus, or computer-readable medium.

### **3. Functionally Defined (with Structure)**

- If the invention is function-based, it must also disclose how that function is technically implemented (e.g., neural network model, decision tree, rule-based system).

### **4. Consistent with Description**

- The language in the claims must correspond to the terms, components, and structure disclosed in the specification.

### **5. Free from Ambiguity**

- Avoid indefinite terms such as “a device/terminal/server,” or “an output based on AI prediction,” unless clearly defined or qualified.

## **2.2. General Guidance for Examiners**

- Ensure the claims correspond to the description and do not use undefined AI-related buzzwords.
- Check that each technical term (e.g., “model,” “prediction,” “classification”) is either defined in the specification or widely understood by skilled persons.
- Assess whether the claim boundaries are definite, particularly in functionally worded claims.
- When identifying a lack of clarity, examiners should indicate which term or phrase is ambiguous and why it prevents a clear understanding of the invention.

## 2.3. Preferred Format for Clarity

To improve clarity and legal certainty, claims should be framed as **method or system claims** with clearly defined technical features.

### Preferred Format of a Method Claim:

*A method for classifying data using a trained neural network, comprising:*

- (a) receiving input data;*
- (b) processing the data using the trained neural network; and*
- (c) outputting a classification result.*

### Preferred Format of a System Claim:

*A system comprising:*

- (a) a memory storing a trained neural network; and*
- (b) a processor configured to process input data using the trained neural network to generate a classification result.*

**Note:** The non-exhaustive list of common issues and examples provided by the Clarity Guidelines still apply to claim assessments of all AI-related inventions.

## 2.4. Common Clarity Issues

### 2.4.1. Functional Features

A claim that is defined in terms of function, rather than in:

- structural terms (when defining an entity), or
- process steps (when defining an activity).

Examples:

#### 1) **Claim: An AI-powered chatbot that understands human emotions**

**Acceptable form:** An AI-powered chatbot system comprising: a processor for Natural Language Processing and emotions analysis; a sensor to capture vocal tone and facial expression; a Convolutional Neural Network to identify features associated with the emotions and classify the facial expression; a memory for storing the emotions, the vocal tone and the facial expression; and a generating system to output a physical response through modulated voice and appropriate sentence structure.

#### 2) **Claim: A real-time method using a machine learning model to detect fraudulent transactions.**

**Acceptable form:** A real-time method for detecting fraudulent transactions wherein a processor is configured to perform the steps of receiving a transaction request that comprises a set of transaction data; accessing a set of historical transaction data; analyzing, using a trained machine learning model, the set of historical data; generating a fraud score for the set of transaction data; determining whether the fraud score exceeds a predefined threshold score; and terminating the transaction request when the fraud score surpasses the predefined threshold score.

It is important to note that if the invention is function-based, it must clearly disclose how that function is technically implemented (e.g., neural network model, decision tree, rule-based system).

#### **2.4.2. AI technical implementation details**

There are cases where a claim fails to define, incompletely defines, or is indefinite on the input data types, processing steps and output results including how the AI model is trained, detailing the preprocessing techniques and inference mechanisms involved.

Examples:

- 1) A method using an AI system with a microprocessor and a memory for managing a pension benefits program.**

**Analysis:** The claim lacks complete definition of the essential elements and mechanisms for the implementation of the system such as AI mechanism and input/output interfaces.

**Acceptable form:** *A method for managing a pension benefits program comprising gathering, by a data processing unit, pensioners data; analyzing the pensioners data, adjusting pension benefits and participant circumstances and optimizing benefit payout schedules through a machine learning-powered analysis unit; and providing the pensioners benefits information through a terminal display.*

#### **2.4.3. Relative Terms**

Unclear relative terms cannot be allowed in a claim, especially if such terms are essential, having regard to the invention. Equally, an unclear relative term cannot be used to distinguish a claimed invention from the prior art.

Examples:

- 1) A lightweight AI processor for complex mathematical computation...**

**Analysis:** It is unclear as to what weight qualifies as lightweight.

- 2) **An AI-powered alarm clock comprising an adaptive alarm system, wherein the AI dynamically adjusts the alarm sound based on user sleep patterns and environmental noise levels and generates a safe sound at a larger volume than 50dB.**

**Analysis:** “at a *larger volume than 50dB*” is acceptable since it recites a definite numerical threshold.

#### 2.4.4. Imprecise Terms

Terms that are left undefined or vague which consequently obscure the scope of the invention.

Examples:

- 1) **An AI system for optimizing user experience through adaptive learning and intelligent data processing.**

**Analysis:** The claim fails to specify the underlying computational mechanism for the terms “adaptive learning” and “intelligent data processing”. The broadest interpretation of such may refer to mere human activities.

**Acceptable form:** *A method for processing data using an AI model, the method comprising executing a trained neural network on a computer system, wherein the neural network receives input data, applies a backpropagation algorithm for adaptive learning, and generates an output based on learned parameters.*

#### 2.4.5. Ambiguous AI Preambles

In some AI-related applications, claims are drafted with **ambiguous preambles** that fail to specify whether the subject matter is a **method, system**, or other allowable category under patent law. Preambles such as “a trained model,” “an AI engine,” or “a machine learning component” may obscure the scope of protection and introduce uncertainty into the interpretation of the claim.

To comply with the clarity requirement under Sec. 35 of the IP Code, claims must be directed to **statutory categories** (e.g., method, system, device, or computer-implemented inventions) and must be supported by sufficiently specific technical content.

#### [Example 1] Examples of Ambiguous Preambles (Lacking Clarity)

**Claim:**

*A trained model for predicting crop yield using weather and soil data.*

**Analysis:**

- “Trained model” as a preamble is **not a claim category** under patent law (e.g., method, system, apparatus).
- It is unclear:
  - 1) how the model is trained;
  - 2) what technical components interact with it; and
  - 3) whether it is stored on a computer, embedded in a system, or simply abstract.

**Conclusion:** The claim lacks **technical boundaries** and **implementable structure**.

**[Example 2] Preamble: “An AI Engine”**

**Claim:**

*An AI engine that evaluates user inputs and provides feedback to improve performance.*

**Analysis:**

- The term “AI engine” is **not defined** if it is a software, a hardware module, or a function.
- The claim **blurs functional description** with structure without stating:
  - 1) the implementation format (e.g., method steps? a software system?); and
  - 2) whether it runs on a server, device, or embedded system.

**Conclusion:** The claim, as drafted, is **ambiguous** whether the invention pertains to a method or a system.

**[Example 3] Preamble: “A Deep Learning-Based Tool”**

**Claim:**

*A deep learning-based tool for detecting anomalies in industrial machines.*

**Analysis:**

- “Tool” is a **broad and non-technical term** in this context.
- There appears to have no clear claim category: Is it a method (for detection)? A system (with sensors and AI)? A model?
- It does not define **how the tool operates** or interacts with data or hardware.

**Conclusion:** The claim, as drafted, is ambiguous due to the use of the term “tool” in this context.

#### [Example 4] Preamble: “A Neural Network Architecture”

**Claim:**

*A neural network architecture that improves classification performance using residual connections.*

**Analysis:**

- A "neural network architecture" is a **conceptual structure**, not an implementable unit unless described as part of a method or system
- It is unclear whether the claim covers:
  - 1) the training process;
  - 2) the use of the model in inference; and
  - 3) the system in which it is deployed.

**Conclusion:** The claim **lacks concreteness** and **legal claim scope**.

## 2.5. Further Examples

#### [Example 1] Lacking Clarity

**Claim:**

*A system comprising an AI engine for evaluating user behavior and generating personalized recommendations.*

**Analysis:**

- “AI engine” is not defined in structure or function
- “Evaluating user behavior” is vague and open to interpretation
- Unclear whether the invention is a software module, a complete device, or a network-based service

**Conclusion:** The claim is **ambiguous** and fails to define **clear technical boundaries**

#### [Example 2] Compliant with Clarity

**Claim:**

*A recommendation system comprising:*

- (a) a user data input module configured to receive user interaction data;*
- (b) a trained recurrent neural network (RNN) configured to predict user preferences based on past interactions; and*
- (c) a recommendation generator configured to display content ranked by predicted user preferences.*

**Analysis:**

- Each module is clearly defined with a technical function
- The AI model is specified (RNN)
- Functional steps are tied to specific structural elements

**Conclusion:** The claim is **technically precise, definite, and well-supported** by description

**[Example 3] Lacking Clarity**

**Claim:**

*A method for improving outcomes using AI.*

**Analysis**

- No subject matter or technical field is defined
- “Improving outcomes” is a general result, not a technical step
- No specific action, data, or algorithm is identified

**Conclusion:** The claim is **overly broad and not technically bounded**

**[Example 4] Compliant with Clarity (Method Claim)**

**Claim:**

*A computer implemented method for detecting fraudulent financial transactions, comprising:*

- a) receiving transaction data including user ID, amount, and timestamp;*
- b) extracting features from said data;*
- c) applying a trained support vector machine (SVM) model to classify the transaction as fraudulent or non-fraudulent; and*
- d) triggering a response alert if the transaction is classified as fraudulent.*

**Analysis:**

- The steps are specific and follow a logical technical flow
- Data and model are explicitly defined
- Intended outcome is clearly connected to a technical process

**Conclusion:** The claim is **clear in scope and supported by sufficient detail.**

## **VIII. Industrial Design**

AI-assisted design refers to a design created with the support of AI tools, where a human provides significant input or guidance.

AI-generated design refers to a design produced entirely or predominantly by an AI system with minimal or no human intervention.

The General Guidelines on IP Ownership of AI-Generated and AI-assisted Designs and Legal Status of AI as a Designer are as discussed in Section IV and shall apply to the following:

- a) All industrial design applications submitted to the Intellectual Property Office of the Philippines (IPOP HL);
- b) Industrial design applications involving the use of Artificial Intelligence (AI) tools or systems to assist in, or autonomously generate, part or all of the design;
- c) Applicants, whether natural or juridical persons, who utilize AI-assisted tools during the design creation process.

As discussed in Section IV, AI as a designer and/or Applicant cannot be allowed due to the absence of legal personality to enforce their rights. Moreover, the use of AI to create AI-assisted designs and AI-generated designs are not prohibited under the IP Code and cannot be excluded from the protection of Industrial Designs.

In reiteration, like any other, the use of AI should be treated with careful consideration due to ethical considerations and the possibility of copyright, infringement, and unfair competition issues.