

AI Patents in the UK: New Judicial Guidance Provides Neural Networks are Eligible

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PRACTICES AI and Deep Learning

In November 2023, the UK High Court delivered a landmark decision in *Emotional Perception AI Ltd. v. Comptroller-General of Patents, Designs and Trademarks*, allowing an AI-powered media file recommendation invention to be treated as eligible for patenting.

The high court decision held that “a method of providing semantically relevant file recommendations in a system **including an artificial neural network ‘ANN’**” was deemed patent eligible. In particular, in his detailed analysis, Justice Mann noted the use of an ANN met the requirements of U.K. patent law by providing a **technical contribution** beyond the operation of a computer program.

In December 2023, in response to Emotional Perception AI, the UKIPO temporarily suspended its guidance on patent applications relating to AI inventions and issued interim guidance in that Patent Examiners should not reject patent applications involving ANNs as ineligible under the “program for a computer” exclusion.

Future Considerations

These actions in the UK legal system might have a positive influence on AI patentability in the U.S. The USPTO is expected to publish updated guidance on AI patents in 2024, which hopefully shall further clarify patentability of such.