Tel Aviv-Yafo District Court

ISA 33353-05-23 Thaler v. Registrar of Patents, Designs and Trademarks

December 31, 2025

Before the Honorable Judge Tamar Avrahami

Dr. Stephen L. Thaler **Unsettling**

By Attorney and Attorney Asa Kling [Nashits Brands Amir & Co.]
and Dr. Reuven K. Mualem [FlashPointIP Firm]

against

Registrar of Patents, Designs and Trademarks **Replying**

By Attorney Ginet Ariel Kachko [Tel Aviv
District Civil Attorney's Office]

verdict

Is it possible to recognize a machine based on artificial intelligence (AI) under Israeli patent law ? .1

AI; Intelligence (as the "inventor") of an invention eligible for patent protection?

Registrar of Patents, Designs and Trademarks (then, Mr. Ofir Alon; **Registrar of Patents** or

The Registrar (Registrar) answered this question in the negative, and rejected an objection to the decision of a patent examiner **(the examiner).** Two

Patent applications filed by the appellant were refused registration. This is why the present appeal was filed.

All references in this judgment to pages and lines are references to the minutes of the appeal hearing, unless otherwise noted.

unless otherwise indicated or implied. The references to __/__ and __/__ are references to the appendices to the appeal or

Attach the respondent's answer, accordingly.

Normative Framework – General

Section 2 of the Patent Law, 1967 **(the Patent Law** or **the Law)** states: .2

"The owner of an invention that is patentable is entitled to request, according to the provisions of this law, that a patent be granted to him therefor."

The person who is authorized to apply for a patent is therefore the "inventor."

.3 The term "inventor" is defined in the law, in the definitions section (Section 1), as follows:

"'Inventor' - the inventor himself or his successors who are entitled to the invention by virtue of "The law is either based on a transfer or on an agreement."

.4 The term "inventor" is not defined in the Patent Law.

.5 Unlike other places in the world, Israeli law does not require the patent applicant to indicate It contains the name of the inventor. At the same time, the law refers to the case where the applicant is not the inventor himself, and states that this should be reflected in the patent application: in accordance with the provisions of Section 11(b) To the law:

"If the applicant is a person who is not the inventor, he or she shall state in the application how the owner of the invention became."

Discussion background

.6 On August 8, 2019, the appellant filed two patent applications in Israel, numbered 268604 and 268605-16 . **(Patent applications** or **requests).**

.7 Parallel patent applications were filed for registration by the appellant, Dr. Thaler, at 19 patent offices. Around the world, as part of a research project called the Artificial Inventor Project (AIP), As an initiative to formulate a policy regarding granting intellectual property rights to inventions created through 21st Century Intelligence Artificial.

Patent applications in Israel claim priority over applications filed in the UK, the European Union And in the USA.

.8 The substantive content of the patent applications is not necessary for our purposes. For the sake of good order, it should be noted that its title Application 268604 is "Devices and Methods for Implementing Enhanced Attention" and is titled Application 268604 is a "food container" (Rash3/ and Rash4/).

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.9 The hearing at the Patent Office and the appeal were conducted jointly with respect to both patent applications; this ruling is also 1
No distinction will be made between them, and sometimes the singular form will also be used (request, invention, etc.). In all 2
3 In this case, the matter should be read as applicable to both requests.
4

10. In patent applications, in the space provided for the name of the applicant (i.e., the name of the person claiming to be the owner of the 5
6 The invention), the name of the appellant is written.
7
8 Where it is possible (although not mandatory) to list the inventor's name, the patent applications state:
9
10 "DABUS – Invention was autonomously generated by an artificial intelligence"
11
12

In the place designated to indicate by virtue of which the patent applicant is the "inventor", it is written: "assignment". 13
14

The patent applications were accompanied by a document entitled "Inventorship on Statement "15
And its purpose, as stated at the beginning, is to help clarify the situation regarding the invention, and to explain that it is 16
17 Invented by an AI machine called DABUS (DABUS or **the machine)** and should be credited as the "inventor".
18

.11 Notices were sent to the appellant prior to refusal regarding the applications, which stated that according to the Patent Law 19
He is not entitled to apply for a patent because he is not the owner of the invention, is not the inventor, and has not received the 20
21 Ownership in one of the ways listed in the law.
22

12. A written response was submitted and subsequently a meeting was held with the patent attorney (PO) who submitted the 23
The requests in Israel on behalf of the appellant. This meeting was attended, at the appellant's request and on his behalf, by 24
Additional parties, including foreign patent attorneys and their attorneys. On behalf of the Patent Authority, 25 participated.
At the meeting: the supervisor of examiners, two senior examiners and the examiner who signed the notices before 26
27 Refusal.
28

13. Thereafter, a notice of refusal was sent to the appellant pursuant to Regulation 45 of the Patent Regulations (IPA Procedures, 29
30 Laws, Documents and Letters), 1968- (5/; **Letter of Refusal).**
31

The examiner agreed that one of the purposes of patent law is to encourage innovation and disclosure of inventions to the public. .14
And also that the legislator apparently foresaw the case at hand and that interpretation according to the purpose of 2 is important.
The law. However, it was found that one should not "concentrate on the purpose of the law alone and draw conclusions from it without 3
"Stand on the foundations of the language of the law" (Section 4.9). Against this background, the letter moved on to examine questions 4
As for the examiner's method, they are up for discussion.
The examiner believed that in light of the dictionary definition of the word "inventor", an interpretation can be accepted, even if 7
Expanding, because this word can also refer to a machine. The examiner noted that he does not recognize a possible contradiction 8
Between this interpretation and the purposes of the Patent Law, and therefore the machine can be recognized as an inventor (Section 6.5 9)
(see the letter of refusal). The examiner should also have accepted the claim that the appellant, as the owner of the machine, has a
right to the invention by virtue of law (the examiner referred to an opinion in Jewish law on this matter), a condition
Being an "inventor". However, the examiner believes that an additional cumulative condition exists, according to which the inventor 12
"came from the power" of the inventor. The examiner determined that since the machine has no legal personality, it is not entitled to 13
It has no rights, no obligations, and is incapable of performing legal acts and powerless to change 14
Legal situation, the owner of an invention cannot "come by virtue of it". The conclusion reached by the examiner is that it is not 15
The owner of the machine can be considered an inventor within the meaning of the Patent Law and someone entitled to 16
Apply for a patent.

15. The appellant requested to be heard before the Registrar of Patents. Two hearings were held before the Registrar (pre-hearing
(and discussion). In between, the appellant submitted a main argument and an appendix.

On March 15, 2023, the Registrar's decision was made to postpone the acquisition and order the refusal of the 22 applications.
For registration **(the Registrar's decision** or **the decision).**

Registrar's decision

The starting point in the Patent Registrar's decision – in accordance with the appellant's factual position 26 .16
(hereinafter also referred to as: **the applicant)** in the documents and at the hearing – is that the appellant is not the inventor of the 27 inventions
For which the patent applications were filed, and that these were invented by the machine, DABUS, without the involvement of 28
At the same time, the appellant states that he is the inventor of the machine and the owner of the rights to it, including the software . 29
And in its output.

17. The Registrar referred to the provisions of the law, legislative history, etc. In his decision, it was noted and found, among other things: 1

A. Section 20 of the Patent Law states that if a registrar or examiner considers that an invention is not eligible 2

3 for the patent or that the application does not comply with the provisions of paragraph A of that chapter, they will notify

The applicant must inform the applicant of the cause or the deficiencies. Provision 11(b) of the Law, which states that the applicant must

To show the source of his right, is found in symbol A of the same chapter where section 20 is found and therefore, if 5

6 There is a difficulty regarding compliance with Section 11(b). This is a deficiency in the application that must be notified to the applicant.

B. According to Section 11(b) of the Law, an applicant who is not the inventor himself is required to notify "how he was 7

"To the inventor". In light of the definition of "inventor", the source of the right that can be indicated in a patent application 8

9 There can only be one of these: "by virtue of law", "by transfer" or "by agreement".

C. The interpretation of the term "inventor", a term that has no definition in law, begins with the language of the law 10

11 And especially in its natural meaning.

I. The ordinary and natural meaning of the word "inventor" refers to a person, a human being. 12

The dictionary definition does not indicate that the natural meaning of the word includes a machine 13

(In this matter, the Registrar did not accept the examiner's position that the word inventor is open to interpretation .)

15 (which refers to the machine as the inventor).

II. The few places in the Patent Law where "inventor" is mentioned indicate this 16

That was intended for a human being: the right to mention the inventor's name, reference to law 17

18 To the "survivors" of an inventor and reference to the case where the inventor "demands" or "waives".

Israeli law does not require a patent applicant to specify who the inventor is, but this is not sufficient . III.

To change the fact that the plain interpretation of the word "inventor" in the Patent Act 20

21 She is a human being.

D. The legislative history of Section 11(b) of the Law in the context of the addition of the words “arising from its power”, 22

Emphasizes the fact that the starting point of the law is that the right of an inventor to request 23

A patent was transferred from the inventor in the ways specified. According to the law, every invention begins 24

In the inventor, who is, as stated, a human being, and can pass into the hands of an inventor who is not the inventor, 25

26 In ways mentioned in the definition of "inventor".

The method indicated by the applicant (appellant) in the patent applications as the method in which it was 27 I.

For the inventor, it is a "transfer." However, even according to him, DABUS does not have 28

29 Permission to perform a legal act of transferring rights.

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The applicant claims that the owner of the invention had it "by operation of law", where the relevant law is 1 II.

1. For method 2 A common law doctrine known as the "Accession of Doctrine"

The applicant has a right of ownership over the inventions arising from his ownership of the machine which 3

created them, and in fact there is no need at all to transfer them from the machine to it. There is no need to decide 4

On the question of the applicability of the aforementioned doctrine in our case, since even if you say that there are 5

For the doctrine to be applicable, it cannot constitute a law that grants the applicant the right to file a 6

A patent application, since the owner of an invention under the Patent Law acquires his right to the invention 7

8 From a human inventor.

9

18. The decision presents the applicant's arguments regarding purposive interpretation. The applicant argued that the interpretation 10

That would allow protection for inventions made by artificial intelligence is possible according to the language of the law 11

and is consistent with the purpose of the legislation to encourage inventors to disclose their invention to the public 12

In exchange for a limited-time monopoly. According to the applicant, if protection is not granted to the inventions created 13

by a machine, the incentive to develop such machines will decrease, the incentive for machine owners to maintain 14

their products as a trade secret, and no products will be developed that cannot be kept secret due to the lack of 15

16 Possibility to protect them.

17

The Registrar noted that the applicant's claims are weighty, but the expansion of the protection provided for in Law 18

raises policy questions that should be left to the legislature to decide. The decision also noted that the position 19

According to which patent protection for inventions made by a machine would fulfill the purposes of patent law, it is not 20

21 Agrees on everything and raises many questions in various contexts.

22

Referring to a document from May 2020 of the World Intellectual Property Organization (WIPO), 23

The Registrar mentioned some of the questions that arise: (1) In light of the high rate of development of 24

Artificial intelligence technology and the difficulty of predicting the effects of policies that will be adopted, it is appropriate to 25

Should we decide these questions now or wait for a better understanding of the technology ? 26

and its effects? (2) Is the incentive system anchored in patent law appropriate ? 27

To encourage the creation of inventions made by artificial intelligence without human involvement or 28

Should a special right (generis sui) be created to protect such inventions? (3) In the event that the protection 29

[1] This argument was not originally included in the patent applications and was raised later.

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Will artificial intelligence inventions be protected by today's patent laws? 1

The law should allow or require registration of artificial intelligence as an inventor in the application or should it be required 2

Human factor registration? If so, who is the appropriate human factor? Is it necessary to change the 3

4 What are the criteria set out in the law for registering a patent?

5

19. The Registrar added that in any case it is not possible to speak of fulfilling the purposes of the law for the dissemination of knowledge and encouragement .

Innovation, without addressing the international aspect of intellectual property law. It was noted that patent law 7

Israel implements principles established in international frameworks that regulate various aspects of 8

Intellectual property laws in general and patent laws in particular, and that they are often based on arrangements 9

10 Similar in the comparative sentence.

11

It was further noted that currently there are no accepted rules for protecting inventions made by intelligence 12

artificial without a human inventor, and that most of the countries in which the matter was discussed refused to register a patent 13

for an invention made without any human intervention. The Registrar also reviewed the situation regarding 14 applications

Appellant's parallel patents filed in the US, England, and the European Union (Patent Office 15)

16 European Court of Justice, and the Appeal Board), Australia and Germany.

17

According to the Registrar, even if there is merit in claiming that patent law is suitable for encouraging the creation of machines 18

who create inventions and disclose their products to the public, "it is doubtful whether protection of such inventions by No. 19

"A small number of countries will achieve the purpose of intellectual property laws" (Article 46 of the decision). The Registrar found 20

21 Because in the absence of international agreement regarding the desired arrangement on this issue, it would not be right to enshrine it in law.

The Israeli government, through the interpretation of the law, anchored in a way that would create asymmetry between Israel and the 22 countries

Others and will result in the inventions created by the AI machine being in the public domain in most of the world, but in Israel 23

24 Will be subject to the exclusive rights granted by patent protection.

25

The Registrar concluded on this matter: “Recognizing artificial intelligence as an inventor in a patent application or registration 26

A patent for an invention made without any human intervention should be submitted to the legislator who will decide 27

In the policy questions posed above and with reference to comparative law and international standards, this 28

In light of the global nature of the intellectual property sector on the one hand and the characteristics of the economy and industry in Israel on the other 29

30 On the other hand" (Section 48 of the decision).

In light of all of the above, the Registrar came to the conclusion that the examiner was correct in his determination that, in light of the data specified, .20
In the applications themselves, they cannot be accepted for registration. The appellant's request for the examiner's decision was rejected and 3 was set
Because the patent applications will be refused registration.

Before signing, the registrar clarified that his decision "does not address the question of what human involvement
"What is required for a person to be considered the inventor of an invention made with the assistance of a machine?" Asher asked
It will be left to the appropriate case (Section 78 of the decision).

The appeal

21. The notice of appeal claims that the Registrar erred in determining that an "inventor" under the law is supposed to be a human being;
In rejecting the position, which the examiner accepted, that the word "inventor" also includes a machine; by not applying
Rules of purposive interpretation in light of the purpose of patent law to encourage innovation and incentivize inventors
to disclose their invention; if it did not take into account systemic considerations for regulating the field of inventions
and the purity of the register; by not deciding the question of the application of the Accession of Doctrine; Mishtan Weight
Rejection of the corresponding applications in other countries; and more.

22. According to the respondent, the appellant's arguments should be rejected and the decision should be left intact.
The respondent's response addressed the body of the appeal arguments.

A request to join the proceedings as a "friend of the court" was submitted to the case on behalf of the Shalom Research Institute 21. .23
Comparative, from the Eliyahu Center for Law and Technology at the Ono Academic Center.

The appellant also submitted a request to adduce additional evidence.

An oral hearing was held in the appeal in which arguments were raised, positions were expressed, and various questions were discussed . .24
In the context of the appeal.

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discussion

Preliminary note

.25 According to Israeli law, a person who applies for a patent is not required to indicate the name of the inventor in the application.

The appellant addressed this issue in his arguments, as he sees it as a uniqueness of local law.
which could allow for a different result than that obtained in other countries and legal systems.

.26 Indeed, in principle, in Israel it is only possible to indicate the name of the applicant for the patent and not the name of the inventor.
The inventor. However, despite the lack of obligation to do so, the appellant stated in the patent applications "Ibid.
inventor," and wrote the nickname of the machine. This almost immediately led to a discussion of whether

A machine can be an inventor under Israeli patent law.

27. If no inventor had been named, a patent eligibility examination might have been conducted; that is, a check to see if
Are the conditions of Section 3 of the Law, which states that an invention is eligible for service, met with respect to each of the inventions ?
Patentable if it is "new, useful, capable of industrial application and involves an inventive step."

Such an examination was not conducted in our case.

It is possible that this type of examination would have led more directly to a discussion of substantive questions in issue 17.
of the chapter, including – whether and to what extent human involvement is necessary in the act of understanding
In order to provide protection under patent law, how should inventions be treated?
that were "invented" using artificial intelligence, and more (cf. Dr. Thaler's application to the Registry of Rights
The creators in the US regarding an image created by another artificial intelligence machine developed on
His "Machine Creativity" (in which the machine was listed as the creator and he himself as the owner); his request was rejected
by the United States Copyright Office, as a creator must
To be human. The rejection was upheld in the courts, including the 24th Circuit Court of Appeals.

[2])United States court of appeals for the district of Columbia(ÿÿÿÿÿÿÿÿ

And dok: there is no dispute that there are many inventions whose "creation" involved non-human tools, such as the calculator .
What is it, if [3] Simple pocket or powerful computers and their patentability is not in dispute

.4F .Perlmutter .v *Thaler.* An appeal to the Supreme Court of the United States on this issue (1039) 2025 .Cir CD (130[2]
was filed on 21.7.2025 - in file .25-449 p. 10
of the record of the appeal hearing. [3]

In general, the borderline between cases where, for example, a powerful computer is used and a case where
Is artificial intelligence involved? What, if any, level of human involvement do we expect?

Would we want to give patent protection to inventions created “through” artificial intelligence (and what does that mean ?)
The word "by means of", p. 28, p. 27 – p. 30, p. 13(?) Will this serve the purposes of the law
Patents? Is there room for changing the purposes of these laws?

28. The main explanation given in the discussion for the choice to indicate "inventor" on the application form was a desire for full disclosure,
Avoiding concealment and maintaining the "purity of the register" (p. 9, p. 22-27, p. 17, p. 26, p. 9)
(15). The importance of the principle of disclosure is known and not disputed. But it is possible that for this purpose would have been sufficient.
In a full description in the documents submitted along with the application form.

A more practical response to the move is provided below, when it is noted that in cases where requests require
Patent law precedes applications in other countries and in those countries the name of the inventor must be indicated (and so on
(in our case), "This is how it entered the record in Israel" (p. 18, p. 15-8). This response can raise
The idea is to attempt to challenge the matter by means of a patent application that will be filed first in Israel (see p. 51 16) .

Q. 6-5 (.

In any case, the starting point in the discussion was the statement that the machine, and it alone, invented the .29
The invention is the subject of the patent applications. The appellant believes in this with full faith and does not attribute to himself
Involvement that could lead to a different conclusion (p. 20, p. 26 – p. 21, p. 6, p. 21, p. 21)
(24-27, p. 27, p. 28 – p. 29, p. 2).

Section 11(b) of the Patent Law – General

30. As quoted above, Section 11(b) of the Patent Law states that if a patent applicant is not the inventor, he must
To state in the patent application "how the inventor came to be."

A statement regarding the manner in which the patent applicant became the owner of the invention must be consistent with the manner in which the patent was obtained . .31
Where the law allows recognition of an inventor who is not the inventor.

This method is found in the definition of "inventor". As mentioned above, an inventor is defined as someone who 1

"The inventor himself or his successors who are entitled to the invention by virtue of law or by transfer or 2

3 According to an agreement."

4

32. I accept the Registrar's position that "anyone who is entitled to an invention by virtue of law or by transfer or on 5

"According to an agreement" will be considered as "coming from the power" of the inventor (Section 33 of the decision; p. 4, p. 13-8, 6)

7 For the hearing of 2.8.2022 held before the Registrar, No. 11/). The Registrar did not follow the examiner's lead.

Which believed that these are cumulative requirements and therefore that an applicant who is not an inventor must show that they are eligible 8

9 (by virtue of law, transfer or agreement) and that it "comes from the power" of the inventor.

10

11 Therefore, a patent applicant who is not the inventor must show entitlement by virtue of law, transfer, or agreement.

12

13 Patent applications under Section 11(b) of the Law

Given the appellant's position that he is not the inventor and in light of the provisions of the Patent Law, applications 14 .33

15 The patent required the way in which the patent applicant became the owner of the invention.

16

17 The applications state that the appellant is the owner of the invention by virtue of assignment.

18

34. Transfer is indeed one of the possibilities mentioned in the definition of an inventor. However, even according to the method of 19

The appellant himself has difficulty with the aforementioned statement regarding the manner in which he became the owner of the invention. 20

The appellant believes that the inventor is the DABUS machine, but he does not claim that the machine can 21

22 Perform a "transfer" operation.

23

35. The appellant argues that the examiner and the registrar should not have considered the statement regarding Road 24 at all.

The transfer, in view of the provision of Section 76 of the Patent Law which establishes a presumption that the applicant is 25

The inventor until the contrary is proven, especially when it comes to patent applications filed 26

27 By virtue of prior law, as in our case.

28

I did not find this argument acceptable. Section 17(a) of the Patent Law states that the examiner must examine whether the application 29 .36

A patent meets various requirements, including compliance with the provisions of Section A of Chapter 3. According to Section 17(a1), Examiner 30

can accept the application only if "convinced" that the requirements have been met. Section 20 of the law refers to 31

In the event that an examiner or registrar "sees" a difficulty in the application in terms of patentability or compliance with the provisions of Article 32

33 A. for that chapter.

The way the patent applications were worded immediately raised a question mark on these issues, a difficulty that the examiner
And the registrar could not help but "see" him and in any case they had to contact him. The appellant claims that he did not
The Registrar should have addressed the question of transfer as he does not examine a system of communication between an employee
To the employer in the case of a service invention; but the parable is not suitable for the parable, since the case of
The invention of a service and a contract between an employee and an employer does not raise a difficulty in itself. The appellant puts forward
Al Ness discusses the principle of purity of the register and attributes to it the reason why the patent applications included the name of
Inventor. The registrar, who is responsible for the purity of the register, should not ignore a possible difficulty that arises
In his eyes, it is already at the beginning of the process.

The machine, DABUS, cannot perform a "transfer" operation. The possibility that this is how the appellant became .37

The owner of the invention was removed from the chapter (p. 47, p. 18-25).

For a similar reason, no claim was made that the appellant was entitled to the invention "according to an agreement" (p. 47, p. 14) .
.)18

38. The only option in the definition of 'inventor' that could be relevant, according to the appellant, is
itself, is an entitlement by virtue of law.

In its most recent incarnation before the Registrar, the appellant's claim is that the machine is the "inventor" and that his entitlement is
His is by operation of law. The appellant sought to base his entitlement by operation of law on a doctrine from the 21st century.
The Kabbalah known as the "Accession of Doctrine".

39. The Registrar ruled that an “inventor" under the Patent Law is a human being, because a machine cannot be considered
as an "inventor" and that therefore it is not possible to acquire entitlement to an invention by virtue of a machine, not even by virtue of
The doctrine. In view of this conclusion, the Registrar left for consideration the question of whether there could be
The aforementioned doctrine applies to our case.

The appellant disputes this. He claims that there is no impediment and that it is even appropriate to interpret the term "inventor" in Law
The Israeli as such also contains a machine. We will now turn to that.

Who is an inventor?

general

40. The appellant claims that the machine alone was the inventor of the inventions underlying the patent applications.

Despite its centrality, the term "inventor" is not defined in the Patent Law. Is the term "inventor" relevant to the subject matter of the

Can the law include a machine that is not human? For the purposes of the law, can a machine be considered a

As an inventor and not just an inventor's tool?

41. Interpretation of Israeli legislation has been conducted for years on the basis of the theory of purposive interpretation. "There are

Interpret a law in accordance with its language and purpose; the interpretation must be possible in terms of the language of the legislation

and to best fulfill its purpose" (HCJ 244/23 **Association for Civil Rights in Israel v. Israel Police** (14.12.2025), Section 18). There are differences in nuances and emphases in the application of the ruling

Interpretation theory (for example: DNM 5331/24 **Population and Immigration Authority v. Clement**

(7.12.2025) (Clement **case);** RA 2384/24 **Sharitah v. State of Israel** (3.4.2025);

High Court 5158/21 **Gortler v. Minister of Social Welfare** (28.12.2023) **(Gortler case),** Section 18).

"The starting point of purposive interpretation is the examination of the language of the law, and in the realm of interpretations

The possibilities include only interpretations that are anchored in the language of the law (even if minimal anchoring).

"Of the possible interpretations, one must choose the one that fulfills the purposes of the law" (Barm

4413/23 **State of Israel Tax Authority v. Neumann** (4.11.2025) (Neumann **case),** Section 42

And the references cited there, including the well-known and guiding ruling on this matter: A.A. 165/82

Kibbutz Hatzor v. Rehovot Tax Assessor, P.D. 30(2) (May 6, 1985).

"The starting point in the task of interpreting a piece of legislation is to examine its language, when it must be interpreted

The law can only be interpreted in the way that the language of the law can "carry." When the language can carry more than

From one interpretation, a complex of possible interpretations is created, between which the interpreter is required to decide. For the purpose of

Thus, he must examine the purpose of the legislation and choose the interpretation that best fulfills the

"The purpose found" (A.A.M. 816/23 **Petah Tikva Municipality v. Enterponite Systems 2004**

Ltd. (1.1.2025) (Petah **Tikva Municipality Matter),** Section 29).

The starting point in the act of interpretation – examining the language of the law – is intended to map the boundaries: it is .42
Determines the "scope of meanings that language 'tolerates', that is, the 'complex of linguistic possibilities'";
"The law will not be given a legal meaning that falls outside the acceptable range" (Aharon Barak **Commentary**
In Law, Volume Two – Interpretation of Legislation (1993) **(Barak),** p. 98.

43. In examining the complex of linguistic interpretations, a variety of aspects and tools can be taken into account: General
Conventional grammar, dictionaries, and other linguistic sources; "natural" meanings that prevail
In human language, meanings exist, even if they are unusual; explicit meaning and meaning
implied; rules such as interpretation based on the context of the word or phrase being examined; period
in which the work of interpretation is carried out and changes that have occurred in the meaning of the language; and more (see Barak, **p .**
139-97 and extensive case law).

44. In the case before us, in practice the examiner and the registrar reached a similar conclusion, even if the facts are not
are worded as follows. A review of the reasoning reveals that both believed that the interpretation sought by the appellant

The term "inventor" goes beyond the range of possible linguistic possibilities.

The examiner did believe that, in light of the dictionary definition, the word "inventor" could linguistically be .45
He also offered an interpretation that included a machine, and even wrote that from then on he saw no contradiction between this interpretation and the
And among the purposes of the law, the machine can be recognized as an inventor (section 6.5 of the refusal letter 5/20). However,
In practice, the examiner found himself "blocked" when he tried to apply this conclusion to the definition of " 21 years old".
"Invention". The examiner found that since the machine does not have legal personality, it cannot be "derived from its power", an expression
He interpreted it differently from the Registrar's interpretation (Section 7.8 of the refusal letter).

It seems that the examiner's statement that the machine can be recognized as an "inventor" by law was due to the examiner's
Focused the linguistic examination phase on the literal dictionary meaning of the word and believed that this could
to include non-humans. However, the linguistic examination stage is not limited to the options.
Verbal lexicography; the examination is carried out, among other things, against the background of the context of the word being examined in the
Legislation. It was the reading of the term in the context of the law (the definition of "inventor") that led the examiner to
To the end of the road and the refusal of requests.

1

The Registrar's approach was different. The Registrar emphasized the "natural meaning" of the language of the law, opined 2 .46

"Because the dictionary definition always assumed that an inventor was a human being, since until recently there was no such thing as a human being."

Another option" (paragraph 23 of the decision) and noted that even if dictionary definitions do not explicitly mention human beings,

5 "the ordinary meaning of the word refers to a person" (paragraph 25) (cf.:

The Registrar's comment in the discussion regarding the way in which the verbatim can or should be read; p. 2, p. 19-9 6

7 To the minutes of 2.8.2022, No. 11/(.

8

The decision emphasized that the starting point for interpreting legislation is the language of the law, "and in particular **the meaning** 9

"the natural language of the law" (Section 20 of the decision; emphasis in the original – T.A.), and a quote was provided 10

Prof. Barak's book regarding the legislator's use of language accepted by the public and therefore giving meaning 11

accepted and customary for legislation. The Registrar then referred to the natural meaning and ordinary sense of 12

13 The term (as one that does not include a machine).

14

On this last point, it should be clarified: there is indeed an assumption that the legislator uses the language accepted in the law. .47

He speaks about people and speaks “in the language of men,” and this has significance and importance in the interpretive process (cf. 16).

(hereinafter). However, and also in accordance with Prof. Barak's book, which was quoted in the decision, at a stage where 17

The range of linguistic possibilities has been determined. The interpreter must take into account not only the meaning 18

the ordinary meaning of the language, but also a meaning that is not such **(Barak,** p. 117 and pp. 135-136; see on the subject 19

This is also Aharon Barak's (2003) **Purposeful Interpretation in Law** (p. 150). There may be cases in which 20

21 Ultimately, the purpose of the legislation will lead to the use of the language in a sense that is not natural and ordinary.

22

48. The controversy over whether the dictionary meaning of the word 'inventor' can also include a machine, 23

It has no practical implications in our case. Both the examiner and the registrar came to the conclusion that it is not possible to

Accept the appellant's position based on our examination of the context. The examiner is required to formulate a definition of 25

"Inventor" and believed that the phrase "coming from his power" cannot be attributed to the machine. Registrar 26

It is required to refer to other provisions of the Patent Law in which the word "inventor" appears, from which it is learned that an inventor 27

28 Cannot include a machine.

29

It is not for nothing that the examiner and the registrar acted in this way. The linguistic examination phase is carried out against the background of the context of 1 .49
The word under consideration in the legislation. In interpreting a law, "more is required than the interpretation of each word when it is 2
"For itself" (AA 282/73 **Tax Collector, Haifa v. Arison, PD** 28(1) 789 (18.3.1974), 3
4 (p. 793), the word is examined in context, as part of the linguistic stage.
5
"The definition of the word [...] in the dictionary [...] is meaningful and can be relied upon, but when it appears 6
The word "in legislation" is not the meaning in the dictionary that is the sole determining factor, and the word must be interpreted in context .
In which it appears" (CA 362/79 **Director of Customs and Excise v. Telrad, Telecommunications Industries** 8
and Electronics Ltd., PD 57 (2) (17.12.1980), at p. 59. "In terms of the language of the legislation, 9
The word subject to interpretation should not be isolated from the context in which it is found in the legal provision, since 10
11 "That the meaning of an expression cannot be ascertained except in its full context" (High Court of Justice
12 8987/22 **Movement for the Quality of Government in Israel v. Knesset** (2.1.2025), Section 166).
13
14 "The meaning of a term cannot be understood and interpreted except in the context of its context. The matter changes,
Even the meaning of a term can change" (Case 146/64 **Attorney General v. Salameh,** 15
P.D. 18(4) 501 (9.12.1964), p. 504. In the words of Judge (as he was then called) Sussman, Shalia 16
Many refer to it: "Speech in enactment is a creature that lives in its environment. It receives its character from the context of things 17
[...[" (HCJ 58/68 **Shalit v. Minister of the Interior,** PD 23(2) 477 (23.1.1970), paragraph 14 of judgment 18)
19 Dino (.
20
21 The expression is the law that one comes to interpret. [4] 50. The linguistic context
22
"A great rule is that every law [...] must be interpreted as one whole division [...] 'Natural Interpretation 23
The most correct and correct interpretation of a law is to interpret one part of it by another part of the same law, because 24
This best expresses the intention of the legislator..." (Case No. 7909/16 **Sif Metals Ltd.** 25
v. Regional Commissioner - Customs and VAT Division (26.4.2018), paragraph 23, quoting the words of 26
Justice H. Cohen in case 428/74 **Dadash v. Jerusalem Municipality,** P.D. 29(2) 23 (4.3.1975), 27
which in turn include a translated excerpt from English law. "In our business of interpretation, we present 28
We ask ourselves this question: What does this particular term mean in the legislation we are discussing, in the context in which it is used?

4 In contrast to the connection with the multilingual **(Barak,** p. 106).

Standing?" (A.P. 94/65 **Turgeman v. Attorney General,** P.D. 19(3) 57 (9.9.1965),

(p. 80). See also **Clement Case,** §§ 43-45.

We are dealing with the Patent Law. The term "inventor" is not defined therein, but appears in a number of its provisions. .51

There are provisions in the Patent Law that relate to the "survivors" of an inventor:

"An inventor for whose invention a patent has been requested, or his heirs, may demand that the inventor's name be indicated in the specification, in the register and in the patent certificate..." (Section 39 of the Law).

"Require an inventor or his heirs to indicate the name of the inventor..." (Section 40 of the Law).

implies that it is a person, and even [5] The term "survivors" of an inventor, which is also not defined in law

In a person who is a human being (since "where a person is involved - even a group of human beings in the sense", section 14)

4 of the Interpretation Law, 5741-1981; and all, "If there is no other provision for the matter in question and if there is no other provision in the matter "in the matter in question or in its context, something that is inconsistent with this law", Section 1 of the aforementioned law).

The Patent Law also contains provisions that attribute certain actions to the inventor. .52

Section 39 of the law cited above concerns the case where an inventor (or his heirs) "demands" that his name be mentioned.

Section 42 of the law rules out the possibility of contractually stipulating the right to mention the inventor's name, stating:

"A stipulation whereby the inventor waives the right to demand that his name be mentioned is invalid." Actions of

Demand, waiver, and even contractual engagement are currently attributed only to a "person." These actions can, however, be

be attributed to a member of the human race and not just to a human being, but for our purposes it is sufficient that the appellant is not

Claims that a machine can do them.

It may also be mentioned that according to Section 11(b) of the Law, in the case where the patent applicant is “a person who is not a .53

The inventor must state how the owner of the invention was. The use of the word "person" in this section is made

With regard to a patent applicant, however, the contrast contained in the phrase "a person who is not the inventor" may imply that

The inventor is also supposed to be a "person." No claim has been found that the word "person" in Law

The patents should be interpreted as including a "machine".

[5] In section 29 of the decision, the Registrar cites some definition, apparently for the phrase 'survivors', but its source is not mentioned.

54. The appellant argues that the fact that a machine cannot integrate with certain actions and terms attributed to the invention in the provisions of the Patent Law (demand, waiver, remainders, etc.), "is not necessarily "There should be no possibility of seeing an inventor in the machine as well, and alternatively, that through appropriate interpretation It should be possible to adapt the terms in the various provisions to circumstances in which the inventor is not human (Section 22 of the appeal). I will be precise because for our purposes the argument should be: to the circumstances in which the inventor is Machine (The appeal did not address the question of whether a corporation can be an inventor and the requirements for this are extensive The canvas beyond the demand.

55. We have seen that the Patent Law refers in various provisions to the term inventor in a meaning that cannot be According to the Supreme Court ruling, when a legislative act makes various provisions, it includes a machine. When using the same expression, there is a presumption that the meaning of the expression in its various provisions is the same (matter **Clement,** Section 65; A.A. 3319/94 **Pepper v. Raanana Local Planning and Building Committee,** P.D. (2) 581 (14.2.1997), section 11; A.A. 3368/93 **Ventura v. Bolotin, P.D. (4)** 452 (14.1.1997), Section 4; pursuant to 107/73 **"Negev" - Automobile Service Station Ltd. v. State of Israel,** 15th Judicial Circuit Court of Appeals 640 (24.2.1974), p. 642; **Barak,** pp. 599-600).

This assumption can be contradicted, but a foundation must be established that will lead to a different conclusion, which is an exception. "Although A case may arise in which a particular term will be interpreted differently in different legislation, and sometimes even In the same legislation, however, this is the exception to the rule. Indeed, in terms of the uniformity and completeness of the wording And for the purpose of understanding the meaning in the law, it is acceptable and desirable for the same term that appears therein in the following contexts to have the same meaning : "Different, one and the same meaning" (RAA 3530/21 **Optica Halperin Ltd. v. Ziss** (3.3.2022), (Article 20).

56. In the specific case, there was no real discussion of the possibility of giving a different meaning to the same expression. which appears in several provisions of that law and no adequate basis was provided to reach the conclusion that this is a In the case where, as of today, a distinction must be made between the meanings to be given to the term inventor In various provisions of the Patent Law.

.57 The specific provisions in the Patent Law in which the appeal seeks to read the word "inventor" 1
The definition of "inventor" appearing in Section 1 of the Law and Provision 2 actually also includes a machine.
Section 11(b) of the Law. No analysis of these provisions against other provisions in which 3 appears was found.
The same expression in a way that should teach that, given the context and purpose of the instructions, this is a case where there is 4
To determine a different meaning for identical expressions in the same legislation (AA 8438/09 **Rubab Company** 5)
Properties Ltd. v. Donitz Brothers Ltd., P.D. Sa(2) 635 (19.4.2012), Section 26; 6th App.
8360/08 **Ministry of the Interior v. Hebrew Union College Institute of Jewish Studies** (30.11.2011), paragraph 7
22; Case 8265/00 **Shufersal Ltd. v. District Planning and Building Committee, Central District,** District Court 8
(No. 885 (20.8.2002), Section 35). It should be noted that according to the examiner's position (which was not adopted), the context 9
The narrowness of the concrete law (definition of "inventor") emphasizes the opposite conclusion, that 10
An inventor cannot be a machine, since according to his reading of the definition, it must "come from the power" of an inventor 11
12 (In addition to entitlement by virtue of transfer, agreement or law), and this is not possible with regard to a machine.
13

58. The appellant argues that flexibility should be exercised in the interpretation of the law in order to allow for dealing with 14
Changes in reality and technology. On a principled level, the claim is correct. "Words are loaded with meanings 15
And meanings unravel with the passing years and changing times, and for the same word itself 16
"Different meanings in our youth and in our old age" (A.A. 2622/01 **Land Appreciation Tax Administrator v. Lebanon,** 17
(P.D. 55(5) 309 (29.7.2003), paragraph 2 of Judge Turkel's judgment). In the range of possibilities 18
Linguistics can include not only the meaning of an expression at the time it was enacted, but also meanings 19
The language of legislation is not “frozen” as it is understood at the time of its enactment **(Barak,** 20
21 (pp. 131-132). But for such flexibility, it must at least be shown first that with a change
The expression of the times is indeed given a contemporary meaning, which is claimed **(Barak,** p. 134) (and there is a need for 22
(In the presence of additional circumstances that need not be addressed here.) As of the date of this judgment, there are no 23
24 It was established that the term inventor has been updated in natural and ordinary language in a way that also includes a machine.
25

.59 Given the above, and in particular in light of reading the expression in the context of the concrete law, there are those who would come to 26
To the conclusion that at least at this time, the range of linguistic possibilities of the term 'inventor' in Law 27
The patents do not include a machine. Such a conclusion brings, according to all approaches, the end of the interpretative journey (matter
29 28 **Clement,** section 4 in the minority opinion).
30

On the other hand, anyone who believes that despite the unusual nature of the meaning and its inconsistency with other provisions in Law 1
Patents, the range of linguistic possibilities also includes a machine within the scope of the phrase "inventor", will pass 2
3 Examine which interpretation best fulfills the purposes of the legislation.
4
It seems that different positions in the case law regarding the application of the theory of purposive interpretation are expressed 5
To a large extent in determining the range of linguistic possibilities; there may be different opinions on whether 6
A certain possibility lies within or outside the boundary of the complex (see, for example, **the Clement case,** paragraphs 65-66).
To the judgment of Deputy President Solberg; Section 1 to the judgment of Justice Elron; cf.: Section 8
9 3 of Judge Barak-Erez's judgment; 5-6 of Judge Ronen's judgment).
10
Although the Registrar found that the meaning sought by the appellant goes beyond the scope of Section 11 .60
In his decision, the Registrar also addressed the arguments regarding the purposes of the law. 12
13 Required now.
14
15 purpose
61. When addressing the purposes of legislation within the framework of an interpretative process, it is customary to refer to the purpose 16
17 subjective and for an objective purpose (a distinction not found in the parties' arguments).
18
The subjective purpose is learned "from the declared intention of the legislator as emerging from history 19
"The legislative intent of the law and the Knesset's statements" (Petah **Tikva Municipality matter,** section 36). "This is the 'intention of 20
The legislature's 'when the specific legislative act was enacted, and it is learned from legislative history, 21
As it is expressed, among other things, in the explanatory notes to the bill, or in reference to 22
"The legislators to it during the legislative process in the Knesset plenum or in its committees" (RAA 67114-23)
01-25 **So-and-so v. Asaad** (22.12.2025), paragraph 15). “This is not a matter of presumed intent, but rather 24
"in the objectives that were before the eyes of the legislator when he enacted the legal provision" (Görtler **case,** 25
26 (Article 19).
27
First and foremost, and to the extent possible, the purpose of the specific legal provision will be examined (see, for example, the
Neumann case , Section 49; Case No. 28 , **Lindoren v. Karnit – Accident Victims Compensation Fund,** 29) .
30 **Roads,** P.D. 55(1) 12 (19.12.1999) (Lindoren **case),** paragraphs 10-11).

As for the objective purpose, this "includes the goals and policies, the values and principles which all legislation in a modern democratic society is intended to achieve, namely, "the purpose that a 'reasonable' reader of the legislative text in a democratic state would give it when providing interpretation" (matter **Gortler,** ibid.).

62. The Registrar is required to refer to the legislative history and, in particular, to the definition of "inventor" and the provisions of Section 11(b) of the Law. In this context, the Registrar referred to the words spoken at the Knesset plenary session in which The law in second and third reading, when it was noted that a change was introduced in the definition of "inventor" in wording

The bill, in order to "emphasize the uniqueness of the inventor" and "to emphasize and highlight that the essence of protection "It is for the inventor." The Registrar also provided a statement relating to the duty of an applicant who is not the inventor. to notify how the inventor had (Section 11(b) of the Law), as "additional protection of the right The inventor", where "in this way the registrar can establish the path of the invention's transformation from the inventor's hand "to the patent applicant and thereby to protect the rights of the inventor to the extent that they have been violated" (Article 14) 35 of the decision; D.C. (8.8.1967), 2908-2909).

63. From these words and from a review of the Knesset's own statements, it appears that the definition of "inventor" and the provision of Section 11(b) were formulated in a manner intended to express the legislator's desire to protect an inventor and his rights and to emphasize its uniqueness, in addition to the economic interest in protecting the property of the person recognized as the owner of the invention. Presumption The legislator's conclusion that the inventor has 'rights' that must be protected is not easily reconciled with Referring to the machine as an inventor, when the appellant himself does not claim that the machine has rights (p. 10) (Sections 12-13 of the Protocol of the 11th Session; p. 25, Sections 16-17).

The appellant's arguments did not contain any appropriate reference to this matter. The appellant's reference The purposes of the law concerned the law as a whole and not the purpose of a specific provision. The parties to the appeal They did not elaborate on these matters and did not address the nature of the purposes (as opposed to the question of whether the purposes (It will be justified by one position or another.)

The subjective purpose of legislation can also be learned from the language of the legislation. .64

The natural and ordinary language of legislation constitutes a primary source, although not the sole source,
To learn about the purpose. There is a presumption that a natural, simple and ordinary use of the language of the law "is what reflects
"the purpose of the legislation, and gives legal meaning to the law" **(Barak,** p. 588; Ltd.
9752/08 **Plunit v. Attorney General** (19.1.2009), Section 14; RAA 4223/06
Katz v. Gottlieb (25.5.2008), Section 25; HCJ 10980/04 **Association of Safety Supervisors**
Local Authorities v. Minister of Education (23.1.2007), Section 15; A"A 7975/98 **Ahuzat**
Rishonim Rubinstein Registered Partnership v. Rishon LeZion Municipality (9.2.2003), Section 11).

"In order to ensure security and certainty, great weight must be given to the perceived purpose of legislation
In the mind of the ordinary reader, according to his ordinary understanding of the language, "heavy considerations are required
weight to bring about the formulation of a legislative purpose that is inconsistent with that arising from the ordinary language of
"The matter of legislation" **(Barak,** p. 589).

The appellant does not dispute that ordinary and natural meaning as of today does not view a machine as an inventor
According to the law. The assumption that natural language reflects and fulfills the purpose of the legislation is not
Helps him.

65. The appellant argued that "the law should be interpreted purposively, while the Honorable Registrar chose
"in a simple and natural interpretation" (p. 44, pp. 15-16). A purposive interpretation does not necessarily meet
Contrary to what the appellant called a natural interpretation. On the contrary – as noted, there is a presumption that the statements
Integrate.

There is no dispute that at the time of legislation, the legislator did not see a machine as an inventor for the purposes of Law 25. .66
And it is not required to ask whether this is possible or desirable (Mal. 11/ at p. 16, p. 13-9). Not given in matter
This is to attribute to legislation a concrete purpose and a positive decision.

67. The appellant claims that the interpretation given by the Registrar "was established somewhere in the 1960s" while A purposeful interpretation must be given in accordance with the changing times; meaning "fulfilling in the full sense "The purpose of the legislation is most important" (p. 44, pp. 24-25).

68. The fact that a certain technological, social or other reality was not before the eyes of The legislator, when enacting a law (here: the Patent Law), does not necessarily prevent the Possibility to recognize an interpretation that includes up-to-date meaning for the language of the law. New content can be added For old tools (CA 5097/11 **Talran Communications (1986) Ltd. v. Charlton Ltd.** (2.9.2013), Section 13 of Judge Zilbertal's judgment, Section 2 of Judge 9 's judgment As he was then called, Amit.

> "The meaning to be given to the speech in the law [...] is not fixed and eternal. The law is Part of life, and life changes. With the change in reality, understanding also changes. The law. The language of the law stands on a machine, but its meaning changes with "conditions "The changing life" [...] Interpretation is a renewing process. Modern content must be given to the old language" (Lindoren **case,** paragraph 17).
>
> "Justice does not stand still. One of the functions of the court in its To interpret the law is to adapt it to the phenomena of life that came into the world after Its legislation – provided that the matters are consistent with the purpose of the legislation [...]. The law Although it was enacted in the past, it is intended to provide a solution to the problems of the future as well. Such a solution This is made possible, among other things, by providing a purposeful interpretation that conforms to the law. to the social changes that occurred after its enactment and to the dynamic living conditions. Hence The saying that "the law is wiser than the legislator" – in contrast to the legislator, who acts in the moment At a certain point in time, the operation of the law is temporal, in the sense that it remains in place. and is also expressed years after its enactment against the background of the changing reality of life" (matter **Gortler,** paragraph 5 of Judge Kanfi-Steinitz's judgment).

But what? Legal interpretation, however dynamic, should be carried out on an appropriate basis regarding the purpose of the law. The legislation and the way it is enforced by the requested interpretation. There is no such infrastructure before me.

It was noted above that there was no satisfactory response to the purposes that arose from the legislative history regarding provisions 2. .69

Concreteness.

At a general level, the appellant described the purposes of the law as "encouraging innovation and encouraging inventors to discover

"Your invention" (Section 11 of the appeal; and see Section 38 of the decision).

Compare: "The Purposes of Patent Law 'On One Leg'" in DNA 5679/21 **AS SANOFI v.**

Unipharm Ltd. (26.12.2023), where it was stated, among other things: "The ultimate purpose of intellectual property law,

including patent law, is intended to enrich human creativity, encourage scientific research, and assist

in developing technology and advancing it for the benefit of society," because "in the meantime, patent laws are running around

different purposes and interests, some of which 'pull' in opposite directions," and that "patent law strives to

To find the appropriate balance between the various interests [...] through the design of a legal system,

Balancing the benefits derived from encouraging inventors to develop inventions, and the economic costs

"involved in providing these incentives" (paragraph 52 of the judgment).

70. The appeal argues that the purposes and considerations underlying patent law allow “and even require” the possibility of

to register him as the owner of the invention (section 2 of the appeal) and that this would also serve general principles of

Transparency and purity of the register.

In light of the above factual and legal background, this description in the notice of appeal is not entirely accurate. No

The very registration of the appellant as the owner of an invention was at issue. The way in which the appellant chose

To go from needing to first recognize the machine as an “inventor” (and hence to move on to recognizing the appellant as the owner of

The argument should therefore be that the purposes and considerations underlying patent law

allow, not to say require, the recognition of the machine as an inventor under the Patent Law. Similar to the Registrar,

I wasn't convinced by that either.

71. The appellant defined the purposes, as mentioned, as encouraging innovation and encouraging inventors to discover the 1

2 You invented it. Well, according to the appellant, the inventor is a machine. A machine does not need encouragement; right?

3 [6] Today, her definition as an inventor will not incentivize her to develop innovative inventions.

4

Regarding the relationship between intellectual property laws and rapid developments in reality, it was noted in one case that 5

The need for flexibility to protect the "fruit of the human spirit." "Intellectual property law is the order of the 6

A rigid and rigid specific, some of which are found in mandatory orders, and even the new ones are not 7

Renewed at the pace at which intellectual property develops in reality. Progress, the serpentine development 8

The amazing in all areas of life, the many and varied innovations, inventions, and breakthroughs 9

In many fields, new situations are constantly emerging, most of them unforeseen. 10

11 Thus, a situation has been created in the field of intellectual property in which original ideas, the fruit of a person's spirit, are not

"are protected as they do not fit within the existing frameworks of intellectual property law" (RAA 12)

5768/94 **A.S.I.R. Import, Production and Distribution v. Forum Accessories and Consumer Products Ltd.,** P.D. 55 (4) 13

289 (23.9.1998) (A.S.I.R. **case),** paragraph 18(g) of the judgment of Justice Strasberg-Cohen). 14

15 The appellant allegedly claims the need for flexibility to protect the "invention of a machine."

16

72. The appellant's intention appears to be that developers of artificial intelligence machines and 17

18 The owner of such machines (see the description of his claim in section 38 of the decision).

19

In the present case, according to the declaration, there is an overlap between the key and the owner. The same party, the appellant 20

21 (Dr. Thaler), developed the machine and is also its owner. However, what is the position in the case where there is no

Such an overlap? If a right is granted to the owner of a machine, as may arise from the appellant's arguments, is 22

The developer of the machine has no rights? Who do they want to incentivize? It has not been clarified when, if ever, 23

24 It would be justified to provide such protection under patent law in its current form.

25

It is also not clear why defining a machine as an inventor is an appropriate way to achieve the desired goal .

(What is more, such a definition may have other implications; p. 12, p. 12-15, p. 30, p. 23-24), 27

This is even in an attempt to make adjustments by interpreting existing legislation, as opposed to turning to 28

29 The legislator.

---

[6] Compare: the court's comment in the judgment mentioned in footnote 2 above, on p. 20.

1

73. The course of action chosen by the appellant does not lead to a discussion of the question of level of involvement 2
The human nature required, if any, for a person to be considered the inventor of an "invention made 3
The Registrar clarified that he did not deal with 4 [7] "with the assistance of a machine" (paragraph 78 of the decision, paragraph 24 of the
appeal) on this question. There is no basis for the doubts raised in the appeal (paragraph 24) regarding the presumed intention of 5
The Registrar in his statement that he was not required to answer the question. The claim that the Registrar erred in not dealing with 6
In the matter. Given that the appellant insisted that there was no human involvement in the inventions, but 7
It is understood that there was no need, and perhaps no room, for a theoretical or principled discussion of issue 8.

9 Which did not come up.

10

11 In addition to the above, this is not a case in which a review of "other legislative matters in its 'surroundings'" .74
The legality of the law, including those enacted after its enactment, and the manner in which they are interpreted by the House 12
The law" teaches about "perceptual changes that have occurred in law and halacha since the enactment of the law, which have 13
"On its interpretation" (Görtler **case,** paragraph 5 of the judgment of Judge Kanfi-Steinitz). In contrast to 14
For the cases discussed in the case law, it currently appears that an interpretation in the requested format will not
contribute to legislative harmony and may even disrupt it (cf. **the Gortler case,** paragraphs 34 and 39 of the judgment of 16

17 Acting President Judge Fogelman.

18

75. In this context, one can also mention the international context to which the Registrar is required. The appellant himself 19
Notes that in intellectual property law, harmonization has significance from a global perspective (p. 50, pp. 16-20)
(13). The Patent Law was enacted with the stated intention of bringing Israel into the patent protection framework .
which is consistent with international art and doctrines (Yonatan Drori **Patent Law** (2023), p. 22)
9; Explanatory Notes to the Patent Law Bill, 1965-1968, 637 (119). The trend towards deepening 23
Coordination between patent law in Israel and international frameworks for regulating patent law continued 24
To be expressed, among other things, in legislation and secondary legislation over the years (see, for example, Devarim 25
Explanation of the Bill to Amend Intellectual Property Laws – Compliance with the Provisions of the TRIPS Agreement, 26

27 5759, 1999- 524, 2819.

28

[7] And whether there is room for setting other criteria in a case where artificial intelligence is involved.

76. In the case of the appellant, Dr. Thaler, there is no difficulty in ascertaining the state of the law in other places, since Similar requests were filed around the world. The Registrar's decision reviewed the main reasons for the decisions of granted in the US, England, the European Patent Office (EPO), Australia and Germany, and it was noted that In most cases, the applications were rejected on the grounds that the law requires that the inventor be a human being or That the appellant does not have the right to apply for a patent.

Below is a summary of the situation described and updates regarding developments after the Registrar's decision.

77. **USA** – US Court of Appeals (Federal Circuit) dismissed appeal of decision United States District Court for the Eastern District of New York District of Virginia (to dismiss an appeal from the USPTO's refusal to register the It was determined that the law should be understood as referring to "only a human person" [8]. Dr. Thaler's patent applications And inventions made by a machine are not accepted for registration.

Certiorati of writ a for Petition to the Supreme Court of the United States denied (after [9] The decision of the Registrar, which is the subject of the appeal here, was given

Regarding the situation in the US, it can be added that about a month ago the US Patent Office published (USPTO) Updated Policy Document Regarding Inventions Using Artificial Intelligence Revised Inventorship Guidance for AI-Assisted (Invention from a Process as Part of According to this document, which also refers to Dr. Thaler's proceedings in the DABUS matter, only [10] Inventions) A human "natural person" can be an inventor. Artificial intelligence, however sophisticated, is not considered an inventor. It is treated as a tool that can be used to create a computer model, software, etc. To assist the inventor in the invention process.

[8] *.Thaler v. Vidal,* 43 F.4th 1207, 1210 (Fed Cir. 2022)

[9] *.Thaler v. Vidal,* 143 S. ct.2497 (2023) (mem.)

[10] https://www.federalregister.gov/documents/2025/11/28/2025-21457/revised-inventorship-guidance-for-ai-assisted-inventions#footnote-8-p54636

78. **England** – UKIPO (held that a machine cannot be an inventor under The law and cannot transfer rights and that Dr. Thaler cannot be entitled to rights by virtue of his ownership In the machine. An appeal to the court was dismissed, as was an appeal to the Court of Appeals (majority opinion).

Highlights of the Court of Appeals' decision were presented in the Registrar's decision.

6 The Supreme Court of the United States (the Supreme Court) confirmed on 20.12.2023 Kingdom (the decisions of the previous courts).[11] It was determined that an inventor under the Patent Law is obliged to Being a "natural person", DABUS does not meet this condition and is not an inventor. Dr. Thaler He cannot be considered a rights holder solely because of his ownership of the machine and Doctrine 9 does not apply in the circumstances.

Accession of. The starting point of the law is an invention whose inventor is a human being.

To complete the picture, it should be noted that a patent application in which Dr. Thaler stated 12 was later rejected in England. himself as the inventor, in light of his other statements that the invention was carried out autonomously on 13 by DABUS and he had no contribution that could define him as an inventor according to the criteria [12] Traditional. Appeal against UKIPO decision dismissed on 1.9.2025

79. **European Patent Office** – The Appeal of Board dismissed Dr. Thaler's appeal on Refusal of the European Patent Office (EPO) to accept patent applications mentioning DABUS as an inventor and determined that the term inventor under the European Patent Convention (EPC) refers to [13] A legally competent human being

On 25.11.2024, the EPO's Appeal of Legal Board rejected an appeal against the rejection of application Amended registration filed by Dr. Thaler in which he identified himself as the "inventor" by virtue of his ownership of the machine DABUS, which created the invention "autonomously". The decision determined that any application for registration [14] The patent must explicitly state the identity of the inventor, who must be a "natural person"

[11] https://supremecourt.uk/uploads/uksc_2021_0201_judgment_3f445a5dc7.pdf

[12] https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/Ch/2025/2202.html

[13] https://www.epo.org/boards-of-appeal/decisions/pdf/j200008eu1.pdf

[14] https://cdn.patentlyo.com/media/2024/12/DabusEPO2024.pdf?_gl=1*17th2kr*_ga*MTg5OTM2MTI5My4xNzY2MDQ1NTIx*_ga_G57FX3W4N3*czE3NjcwOTk4MjQkbzQkZzAkdDE3NjcwOTk4MjQkajYwJGwwJGgw

EPO Patent Examination Guidelines Document (in Examination for Guidelines 1)

The European Patent Office (April 2025) states that an inventor must be 2

3 "natural person", while referring to the decision in the case of DABUS 15

4

80. **In Australia,** the Patent Office refused to register the applications. On appeal, this was overturned .

The result was that the single judge ruled that the provisions of the Australian Patents Act do not exclude the possibility of 6

That a machine be defined as an inventor. The result was reversed in an expanded composition and it was determined that a machine is not 7

The Supreme Court rejected Thaler's request for leave to appeal. 8 [16] Could be an inventor

9 [17] (Noting that this is not the appropriate way to discuss the essential questions he is trying to raise)

10

11 81. **Germany** – In a ruling issued on 11.6.2024, the Federal Court of Justice also determined that

At the same time, it was determined that even if intelligence was used , [18] An inventor can only be a natural person.

involved significantly 13 " Artificially, a person can be designated as an inventor, when it is someone who was

It is also written that according to scientific knowledge today, 14

"scientific knowledge of state current", human involvement of preparation or influence 15

16 there is no such thing as a system that searches for technical "(ÿÿÿÿÿÿ ÿÿÿ

17th verse 40, "Teachings without any human preparation or influence"

18 The court did not decide the question of the type or degree of human contribution necessary for it to be possible to indicate

A human being as an inventor in a case involving artificial intelligence. The court held that the 19

A certain update of Dr. Thaler's patent application has already made it quite clear that he is the inventor 20

And that artificial intelligence is not co-invented, but only a means that is used 21

22 ÿÿÿÿ"(means used by the applicant to find the claimed technical teaching"(

23 Its examination process can be continued at the Patent Authority.

24

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[15] https://link.epo.org/web/legal/guidelines-epc/en-epc-guidelines-2025-hyperlinked-showing-(67-68) 'pp. (modifications.pdf)

[16] https://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2022/2022fcafc0062

[17] https://artificialinventor.com/wp-content/uploads/2022/11/2022.11.11-Transcript-Special-leave-hearing801737754.1.pdf

[18] https://artificialinventor.com/wp-content/uploads/2024/07/BGH-DABUS-english.pdf

82. In other places including Japan, Canada, China, South Korea, Taiwan, Switzerland, New Zealand, Brazil and Arabia 1
In the Saudi case, decisions were made in a similar spirit to those given in the US, England, and the Patent Office 2
3 European and Australian.
4
South Africa is the only place where Dr. Thaler's patent application was accepted (where 5
DABUS is mentioned as the inventor), it being agreed that no substantive examination is carried out in South Africa 6
(Page 14, paragraphs 18-21 of the minutes of the hearing before the Registrar of the 11th Circuit; Appendix 2 to the Notice of Appeal; Section 7)
8 41 for the answer to the appeal).
9

.83 The summary shows that the global situation in the field, a subject that is commonly discussed in patent matters, is 10
The legislator, who frequently expresses a desire for harmony, does not support position 11.
The appellant (although he believes that "buds" of developments can be seen in the field; p. 53, p. 28-12)
23). It seems that in issues where there is a need for a “unique balance” (as stated in section 23 of the appeal) at level 13
The local legislature considered this as such. This is also evident from the judgment to which the appeal referred. 14
In this matter: RAA 8127/15 **Israel Manufacturers Association v. Sharp & Merck** 15
16 .)15.6.2016(Dohme **Corp.f/k/a**
17

.84 The above does not detract from the rule that foreign law constitutes an interpretative source and recourse to comparative law will be made .
With caution (RAA 5267/09 **SA Lundbeck.H v. Unipharm Ltd.** (15.3.2010), Section 19
72); Considerations in foreign courts based on other legal systems are not necessarily the same 20
For considerations in proceedings conducted under Israeli law (opposition to patent application 138831 21)
Elbit Systems Ltd. v. Rafael Advanced Combat Systems Ltd. (30.6.2013), Section 22
82). Accordingly, the Registrar stated in one of the hearings held before him that "if our law says anything 23
One and something is allowed under our law, so the fact that in Australia or the UK or 24 countries
"Others thought one way or another, it will not affect my interpretation here" (p. 3, p. 12-9, 25)
For the minutes of the hearing dated March 21, 2022, 8/26. If there were an infrastructure in place that justifies this, it would be possible .
It was to establish an interpretation of Israeli law that is inconsistent with interpretations given in parallel requests 27
28 In other international frameworks, this is not the case.
29

For the sake of good order, I will correct that no objective purpose was presented that reflects the fundamental values. .85
of the system (such as: the Jewish and democratic nature of the state, the principles of separation of powers 2)
and judicial independence. Social values such as good faith, fairness, honesty, reasonableness, and avoidance of conflict 3
Matters. Human rights, including the right to equality (Lindoren **case,** Article 13), which can have an impact 4
5 On the interpretation.
6

The need for an interpretation that best fulfills the purpose of the law is a central consideration. Similar to Registrar 7 .86
And even after reviewing the additional documents that the appellant requested to attach as evidence in the appeal, I also do not
I am convinced that defining a machine as an inventor and striving in this way to grant patent protection to inventions 9
created solely by artificial intelligence, will serve the purposes of the Patent Law; at a minimum – 10
without making any further adjustments or changes. As noted in the decision, this is a complex question with 11
Many aspects, there is reason to argue that it is appropriate to bring it first and foremost to the attention of the legislator 12
13 (Cf.: Lindoren case , Judge Turkel's ruling). See also: "Monopoly, on the principle of
If at all it is worthy of being granted, it is right that the legislator should grant it, while the halakha should tread carefully. 14
15 "Be careful on this waterlogged land" **(A.S.I.R. case,** section 85).
16

This is not a case where language and purpose "pull" in opposite directions; adherence to language will bring 17 .87
to severe consequences (Neumann **case,** paragraph 92 of Judge Grosskopf's judgment) and the granting of 18
The ordinary meaning would not correspond to its purpose. No justification has been established for assigning a "meaning other than 19
"ordinary or natural" to the words of the law, because "it is required by the purpose" or to the interpretation in which 20
There is a “limited fit” to the language in light of a “clear purpose calling for it” **(Neumann case,** Section 6 21) .
(to the ruling of Judge Kanfi-Steinitz). It is certainly not a “drafting error” (as determined in 22
23 Regarding **Neumann.**
24

At the hearing, the appellant's attorney argued that "when there is no prohibition, the purposive interpretation dictates reaching the result 25 .88
26 "Enables" (p. 50, p. 5-4).
27

No reference was found in the appeal for this claim. The way in which the argument is worded suggests the 28
The rule according to which a person has freedom to act unless a particular action has been prohibited by the legislator in law 29
(HCJ 1/49 **Bejarno v. Minister of Police,** PD B 80 (10.2.1949)) and perhaps also the interpretative rule 30

In criminal law, according to which "if a particular piece of legislation has more than one reasonable interpretation that fulfills the 1
Its purpose [...] Among those interpretations, the interpretation that is more lenient with the one who is supposed to bear 2
"criminal liability under the same legislation" (DNP 10987/07 **State of Israel v. Cohen** 3
(2.3.2009), Section 10 of the judgment of the then-titled judge, Beinisch; see Section 34a of Law 4
Penal Code, 5777:1977- "A law is given several reasonable interpretations according to its purpose, the matter will be decided according to 5
6 "The most lenient interpretation applies to those who are supposed to bear criminal responsibility under that law."
7

89. Beyond other difficulties in this argument, in the concrete case the interpretation sought by the appellant 8
It is not intended to determine that a person will not be considered to have violated a criminal or administrative law, but rather to benefit 9
A right – an intellectual property right – which, given its nature and as long as it is in force, will also impose prohibitions on 10
11 Others. Intellectual property rights are a product of law and exist within the scope and limits established by the legislature.
12 The scope of the right can even change within the same country at different times.
13

14 "Intellectual property, as its name suggests: is the creation of the human mind, its birth is in law (or
15 (in Halacha), [...] its foundation is in law and its end is in law. Intellectual property is, in essence, a creation
16 Abstract normative [...] the law or the halakha is the determinant – and they
17 Which are supposed to determine – when will a certain intellectual property be created and exist, what will be the conditions?
18 "its existence, what will be its scope, what will be its limitations" (A.S.I.R. **matter,**
19 (Section 42 of Judge Cheshin's ruling. "Each and every law, for itself, determines the
20 The appropriate balance in his opinion – both in terms of the content of the intellectual property right and in terms of
21 Duration of its life – between the existence of the principle of free competition and the need for the existence of
22 a dynamic marketplace for the exchange of ideas, and the desire to protect inventors and creators in order to
23 Encourage them and reward them appropriately [...]. We have said and will say it again: Intellectual property – a
24 Its existence, content, and boundaries – all of these will be found in the law of its body: its opposite in the law
25 "And turn it into a place where it is enclosed" (ibid., section 44).
26

The appellant did not refer to the rule that granting a right should be preferred when it is verbally possible, 27
And let us remember that in the case of the right in question, this means granting a kind of monopoly for a period of 28 years.
The argument raised can also act as a double-edged sword: since recognition of a patent limits the
and prohibits the public from making free use for a certain period of time, it can be argued that as much as possible 30

Interpreting the law in a way that does not restrict the public, this should be preferred (without referring to option 1).

(To provide relief under other laws, in particular wealth creation laws.)

Who is an inventor – summary and notes

The natural and usual interpretation of the term "inventor" as of today does not include their names in its scope. .90

Even if such a reading is possible at the literal level, it is not a routine reading. Reading the term

In its context, the Patent Law makes this possibility even more difficult, and some might argue that it is precluded. No

It was established that the purposes of the law call for the interpretation sought by the appellant or that other considerations

justify this. In the circumstances of the case, there is no reason to interfere with the Registrar's decision that a machine cannot

To be considered an inventor under the Patent Law and that the patent applications will be rejected.

Applications submitted in the appeal process

91. A request was submitted in the appeal to join the proceedings as a 'friend of the court' on behalf of the 'Shalom Research Institute '

Comparative from the Eliyahu Center for Law and Technology at the Ono Academic College **(the Institute),** by Rosh

The Prof. Shlomit Yaniskey-Ravid Institute.

A sign of things to come could be found in the notice of appeal, since it stated that the appellant "will not object"

For organizations and academic representatives to join the proceedings as amicus curiae (Section 18 of Notice 18)

The appeal.

92. The application for membership states that the Institute is a non-profit academic body which, by virtue of Article

Its purposes and goals relating to the promotion of innovation in general and the promotion of the appropriate interface between technology

And law in particular, and in light of his expertise, represents the public interest in promoting a 23- based economy

Technology. According to the institute, it has the ability to enlighten the court and the patent registrar

As for additional and broader aspects of the circumstances of the procedure.

93. The criteria for joining a party as a friend of the court were discussed in a decision given in the 27th

7929/96 **Kozli v. State of Israel,** P.D. 529 (16.2.1999) (Kozli **case)** Asher Odeh

The law applied in the matter (HCJ 70854-03-25 **Association for Civil Rights in Israel v. Knesset**

.))27.10.2025(

As emerged from the request and approved in the discussion, the head of the institute is a partner in the international project within the framework of which 1 .94
Patent applications have been filed, a project led by Prof. Ryan Abbott (University of Surrey). 2
Prof. Abbott himself, along with several other officials, joined the interview that took place regarding requests 3
The patent with the appellant's representative and his request (section 2.6 of the refusal letter). Any position on behalf of 4
The Institute and the Project were included or could have been included in the appellant's arguments before the Registrar and in his arguments 5
6 As part of the appeal.
7
8 In the circumstances, and although it is not necessary for the joining body to be neutral and objective, there is a difficulty
Treat the applicant as a third party "not involved" in the proceedings and who had no "representation and oral argument" 9
(Kozli case , section 42), and to see his position as an addition to the position of a party. Also, from the outset 10
This is a project by researchers, so it is not a case of an academic institution adding to the 11
A point of view that “stems from narrow commercial economic interests” (p. 7, pp. 26-27). Not based 12
13 Justification for granting the request.
14
It should be noted that in any case, consideration was given to the accession application document (cf. High Court 15
8420/21 **Al-Nakwa v. Israel Defense Forces** (24.1.2023) and during the hearing his attorney was also allowed to 16
17 of the institute to address the issues.
18
95. A request was submitted on behalf of the appellant to attach evidence. The documents to which the appellant referred were 19
This application contained a document summarizing the status of the examination proceedings in parallel patent applications; Decision 20
German Court on Parallel Applications; USPTO Guidelines on "Inventiveness" 21
22 , USPTO's request for public comment regarding [19] In inventions invented with the help of AI
For the guidelines and response of the Society of Electrical and Electronics Engineers; published data regarding the use of 23
in GenAI in various industries; and articles. The respondent believed that this was not "evidence" and in any case 24
25 A review of its contents reveals that they are irrelevant.
26
27 It can be shortened: I did not find anything in the content of the documents that would change the results of the discussion.
28

[19] These guidelines were effectively repealed by the USPTO guidance issued on November 28, 2025 (February 13, 2025).
.)"2024, titled "Inventorship Guidance for AI-Assisted Inventions" Is **~~Rescinded~~** in its entirety

Note and conclusion

I did not find any other arguments of the parties or other considerations to change the results of the discussion. .96

On the merits of the matter (see: Many: AA 16744-02-25 **Habani v. Official Receiver Tel Aviv** 3

(29.4.2025), Section 15; References Mentioned in Tel Aviv (Tel Aviv Districts) 2696-10-19 **Issue** 4

Haaretz Newspaper Ltd. v. Rotor.Net Ltd. (22.11.2024), Section 222) and in the above, Question 5

Whether asymmetry with the situation elsewhere in the world is expected or not is likely to benefit 6

Local interest (paragraph 47 of the decision; paragraphs 46-47 of the appeal; p. 43, paragraphs 12-7); options 7

A "law" by virtue of which and based on the existence of an inventor, one can be the owner of an invention (including Doctrine 8).

Accession of, Section 3 of the Movable Property Law, 5731, 1971 (Jewish Law); Meaning 9

"Ranks" linguistic options in the interpretive process (Clement **case,** §§ 46 and 67); and more.

Ultimately, the appeal was rejected. .97

The secretariat will deliver the judgment to the parties.

Given today, 11 Tevet 5775, December 31, 2025 in absentia.

Tamar Avrahami, Judge