Statements by the Republic of Kazakhstan on the Agenda Items of SCP/38

Agenda Item 6. Quality of Patents, Including Opposition Systems

Sub-item 6. Expert Discussion Based on SCP/38/6: Patentability Criteria and AI as an Inventor

Mr. Chair,

The Republic of Kazakhstan welcomes the expert discussion on legal and policy approaches to determining patentability criteria and considering artificial intelligence as an inventor.

In this regard, we would like to share certain aspects of our national legislation and practice.

Under the legislation of the Republic of Kazakhstan, computer programs and algorithms as such are not regarded as inventions.

When examining patent applications in the field of information technologies, particular attention is given to the technical character of the claimed solution. In particular, solutions consisting solely of algorithms, mathematical methods or software code without technical implementation are not considered patentable.

At the same time, patent examination practice indicates that software-and-hardware solutions in which software forms part of a more complex technical system have greater potential to qualify for patent protection.

Kazakhstan considers it important to continue exchanging national approaches and practices on these issues, taking into account the rapid development of artificial intelligence technologies.

Thank you, Mr. Chair.