

statement should be filed on behalf of an AI system, even if the AI system made contributions to one or more claims in a patent application.

F. Applicant and Ownership

The word “applicant,” when used in 37 CFR, refers to the inventor or all joint inventors, or to the person applying for a patent as provided in 37 CFR 1.43, 1.45, or 1.46.⁸⁷ The original applicant is presumed to be the owner of the patent application unless there is an assignment.⁸⁸ As the ownership of a patent or application for a patent initially vests in the named inventors⁸⁹ and is thereafter transferrable through assignments, there is no change in practice for AI-assisted inventions with regard to the applicant or assignment of ownership rights.⁹⁰ The named inventor or joint inventors may seek patent rights as the applicant under § 1.45. Alternatively, the named inventor or joint inventors may assign their ownership rights to an assignee (e.g., employer, owner or developer of the AI system, or other appropriate party), who may then file a patent application under § 1.46 or take action in a patent matter under § 3.73.

“Assignment,” in general, is the act of transferring to another the ownership of one’s property, *i.e.*, the interest and rights to the property.⁹¹ Because an AI system cannot be a named inventor, it has no rights to assign; therefore, assignments from AI systems should not be recorded with the USPTO. This guidance only applies to recording the assignments and other documents related to interests in patent applications and patents in the USPTO and does not apply to contractual or licensing agreements between parties owning and using AI systems in the invention creation process. Applicants should keep in mind that the recording of assignments and other related documents by the USPTO is a ministerial act, and assignments and other related documents are contracts that are governed by the relevant jurisdictional law.⁹²

⁸⁷ 37 CFR 1.42(a).

⁸⁸ See 37 CFR 3.73(a); see also MPEP 301(I).

⁸⁹ See *Beech Aircraft*, 990 F.2d at 1248 (“At the heart of any ownership analysis lies the question of who first invented the subject matter at issue, because the patent right initially vests in the inventor who may then, barring any restrictions to the contrary, transfer that right to another, and so forth.”).

⁹⁰ See MPEP 301.

⁹¹ See MPEP 301 (subsection II).

⁹² See MPEP 301 (subsections II and V).

G. Benefit/Priority Claims to Prior-Filed Applications

Applications and patents claiming the benefit of, or priority to, a prior application filed in the United States or a foreign country under 35 U.S.C. 119, 120, 121, 365, or 386 must name the same inventor or have at least one joint inventor in common with the prior-filed application.⁹³ For all applications and patents, including those that cover AI-assisted inventions, the prior-filed application and the United States application or patent claiming the benefit of, or priority to, the prior-filed application must name the same natural person as the inventor, or have at least one joint inventor who is a natural person in common. Therefore, a priority claim to a foreign application that names an AI system as the sole inventor will not be accepted. This policy also applies to U.S. patent applications and patents claiming priority to foreign applications that allow the naming of non-natural persons as joint inventors. For a U.S. application claiming priority to a foreign application that names both a natural person(s) and a non-natural person as a joint inventor, the application data sheet accompanying the application filed in the United States must list as inventor(s) only the natural person(s) who significantly contributed to the invention, including one in common with the foreign application. Similarly, for an application entering the national stage under 35 U.S.C. 371 where the international application indicates a joint inventor that is not a natural person, applicants can comply with the U.S. inventorship requirement by naming the natural person(s) who significantly contributed to the invention in an application data sheet accompanying the initial submission under 35 U.S.C. 371.⁹⁴

Katherine Kelly Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

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BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 12:30 p.m. EST, Thursday, February 15, 2024.

⁹³ See MPEP 213.02 (subsection II), 211.01, 1895, 2920.05(e).

⁹⁴ See 37 CFR 1.76; MPEP 1893.01(e).

PLACE: CFTC Headquarters Conference Center, Three Lafayette Centre, 1155 21st Street NW, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commodity Futures Trading Commission (“Commission” or “CFTC”) will hold this meeting to consider the following matters:

- *Proposed Rule:* Requirements for Designated Contract Markets and Swap Execution Facilities Regarding Governance and the Mitigation of Conflicts of Interest Impacting Market Regulation Functions;
- *Proposed Rule:* Foreign Boards of Trade;
- *Proposed Rule:* Regulations to Address Margin Adequacy and to Account for the Treatment of Separate Accounts by Futures Commission Merchants;
- Application of Taiwan Futures Exchange Corporation for an Exemption from Registration as a DCO; and
- ICE NGX Petition for Amended DCO Registration Order.

The agenda for this meeting will be available to the public and posted on the Commission’s website at <https://www.cftc.gov>. Members of the public are free to attend the meeting in person, or have the option to listen by phone or view a live stream. Instructions for listening to the meeting by phone and connecting to the live video stream will be posted on the Commission’s website.

In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission’s website.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, Secretary of the Commission, 202–418–5964.

(Authority: 5 U.S.C. 552b)

Dated: February 8, 2024.

Christopher Kirkpatrick,
Secretary of the Commission.

[FR Doc. 2024–02997 Filed 2–9–24; 11:15 am]

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CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0046]

Agency Information Collection Activities; Extension and Revision of Collection; Consumer Focus Groups and Other Qualitative Studies

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.