

## **The Death of Patents? How AI changes the equation**

Will AI agents make patents obsolete? Yes and No.

Since ChatGPT's breakthrough, Generative AI models have accelerated the rate of innovation, a trend likely to increase significantly with the rise of AI agents. We see teams and AI working together to develop novel solutions. AI agents will soon be capable of operating with little to no human oversight. When this happens, who will own the intellectual property? To explore this issue, let's narrow our focus to patents, the legal protections granted for novel inventions.

Recent discussions on the future of patents have focused on a key question: Who holds the right to AI-generated inventions? Does the AI itself qualify as an inventor, or do the rights belong to its creator? Or to the person prompting the AI?

If patents belong to the AI's prompter, the patent system would exist much as it does today. If patents belong to the AI's creator, the few corporations with colossal AI server farms – ranging from AI agents to Artificial General Intelligence (AGI) and Artificial Super Intelligence (ASI) – could develop innovations at an unprecedented rate, amassing vast patent portfolios across industries and securing a monopoly on global technology.

Alternatively, in a less (or more) Orwellian scenario, AI agents themselves could own their innovations—though what that would mean in practice remains unclear. Could an AI claim you infringed upon their intellectual property? Finally, all AI-generated innovations could immediately enter the public domain.

This thought experiment leads to a deeper question. What is the value of a patent system in an era of rapid innovation, where parallel breakthroughs can be achieved at minimal cost? If AI agents reach human or superhuman intelligence, innovation will occur so rapidly that by the time a patent is granted, it may already be obsolete.

Alternatively, if a major innovation were patented, developing a parallel solution would be inexpensive in this AI-driven knowledge economy, where a team of AI agents could generate a comparable breakthrough within days or even hours. In this scenario, the emphasis shifts from who originates an innovation to who can implement it most effectively. In such an environment, corporations may opt to keep their AI-generated innovations secret rather than publish them, treating them as modern trade secrets. These tech giants could quietly amass breakthroughs at unprecedented rates and use them to consolidate power rather than share knowledge.

Will patents become obsolete? Yes, and the patent system will become more important than ever. The role of the patent office will evolve rapidly, from granting patents to novel innovations to ensuring that knowledge enters the public domain. The true value of a patent system lies not in granting individual patents, but in securing the flow of knowledge from private entities to the public. Keeping innovations and knowledge public will be one of the defining challenges of the AI age. We must take agency over it before AI does it for us.