

Patent Services USA Issues Plain-Language Explainer on Revised USPTO Guidance for AI-Assisted Inventions

Patent Services USA breaks down the USPTO's revised guidance on AI-assisted inventions: AI is treated as a tool, and human conception remains the standard

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Our goal with this explainer is to make the USPTO's guidance accessible to inventors using AI. The educational baseline matters, inventors shouldn't need a law degree to follow it."

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today issued a plain-language explainer summarizing the [United States Patent and Trademark Office](#) (USPTO) Revised Inventorship Guidance for AI-Assisted Inventions, published in the [Federal Register](#) on November 28, 2025 (Docket No. PTO-P-2025-0014, FR Doc. 2025-21457). The revised guidance rescinded the USPTO's previous February 2024 guidance in full and reaffirmed that, regardless of how artificial intelligence is used in the inventive process, only natural persons can be named as inventors on a U.S. patent application.

What the Revised Guidance Says

The USPTO's revised guidance returns the inventorship analysis for AI-assisted inventions to the long-standing "conception" standard. Under that standard, a natural person must form in their mind a definite and permanent idea of the complete and operative invention, as it is thereafter to be applied in practice. Under the revised approach, AI systems, whether generative, analytical, or model-based, are treated by the USPTO as tools used by a human inventor, in the same general category as laboratory equipment, software, or research databases.

The revised guidance also clarifies that the so-called Pannu factors, which apply when determining joint inventorship between two or more natural people, do not apply to the question of whether an AI system is an inventor. AI cannot be a joint inventor. When multiple human contributors are involved in an AI-assisted invention, traditional joint-inventorship analysis among those contributors still applies.

The guidance applies uniformly to utility, design, and plant patent applications. On foreign

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