Uganda's Patent Law Flexibilities in the Age of Artificial Intelligence

Kayima Moses Nyanzi Drago*

ABSTRACT

Public interest demands that patents do not hinder public access to new technology. This article questions how effectively Uganda's Industrial Property Act, Cap 224, balances patent exclusivity with public access, and addresses adaptation to accommodate Artificial Intelligence (AI) assisted and AI-generated inventions. Through a doctrinal and comparative analysis of Uganda's statutory framework, the Paris Convention, the TRIPS Agreement, and developments in South Africa, Europe, and the United States, this article argues that systemic institutional weaknesses have left patent flexibilities unoperationalised, creating an implementation gap that AI magnifies by risking foreign dominance over local innovation. The article's original contribution lies in identifying this doctrinal gap in the Ugandan context and proposing reforms, including legislative clarifications for AI inventorship and institutional enhancements, to safeguard socio-economic interests.

Keywords: Uganda; Intellectual Property (IP); Industrial Property; Inventorship; Patents; Exclusive rights; Limitations; Exceptions; WIPO; ARIPO; TRIPS; Artificial Intelligence; Public Access.

1. Introduction

In Uganda, property of 'any description' enjoys constitutional protection, including inventions as intellectual property.[1] 'Intellectual Property' (IP) refers to legal rights arising from industrial, scientific, literary, and artistic activity.[2] The intellectual property rights relating to invention and innovation are known as Industrial Property, and in Uganda, are operationalised by the Industrial Property Act, Cap 224 (hereinafter 'the Act'), through patents, utility models, industrial designs, and technovations.[3] The Act defines a Patent as 'the title granted to protect an invention', and guarantees rights to any inventor who creates a solution to a specific problem in the field of technology.[4]

Inventions gained significant recognition post-World War II. Nations launched an unprecedented effort to mobilize science for war, while governments, international organizations, and major corporations appreciated the incentive and competitive value of patents.[5] Earlier Patent laws, such as the Venetian Patent Statute of 1474, granted inventors legal safeguards for their inventions for up to 10 years, in exchange for public disclosure of new technologies.[6] By 1624, England's patent system granted patents through the Statute of Monopolies.[7] While in the United States of America,

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*Lecturer in Intellectual Property Law, Cavendish University Uganda

[1] Constitution of the Republic of Uganda 1995, art 26; *Zeenode Ltd v Attorney General & 2 Others*, Miscellaneous Civil Application No 0347 of 2021 (High Court of Uganda, Commercial Division, Kampala) (arising from Civil Suit No 0148 of 2021), 10.

[2] Convention Establishing the World Intellectual Property Organization 1967, art 2(viii); Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (adopted 15 April 1994) art 1(2).

[3] See Paris Convention for the Protection of Industrial Property (adopted 20 March 1883, last revised 14 July 1967, entered into force 26 April 1970) art 1(2); Industrial Property Act, Cap 224, Laws of Uganda (rev edn December 2023).

[4] Industrial Property Act, Cap 224, ss 1, 17.

[5] Daniel P Gross and Bhaven N Sampat, 'Inventing the Endless Frontier: The Effects of the World War II Research Effort on Post-War Innovation' (Working Paper No 20-126, 2020).

[6] Christopher May, 'Antecedents to Intellectual Property: The European Pre-History of the "Ownership" of Knowledge' (2002) 24 History of Technology 1, 13.

[7] Christine MacLeod and Alessandro Nuvolari, 'Patents and Industrialization: An Historical Overview of the British Case, 1624–1907' (LEM Working Paper Series No 2010/04, Scuola Superiore Sant'Anna, Laboratory of Economics and Management (LEM), Pisa, 2010) 6.

the Constitution recognised the authority granted to Congress to promote the progress of science and useful arts through a patent protection system.[8]

Uganda's patent legal framework was primarily shaped by its colonial past. As a British protectorate from 1894, Uganda was governed through colonial legal instruments, such as the Uganda Order-in-Council 1902, which extended existing English laws to Uganda, along with selected laws from other English colonies.[9] The current Industrial Property Act is a replacement of repealed colonial-era laws, like the Patents Act, Cap 216, and the United Kingdom Designs (Protection) Act, Cap 218.[10] This is a law that has evolved through international, regional, and domestic reform.[11]

In 1994, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was adopted by the World Trade Organization (WTO). This international agreement builds upon cooperation in treaties like the Paris Convention for the Protection of Industrial Property administered by the World Intellectual Property Organisation (WIPO).[12] The Paris Convention and TRIPS, ensure cooperation among member states on the standards for patentability of inventions while allowing for the adoption of patent flexibilities that align with their domestic contexts.[13] This article identifies a critical implementation gap in Uganda. As Part 4 will demonstrate, weak institutional capacity, limited examination systems, and dominance of foreign patent applications

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[8] US Constitution, art I, s 8, cl 8; see also Edward C Walterscheid, 'To Promote the Progress of Science and Useful Arts: The Background and Origin of the Intellectual Property Clause of the United States Constitution' (1994) 2 Journal of Intellectual Property Law 1.

[9] Uganda Order-in-Council 1902, art 12(8).

[10] Industrial Property Act 2014 (Uganda), s 109 (repealing the Patents Act, Cap 216 and the United Kingdom Designs (Protection) Act, Cap 218, and providing transitional and savings provisions), now revised as Cap 224 in the Laws of Uganda (December 2023).

[11] See World Intellectual Property Organization, 'History of WIPO' https://www.wipo.int/about-wipo/en/history.html accessed 29 September 2025; Convention Establishing the World Intellectual Property Organization (adopted 14 July 1967, entered into force 26 April 1970); see also African Regional Intellectual Property Organization, Harare Protocol on Patents and Industrial Designs within the Framework of the African Regional Industrial Property Organization (ARIPO) (adopted 10 December 1982, entered into force 25 April 1984).

[12] See World Trade Organization, 'About the WTO' https://www.wto.org/english/thewto_e/thewto_e.htm accessed 29 September 2025; Uganda became a member of the WTO on 1 January 1995; see also Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), Annex 1C to the WTO Agreement (1994) art 2.1; Paris Convention for the Protection of Industrial Property.

[13] Paris Convention for the Protection of Industrial Property; TRIPS.

have hindered the effective operation of the Industrial Property Act's public-access safeguards.[14] This vulnerability is now exposed to further complications arising from emerging technologies, such as AI introducing doctrinal uncertainties around inventorship and potentially consolidating technological control with foreign entities, undermining local access and innovation.

This article addresses the following questions: What are the criteria for patentability under Uganda's Industrial Property law, and how might AI strain them? How are patent rights secured in Uganda within global and regional frameworks? How does the Act balance exclusive rights with public access through obligations, limitations, and exceptions? What challenges does AI pose to inventorship and ownership? What reforms are needed to operationalise flexibilities and address AI? The methodology employs doctrinal analysis of Ugandan statutes and international treaties, combined with comparative insights from jurisdictions like South Africa, Europe, and the United States of America.

The article proceeds in five parts. Part I situates Uganda's patent regime within its constitutional, historical, and international context, highlighting the public interest foundations of patent protection. Part II examines the criteria for patentability under the TRIPS Agreement and the Industrial Property Act, Cap 224, focusing on novelty, inventive step, and industrial applicability as threshold filters against unjustified monopolisation. Part III analyses the procedural framework for securing patent rights in Uganda, including national, regional, and international filing mechanisms, and the flexibilities available under the Paris Convention, ARIPO, and the Patent Cooperation Treaty (PCT). Part IV interrogates the balance between exclusive patent rights and public access, assessing statutory limitations, exceptions, licensing regimes, and compulsory licences, while exposing persistent implementation deficits. Part V addresses emerging challenges posed by Artificial Intelligence, with particular emphasis on inventorship, disclosure, and ownership, drawing comparative lessons from South Africa, Europe, and the United Kingdom. The Article concludes by proposing cautious, context-sensitive reforms aimed at preserving public access while safeguarding Uganda's technological and developmental interests.

[14] WIPO, Intellectual Property Statistics — Uganda (WIPO, 2025) https://www.wipo.int/edocs/statistics-country-profile/en/ug.pdf accessed 29 September 2025, at p 1 (showing among others that, non-resident patent applications in Uganda represent 24.3% of total, and that the national IP office processes 7.4 applications per examiner.

2. Whether product X or process Y qualifies for patent protection?

In Part II, TRIPS allows patents for any inventions in all fields of technology, whether products or processes, provided that they are new, involve an inventive step, and are capable of industrial application.[15] Countries such as Uganda must therefore address whether a product or process considered an invention is patentable before approving any application for a patent.[16] This "Patentability" test creates a starting point for balancing between rewarding genuine invention and preventing the monopolisation of routine developments or abstract ideas.[17] AI-assisted inventions, however, may strain these criteria. For instance, AI's ability to process vast data could generate outputs that appear novel but derive from existing patterns, thereby challenging novelty assessments.

2.1 Novelty

Novelty is a requirement mandating that an invention be new and not part of prior art. The Industrial Property Act mirrors international practice by defining prior art broadly to include everything made publicly available worldwide, including earlier filed patent applications.[18] The Act provides a 12-month grace period, during which disclosures arising within this window do not invalidate novelty if they arise from the applicant's own acts or evident abuse by third parties.[19] However, enforcement of the novelty requirement depends on effective examination by the Uganda Registration Services Bureau (URSB).[20] For AI-assisted inventions, novelty could be undermined if AI draws from undisclosed datasets, raising questions about whether the output truly qualifies as "new" or merely recombines prior art in ways inaccessible to humans.

2.2 Inventive Step (Non-obviousness)

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[15] See above n 12.

[16] TRIPS art 27(1); Industrial Property Act (n 4), ss 8–11.

[17] Ibid.

[18] Ibid s 9(2).

[19] Ibid s 9(4).

[20] Ibid ss 1-3; see also part v.

Complementing novelty is the inventive step criterion, which requires that, in view of prior art, the invention would not have been obvious to a person skilled in the art by the filing or priority date. This aligns with TRIPS' emphasis on non-obviousness, ensuring patent protection is reserved for technological solutions reflecting genuine ingenuity rather than routine developments.[21] In assessing inventive step, courts and examiners adopt the perspective of a person skilled in the art to determine whether the claimed invention offers a non-obvious development that addresses a technical problem in an unforeseen manner beyond routine developments.[22] Uganda has yet to develop a clarifying test, but the risk remains. Without such jurisprudence, routine developments could improperly receive protection amid limited examination systems. If AI exceeds human capabilities in identifying solutions, the "person skilled in the art" benchmark may need recalibration. Should it incorporate AI tools as standard knowledge, potentially raising the bar for human inventors and disadvantaged locals without AI access?

2.3 Industrial Application

Industrial applicability requires that an invention can be made or used in industry, broadly construed to include agriculture, medicine, fisheries, and services, which TRIPS permits equating with 'usefulness'. In essence, product X or process Y must be a solution to a specific technical problem rather than a mere abstract idea. The product or process must be applicable in real-world contexts, thereby excluding speculative or inoperable concepts.[23] For AI-assisted inventions, industrial application might falter if outputs rely on proprietary AI models, making replication difficult without equivalent technology, ultimately conflicting with disclosure requirements.

3. Securing Patent Rights in Uganda

[21] Ibid s 10; TRIPS art 27(1).

[22] See structured obviousness tests in key cases like *Windsurfing International Inc v Tabur Marine (Great Britain) Ltd* [1985] RPC 59 and *Pozzoli SpA v BDMO* SA [2007] FSR 872 (UK, emphasizing inventive concept identification and prior art differences), *Biogen Inc v Medeva* plc [1997] RPC 1 (UK, focusing on non-obvious methods over goals), *Bishwanath Prasad Radhey Shyam v Hindustan Metal Industries* AIR 1982 SC 1444 (India, rejecting workshop improvements), and *Graham v John Deere Co of Kansas City* 383 US 1 (1966) (US, using factors like prior art scope and secondary considerations), which collectively prioritize innovative problem-solving and align with Uganda's Industrial Property Act Cap, s 10.

[23] Industrial Property Act (n 4) s 11; TRIPS art 27(1).

Patent protection is available and patent rights are enjoyable without discrimination as to the place of invention, the field of technology, or whether a product is imported or locally produced.[24] If the owner of an invention fulfills all the relevant requirements under the Industrial Property Act, he or she has a right to be granted a patent.[25] The application's success is conditioned upon adequate disclosure, and must therefore describe the invention in sufficient detail to enable replication by a person skilled in the art.[26] This obligation reflects the quid pro quo of patent law; exclusive rights are granted to inventors not as an absolute monopoly, but as a temporary reward in exchange for enriching the public with technical knowledge.[27] The principle is central to the balance between patent rights and public access, ensuring that even as inventors enjoy 20 years of exclusivity, society benefits from the dissemination of knowledge.

In Uganda, protection is obtained through applications filed with the Uganda Registration Services Bureau (URSB).[28] However, Uganda's participation in the Patent Cooperation Treaty (PCT) and membership in the African Regional Intellectual Property Organization (ARIPO) place it within a broader regional and global filing network, enabling patent applicants to file for and attain international, regional, or national patents.[29] Patent applicants must, however, be aware of restrictions on outward patent filings by Ugandan residents. A local application must be filed first, and only after six weeks can the applicant file any application abroad.[30] Regional filings through ARIPO are also subject to local oversight. The registrar can inform ARIPO that if ARIPO grants a patent, that patent will have no effect in Uganda.[31] This reservation allows Uganda to reject patents that may conflict with domestic policy, morality, or public interest. It also reflects the

[24] Ibid TRIPS art 27(1).

[25] Industrial Property Act (n 4) s 45.

[26] TRIPS art 29; Industrial Property Act (n 4), ss 1, 20, 30, 33, 38.

[27] Rochelle C Dreyfuss, 'Information Products: A Challenge to Intellectual Property Theory' (1986) 20(4) NYU Journal of International Law and Politics 897. (On disclosure as a cornerstone of the social contract in patents).

[28] Industrial Property Act (n 4) ss 1-3; see also part v of the Act.

[29] Patent Cooperation Treaty (adopted 19 June 1970, entered into force 24 January 1978) 1160 UNTS 231, art 2(v, vii); African Regional Intellectual Property Organization (ARIPO) Agreement on the Creation of ARIPO (Lusaka Agreement, adopted 9 December 1976); Industrial Property Act (n 4) ss 33,36,44.

[30] Industrial Property Act (n 4) s 14.

[31] Ibid s 44.

balance in the Harare Protocol, which recognizes that a regional grant cannot override applicable national law.[32]

Consequently, the priority right under the Paris Convention is useful for allowing an applicant who first files in Uganda to claim that filing date as a priority date for up to 12 months when applying in other member states. In effect, the priority right preserves global novelty during that window, enabling Ugandan inventors to extend protection regionally, through ARIPO or internationally through the Patent Cooperation Treaty (PCT) without losing their rights due to the initial national disclosure.[33] By retaining the ability to control outward filings and to block ARIPO patents, Uganda's patent framework serves local priorities and protects public interest in the global patent landscape. In harmony, these provisions demonstrate the flexibilities available when securing patent rights in Uganda.

4. Balancing Exclusive Rights with Public Access

Once granted, the patent confers exclusive rights on the applicant or owner for 20 years, subject to renewal.[34] He or she may exclude others from making, importing, offering for sale, selling, and using patented products or processes.[35] Infringement occurs when such acts are performed in Uganda without the owner's consent, allowing the owner to seek injunctions or sue for damages and compensation.[36] However, patent rights are subject to obligations, limitations, and exceptions that ensure the preservation of both private property rights and public acquisition of technology.[37]

Public Access

[32] Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organization (Harare Protocol), s 26 (as amended).

[33] Paris Convention for the Protection of Industrial Property, art 4; Industrial Property Act (n 4) s 1.

[34] Ibid ss 45, 46.

[35] Ibid s 38.

[36] Ibid ss 91-100.

[37] Ibid ss 38,42,43.

Public access may be maintained through the flexibility allowing patent rights to be assigned, licensed, or transferred by succession. For evidential value, patent rights assigned to a third party must be in writing, signed, and recorded in the patent register.[38] In addition, recognising succession ensures the continuity of rights to heirs or designated successors who inherit patent rights upon the death of the holder.[39] The Act protects prior users who exploited an invention in good faith before a patent application was filed,[40] and allows for patented inventions to be used for non-commercial purposes, including: scientific research, experimental use, teaching, and activities related to regulatory approval.[41] This aligns with comparative insights such as the Court of Justice of the European Union (CJEU) and the Indian Supreme Court decisions ruling that research exceptions safeguard the public domain, and must not be used to "stifle future research."[42] Equally important is that, once a patented invention is legally sold, the patent holder cannot control its resale or use.[43] Collectively, these provisions empower patentees to exercise considerable autonomy over their inventions, whether by monetising, collaborating, or ensuring intergenerational transfer, thereby reinforcing the Act's role in balancing inventors' rights with public access to new technology.

Licenses, whether contractual or compulsory, may establish a comprehensive framework for balancing inventors' rights with public interest in access, competition, and technological development.[44] The Act mandates strict formalities for contractual licences to ensure transparency and fairness. All licence contracts must be in writing, signed by the parties, and submitted to the Registrar who may refuse registration if a clause imposes unjustified restrictions on the licensee, rendering the contract harmful to the economic interests of Uganda. An extensive, illustrative list of prohibited terms includes requiring disproportionate royalties; imposing tie-in arrangements for materials unless quality assurance is impossible; restricting the licensee's volume of production,

[38] Ibid s 47.

[39] Ibid s 37(3).

[40] Ibid s 40.

[41] Ibid ss 42(1), 43.

[42] Case C-316/05 *Nokia Corp v Wärtsilä* [2006] ECR I-12083; *Novartis AG v Union of India* (2013) 6 SCC 1 (SC India).

[43] Industrial Property Act (n 4) s 42(2).

[44] ibid ss 49–64.

research, or adaptation of technology; and prohibiting the use of Ugandan expertise. This robust regulatory oversight prevents abusive contractual practices and protects local technological capacity.[45] Beyond contractual licenses, the Act provides several pathways for compulsory licences. A key precondition for compulsory licences is that the applicant must have first attempted to secure a voluntary licence on reasonable commercial terms, and must guarantee to work the relevant invention sufficiently to satisfy the requirements that gave rise to their request. Although this requirement is waived in cases of national emergency, extreme urgency, or anti-competitive practices, the registrar must notify the owner of the patent as soon as reasonably possible of the waiver.[46]

Recognising that inventions often build on prior patents, the act provides for compulsory licences where a later patent cannot be worked without infringing an earlier one.[47] Such licences may be granted by the minister if the later invention represents a significant technical advance, and the earlier patent holder is correspondingly entitled to a non-assignable cross-licence on reasonable terms.[48] Also, after three years from the grant or four years from filing, licences may be granted if a patent is not worked locally or if the market is not being supplied on reasonable terms.[49] The Act further encourages patentees to declare their inventions "licences as of right." A patent owner can voluntarily request an entry in the register, making licences available as of right, thereby reducing annual fees in exchange for openness to non-exclusive licensing.[50] In addition, the Minister is empowered to authorise government use of patents in the public interest, including for health, nutrition, or national security, subject to equitable compensation.[51] Collectively, these provisions operationalise TRIPS flexibilities and ensure that exclusivity does not harden into absolute monopoly.

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[45] ibid ss 52 (Form of licence contracts), 53(1) (Petition for registration), 54 (Prohibited terms in licence contract).

[46] Ibid s 59.

[47] Ibid s 58.

[48] Ibid s 58(2), (3).

[49] Ibid s 57(1).

[50] Ibid s 64.

[51] Ibid s 65.

Despite this robust framework, Uganda faces significant implementation challenges. According to WIPO, Uganda originated only 92 patent applications in 2024, with just 23 resident applications.[52] URSB's 2023-2024 annual report notes a 38% drop in patent applications from 2023, with reports indicating only one patent registered in 2024.[53] Historically, patent activity in Uganda has remained low, with only 2 applications filed in 2012 and 8 grants issued in 2015.[54] These figures reflect deeper institutional constraints. No reported case law exists on compulsory licences or exceptions. Cases like **Zeenode Ltd v Attorney General,**[55] focused on procedural issues rather than flexibilities. Without administrative guidance or judicial interpretation, many of the Industrial Property Act's safeguards remain dormant. Nonetheless, their presence in the statute reflects an intentional design to align Uganda's patent law with constitutional imperatives of private property rights and development, while preserving public access to new technology.

5. Emerging Challenges: Artificial Intelligence and Inventorship

Although the issue of whether Uganda's Patent system accurately legislates for inventions created with the aid of AI has not yet been judicially tested in Uganda, comparative developments, such as South Africa's acceptance of AI inventorship and Europe's rejection of it, highlight the need for proactive reform in addressing the role of Artificial Intelligence (AI) systems in Uganda's Patent legal framework. This article focuses primarily on AI-assisted inventions (where humans direct AI tools) and AI-generated ones (autonomous AI outputs), distinguishing them from broadly AI-enabled processes.

At the centre of the debate are ownership disputes regarding whether the human operator, company, or Artificial Intelligence (AI) systems can be recognised as inventors under patent law. Further, where AI generates outputs, determining whether the result is "obvious" to a person

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[52] See World Intellectual Property Organization, WIPO IP Facts and Figures 2025 (WIPO 2025) 35-36 https://www.wipo.int/edocs/pubdocs/en/wipo-pub-943-2025-en-wipo-ip-facts-and-figures-2025.pdf accessed 28 September 2025.

[53] See Uganda Registration Services Bureau, Annual Report 2023-2024 (URSB 2025) 43 https://ursb.go.ug/wp-content/uploads/2025/02/ursb-annual-report-2023-2024.pdf accessed 28 September 2025.

[54] See World Intellectual Property Organization, Intellectual Property Statistics - Uganda (WIPO 2025) 1–2 https://www.wipo.int/edocs/statistics-country-profile/en/ug.pdf accessed 28 September 2025.

[55] *Zeenode Limited v. The Attorney General & 2 Others* (HCMA No. 347 of 2021).

skilled in the art might become problematic. If AI routinely identifies solutions beyond human capacity, should these outputs be deemed inventive or are they merely the predictable result of programming? Secondly, patent law requires inventions to be disclosed in a manner enabling replication by a skilled person. AI functions may present challenges in providing legally sufficient disclosure. Thirdly, if AI cannot be an inventor, should rights vest in the programmer, the user, or the entity deploying the system? Each option carries risks of concentrated control by multinational corporations, potentially restricting public access to essential technologies.

In **Thaler v Comptroller-General of Patents, Designs and Trade Marks**, Dr. Thaler, filed international and national patent applications wherein he listed an AI system generally known as DABUS (Device for the Autonomous Bootstrapping of Unified Sentience) as the sole inventor and listed himself as patent applicant.[56] Dr. Thaler asserted that he was the owner of DABUS, and had programmed the intelligent system to simulate human creativity through neural network "chains" that produce and evaluate ideas without direct human input on the specific outputs, and that therefore DABUS not himself, was the true "deviser" of the inventions.[57] In July 2021, the South African Intellectual Property Office agreed with Dr. Thaler and approved the patent application finding that since the law did not explicitly prohibit naming an AI, and the system does not test substantive validity, the application was allowed.[58]
In contrast, the UK, European Patent Office (EPO), and US rejected the applications, emphasizing that patent laws inherently limit inventorship to natural persons with legal capacity. The EPO's Legal Board of Appeal in December 2021, reasoned that under Article 81 of the European Patent Convention, inventors must be natural persons capable of holding rights, and DABUS, as a non-legal entity, failed this threshold, with the decision influenced by harmonized international norms

[56] See U.S. Patent Application No. 16/524,350; Austl. Patent Application No.2019363177; S. Afr. Patent No. ZA 2021/03242; PCT Int'l Application No. PCT/IB2019/057809.

[57] U.S. Patent No. 10,423,875 (issued Sept. 24, 2019). (The Claim "[a] system for avoiding processing bottlenecks from occurring while providing data about states of a plurality of interconnecting neural modules representing an environment in order to identify positions, geometries, and topologies of chains of the interconnecting neural modules").

[58] Companies and Intellectual Property Commission (South Africa), Patent ZA 2021/03242; see also Catherine Cotter, The Edge of Glory?: Will DABUS 'Success' in South Africa and Australia be Repeated in the UK? Lexology: Lens (10 August 2021) https://www.lexology.com/library/detail.aspx accessed 28 September 2025.

prioritizing human agency in circumstances where AI outputs are seen as extensions of programmers' work.[59]

In the UK, the Intellectual Property Office (UKIPO) initially refused in December 2019, citing Section 7 of the Patents Act 1977, which presumes inventors are humans entitled to rights; appeals through the High Court and Court of Appeal culminated in a unanimous 2023 Supreme Court ruling that "inventor" means the actual human deviser of the invention, not a machine, and that Thaler, as DABUS's owner, had no automatic right to the patent without a valid transfer from a qualifying inventor.[60]

Likewise, Uganda's Industrial Property Act defines an inventor as "the person who actually devises the invention",[61] a definition that, on its face, presupposes a human or natural person. Ugandan Courts have yet to interpret which persons qualify as inventor, but statutory text confirms that the right to a patent primarily belongs to the inventor,[62] and the inventor is consistently referenced with pronouns like "he or she" in provisions mandating the naming of the inventor in the application unless "he or she" submits a written declaration to the Registrar wishing not to be named.[63] However, inventorship should be distinguished from ownership by recognizing that the right to a patent belongs initially to the inventor but can transfer to employers, assignees, or successors (e.g., in employment contracts where inventions made in execution of commission or employment belong to the employer with equitable remuneration for employees who might be the initial inventors.[64]

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[59] EPO, 'Decision on DABUS Applications' [2020] EP 3564144 and EP 3563896. See EPO Publishes Grounds for Its Decision to Refuse Two Patent Applications; see also *Thaler v Commissioner of Patents* [2021] FCA 879 (30 July 2021) 4 (Austl.).

[60] Ibid *Thaler v Comptroller-General of Patents* [2023] UKSC 49.

[61] Industrial Property Act (n 4) s 1.

[62] Ibid s 16.

[63] Ibid s 19(1).

[64] Ibid s 18.

Unlike South Africa, which has permitted an AI system (DABUS) to be named as an inventor, Uganda's statutory framework does not leave room for such recognition. In the absence of reform, the Registrar would likely reject any patent application naming AI as inventor. Here, distributive justice and Uganda's socio-economic realities counsel against following South Africa's path. If Uganda were to recognize AI inventorship, it would likely strengthen the dominance of multinational corporations deploying advanced AI systems, while marginalising local invention, already struggling with weak institutional capacity. Maintaining human inventorship, on the other hand, safeguards against corporate concentration but risks leaving unclear how to allocate rights where AI makes substantial contributions, as already proved. Patent reform in Uganda should therefore take a cautious but proactive path, reaffirming human inventorship while clarifying ownership of AI-generated inventions.

Conclusion

Uganda's broadly adopted flexibilities position it among the more progressive regimes in rewarding inventors through exclusive rights, while simultaneously safeguarding public access. However, weak institutional capacity and the absence of jurisprudence have left patent flexibility safeguards underdeveloped in Uganda. The rise of Artificial Intelligence further tests this balance, exposing doctrinal gaps in inventorship, disclosure, and ownership. This article aimed at analysing AI's intersection with Uganda's patent system, identifying an implementation gap through doctrinal and comparative methods, and linking patentability criteria to AI strains absent in prior literature focused on general IP or non African contexts.

To secure the intended balance, Uganda must move beyond statutory alignment to practical implementation, by prioritising concrete reforms such as: Amend the Industrial Property Act to explicitly require human inventorship for AI-assisted inventions, vesting ownership in the human user or programmer with clear guidelines on "substantial contribution" thresholds; Issue URSB soft law guidance on AI disclosure requirements, mandating replicable descriptions without proprietary code; Enhance institutional capacity through increased funding, training for local examiners (reducing ARIPO reliance), and digitization to process compulsory licences; Develop policy for activating TRIPS flexibilities, such as streamlined compulsory licensing for AI-related health technologies; and Foster coordination via a national IP taskforce linking URSB, other

relevant institutions, and courts. A responsive patent system grounded in Uganda's Vision 2040 and Article 26's property guarantees would align technological innovation with national development.

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