

The Status of Animals in Intellectual Property Law: A Theoretical Overview of the Issue

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Abstract: Much attention has been devoted to the legal status of animals in property law. Less attention has been paid to the analysis of animals in intellectual property law. This article deals with the latter issue. The legal status of animals can be viewed from many different perspectives. The author first considers whether an animal can be treated as an intangible good. Next, the article discusses the issue of animal creativity and the possibility of recognizing an animal as an author of a work. The entire article is set in the broad context of intellectual property law, which includes not only industrial property law (especially patents and trademark law), but also copyright law. There are differences between individual legal systems in this area, which is why the article focuses on issues that are generally common to individual countries. The article concludes with a summary, in which the author formulates more general conclusions and proposals *de lege ferenda*.

Keywords: animals, intellectual property law, patents, copyright law, trade mark law

1. Introduction

In many countries, the legal status of animals is primarily regulated by civil and criminal law. These regulations aim to determine whether animals can be considered property and objects of ownership, and to specify penalties for harming them or causing them suffering. Since animals are sentient beings that feel pain and experience emotions, there are ethical objections to treating them as mere objects. Humans should be guardians rather than owners of animals. That is why some legal systems have introduced the so-called dereification of animals. This is a process of not treating them as objects. Human power over an object, which they can generally destroy without hindrance (*ius abutendi*), has nothing to do with the relationship that should exist between humans and animals. The dereification of animals has also taken place in Poland. However, it must be admitted that this has been done to a very limited extent. For this reason, few would regard the Polish dereification as satisfactory. This issue is regulated by Article 1(1) and (2) of the Act of 21 August 1997 on the protection of animals.¹ Under these provisions, an animal is not a thing in Poland. At the same time, the provisions concerning things apply to animals accordingly. In practice, the exclusion of animals from the definition of things in Poland is more terminological

¹ Consolidated text: Journal of Laws of 2023, item 1580, as amended.

than substantive, since the provisions of property law continue to apply to them, albeit with the necessary modifications.²

In intellectual property law, the issue is even more complicated. In most EU countries and countries outside the European Union, there are no legal regulations defining the relationship between animals and the concept of intangible property. This concept, however, is one of the fundamental principles of intellectual property law. The answer to the question of whether an animal can be an author derives more from the eighteenth-century axiology of intellectual property law than from specific regulations. This situation is partly because certain issues concerning the legal status of animals in intellectual property were considered obvious and did not need to be spelled out in legal provisions. One of these assumptions is that only humans can be creators of intangible goods. In the early stages of intellectual property development, this cut off discussion on both levels: regarding the concept of intangible goods and the identity of the creator. Over time, however, the issue became more complicated. Tools such as genetic engineering emerged, giving humans a real impact on living matter, including animals. The understanding of authorship also began to change, mainly under the influence of the development of artificial intelligence.³ These changes justify addressing the issues discussed in this article.

2. Methodology

The issue of the legal status of animals is complex. A comparative legal analysis of this topic would require a substantially longer text than the present article. Therefore, this article is not of a comparative legal nature. Its primary aim is to present the legal status of animals in intellectual property law from a theoretical perspective. It focuses on the most significant issues that have been identified in various legal systems and are common in the sense that they have received attention in different countries. There are also secondary and less significant issues that can be related to the legal status of animals. However, to maintain the coherence of the discussion and highlight certain points of convergence, I have focused below on the most important issues.

I analyze the issue addressed in this article primarily from the perspective of the Polish legal system and EU law. The article is dominated by a formal-dogmatic approach. It also takes into account the legal systems of countries of major economic significance. Certain comments and reflections are of a general nature whenever they relate to the structure of intellectual property law, which is common to many countries.

The text primarily aims to answer the question of whether we can consider an animal to be a distinct subject of intellectual property protection, and what options exist for protecting animals under known intellectual property systems (i.e., copyright law, patent law, and trademark law). In addition, other issues are addressed, including the question

² See more: Emil Kruk, "Legal Status of Animals in Poland," *Studia Iuridica Lublinensia* 30, no. 3 (2021): 122–24, <http://dx.doi.org/10.17951/sil.2021.30.3.119-131>.

³ Katarzyna Grzybczyk, "Autorstwo wytworów systemów sztucznej inteligencji – oczekiwane światło w tunelu czy kolejny fałszywy trop?," *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 87, no. 4 (2025): 81–98, <https://doi.org/10.14746/rpeis.2025.87.4.05>.

of whether an animal can be recognized as the creator of a work or an invention. This is linked to the question of the legal personality of animals (authorship is just one aspect of the broader issue of animal legal personality). This analysis aims, among other things, not only to assess the current legal status, but also to formulate proposals *de lege ferenda*.

3. The Concept of Intangible Property in the Context of Animals

Intangible property is as important in intellectual property law as the concept of property in civil law. Generally speaking, it is assumed that an intangible good is a product of human intellect that must have at least three characteristics: (1) separateness from the medium in which the good is embodied; (2) potential omnipotence; and (3) the existence of legal protection in relation to that intangible good.⁴ These three elements seem to be undisputed in Polish and foreign literature. Other characteristics (for example, the economic value of an intangible good) are already the subject of debate and are therefore not considered in this paper. The above three elements are sufficient to classify an animal as an intangible good.

It should be clarified that separateness from a material carrier means that the characteristics of an intangible good can appear in various products and objects. A design or graphic can be used on posters, everyday items, etc. Going further, potential omnipotence is understood as the possibility of using an intangible asset by many people independently of each other and often at the same time.⁵ This possibility is created by placing a music file on a digital platform etc. Many consumers can use it at the same time. The requirement for protection gives the concept of intangible goods practical meaning.⁶ It eliminates from this concept intellectual creations that anyone can use (e.g., the rules of stenography and stenotyping, methods of mathematical calculation). Goods that anyone can use constitute the concept of the “public domain.”⁷

Applying what has been said to the world of living matter, the following should be noted. In the realm of flora, there is the concept of a “plant variety” as a separate intangible good. It is neither an invention, nor a work, nor any other intellectual property. Varieties are protected at the EU level.⁸ It is possible to obtain effective rights throughout the EU based on relevant legal acts. It is also possible to obtain national rights. In Poland, these are regulated by provisions on the protection of plant varieties.⁹ These regulations are not mutually exclusive, and the choice of whether to apply for EU or national rights is mainly a business decision. An entrepreneur operating in a single country will tend to apply for

⁴ Ryszard Skubisz, “Pojęcie dobra niematerialnego,” in *Prawo własności przemysłowej*, ed. Ryszard Skubisz (Warszawa: C.H. Beck, 2017), 14A: 85.

⁵ Jan Waluszewski, “Prawo do patentu,” *Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Wynalazczości i Własności Intelktualnej*, no. 18 (1978): 41.

⁶ Skubisz, “Pojęcie dobra niematerialnego,” 14A: 85–86.

⁷ Mateusz Maria Bieczyński, *Prawne granice wolności twórczości artystycznej w zakresie sztuk wizualnych* (Warszawa: Wolters Kluwer Polska, 2011), 228.

⁸ Regulation (EC) of the Council No. 2100/94 of 27 July 1994 on Community plant variety rights (OJ L227, September 1, 1994, as amended).

⁹ Act on the legal protection of plant varieties of 26 June 2003, consolidated text: Journal of Laws of 2021, item 1580, as amended.

national rights, as this involves lower costs. An entity operating across multiple EU countries will likely opt for EU-wide rights. If we apply this to the animal world, the following comes to mind. Nowhere is there a separate intangible good defined that would apply to animals. Such a good would have to have normatively defined characteristics (such as a plant variety: it must be durable, uniform, and new).¹⁰ This leads us to the conclusion that, at most, the status of animals in intellectual property law can be considered in the category of part of another independent intangible good, such as an invention or a work. The analysis in the rest of this article will follow this line of reasoning. The analysis will be conducted with intellectual property divided into several sections. The legal status of animals in patent law, trademark law, and copyright law will be treated separately.

4. The Status of Animals in Patent Law

Patent law does not generally include a definition of an animal within the internal regulations of individual countries. However, there is a category of animal breeding and animal use. As these are relevant to the discussion, they will be considered here.

Methods of animal breeding are excluded from patent protection by the European Patent Convention in Article 53.¹¹ However, it should be noted that only purely biological methods, such as crossbreeding, are excluded from patenting. It is assumed that there is no technological impact in this case. On the other hand, biotechnological methods (genetic engineering) can be patented.¹² Nevertheless, the patent does not cover animals obtained as a result of application of the method. In this case, the intangible good is the sequence of biotechnological activities that may influence the new characteristics of the animal, and not the animal itself.

The discussion above addressed the question of whether patent protection for animal breeding extends to the products (animals) obtained by such a method. The answer to this question, under the European Patent Convention, is negative – it does not cover them. The issue of patent protection for animals within the scope of an invention other than a method of animal breeding is an entirely different matter. In addition to methods (processes) of manufacture (or breeding), a patent may relate to an object (including living matter) or a so-called new use. This issue also needs to be addressed.

An interesting issue is the protection of animal breeds. This is a separate issue from breeding methods. Just like plant varieties, animal breeds cannot be patented. The reasons for their exclusion from patentability are axiological. The idea was to avoid causing excessive suffering to animals through genetic engineering. Nevertheless, the pharmaceutical sector has fought for and won a certain possibility of patenting animals in this area. As is well known, animals are used to test certain drugs. This causes them suffering,

¹⁰ See more: Małgorzata Korzycka-Iwanow, *Wylączne prawo do nowej odmiany rośliny uprawnej* (Warszawa: Wydawnictwo Uniwersytetu Warszawskiego, 1990), 29.

¹¹ Convention on the Grant of European Patents (European Patent Convention), concluded in Munich on October 5, 1973 (Journal of Laws of 2004, No. 79, item 737, as amended).

¹² Decision of the European Patent Office of 10 November 1998, T 0320/87, Hybrid Plants, accessed February 10, 2026, <https://www.epo.org/en/boards-of-appeal/decisions/t870320ex1>. Although the decision concerned plant breeding methods, the arguments presented therein also apply to animal breeding.

but at the same time the positive aspect of these experiments is that they result in safer drugs. The pharmaceutical industry sought to be able to patent animals to subject them to various types of testing. This, of course, concerned genetically modified animals. An important example of a patent granted for an animal was the so-called Harvard mouse (*Oncomouse*).¹³ A gene was injected into its body to make it susceptible to breast cancer in order to test drugs for this disease.¹⁴ As cruel as it may seem, the utilitarian goal prevailed and the patent was granted. Another example is Tracy the sheep. The patent was intended to obtain human protein. Tracy's modified milk glands were able to produce protein identical to human protein.¹⁵ Such inventions function as "biological reactors."¹⁶ They are used to obtain human metabolic products.¹⁷ However, genetic modifications also serve other purposes: removing congenital defects, making an animal immune to a specific disease, increasing reproductive capacity, improving meat quality, etc.

This raises the question of what constitutes an intangible good in this case and how the ban on patenting animal breeds relates to the patents mentioned above. As we can see, it is possible to patent an animal.

In the above cases, the intangible good is an invention that changes certain characteristics in the animal's organism to achieve a specific technical effect (e.g., immunity to a specific disease or, conversely, susceptibility to it, whenever the purpose of the invention is to test drugs). Because of that, patentability must be based on technical characteristics, i.e., those that are the result of human activity. No characteristic determining the value of an invention can be justified by natural elements that an animal possessed without human intervention. This is logical, since these (e.g., natural) characteristics are not the result of human activity. Features added by humans must also have a specific technical effect that can be used in practice. They cannot, for example, merely change the appearance of the animal. Patents are not granted for solutions that are purely aesthetic in nature.

At the same time, case law under the European Patent Convention has taken a liberal approach to the distinction between animal breeds and animals themselves. It has been recognized that a breed cannot be patented, but an animal that does not belong to any breed can. However, it should be noted that a breed is a set of common characteristics of animals resulting from their genotype (being its expression). Therefore, individual animals may differ from each other and still be members of the same breed because they share a certain set of characteristics. Referring to the examples given, neither the Harvard mouse nor Tracy the sheep were "new" animals. They could be classified as belonging to

¹³ Joseph Straus, "Biotechnology and Patents," *CHIMIA* 54, no. 5 (2000): 296, <https://doi.org/10.2533/chimia.2000.293>.

¹⁴ Aurelia Nowicka, "Patentowanie wynalazków z dziedziny biotechnologii w świetle Konwencji o patencie europejskim," *Biotechnologia* 49, no. 2 (2000): 12, <https://rcin.org.pl/ichb/publication/176750>.

¹⁵ Ulrich Schatz, "Patentability of Genetic Engineering Inventions in European Patent Office Practice," *International Review of Intellectual Property and Competition Law* 29, no. 1 (1998): 3.

¹⁶ Nowicka, "Patentowanie wynalazków," 12. See also: Helena Zakowska-Henzler, "Ochrona prawna wynalazków biotechnologicznych w świetle dyrektywy Nr 98/44 z dnia 6 czerwca 1998 r.," *Studia Prawnicze* 143–144, no. 1–2 (2000): 103–49, <https://doi.org/10.37232/sp.2000.1-2.3>.

¹⁷ Straus, "Biotechnology and Patents," 296.

the mouse and sheep breeds despite the characteristics given to them by humans. However, the aim was to interpret the terms “breed” and “animal” in a way that was favorable to corporations to loosen the ban on patenting. Polish law also allows for the patenting of animals if the invention is not limited to a specific breed.¹⁸ Regardless of the above, this approach to patenting animals, although liberal, is also rational. A patent on an animal extends to a mouse, sheep, etc., with specific characteristics assigned by the inventor. These characteristics constitute an intangible asset, i.e., an invention having a specific animal as its subject matter. The patent holder cannot prohibit anyone from breeding, for example, a sheep that does not have the characteristics covered by the patent claims. You can also create inventions that would improve or modernize patented animals.

5. Animals and Trademark Law

We are all familiar with the distinctive Metro Goldwyn Mayer lion. The lion roars before the start of the film for so long that some people also remember the words “Trademark” displayed next to it. Images of animals can also be found in other trademarks, often absurd ones (i.e., those that would not normally be associated with the specific goods on which they are placed, but because of long-term use of the trademark, such an association has been created). An example is the camel device of Camel cigarettes. This raises the question of whether an animal can be a trademark.

To answer this question, it is necessary to define exactly what a trademark is as an intangible asset. Many years ago, Ryszard Skubisz rightly pointed out that a trademark is a connection between a product and a designation that exists in human consciousness, expressed in a set of ideas about the product, distinguished based on the criterion of the origin of that product. This definition is accurate. The essence of a trademark boils down to the connection between the symbol and the product that exists in human consciousness.¹⁹ In this case, the name, graphics, or image of an animal are not intangible goods. They are only elements of a trademark that are intended to evoke this association in the mind of the consumer. With the essence of a trademark defined in this way, it is impossible for an animal to be a trademark.

Regardless of this, the image of an animal can be the substrate of a trademark, i.e., something that evokes an association between the product and a specific company. When seeing an illustration of the aforementioned camel or lion, people associate these images of animals with specific goods and services. If a trademark is protected by exclusive rights, there are restrictions on the use of these animal images. Generally speaking, the use of these images as a trademark may infringe exclusive rights. As a rule, this must occur for identical or similar goods for which the trademark is registered. In most legal systems, trademarks are protected on the grounds of similarity of goods (except for

¹⁸ Marcin Smycz, “Ochrona wynalazków biotechnologicznych w prawie własności przemysłowej,” *Transformacje Prawa Prywatnego*, no. 1 (2003): 85.

¹⁹ Ryszard Skubisz, *Prawo z rejestracji znaku towarowego i jego ochrona. Studium z zakresu prawa polskiego na tle prawnoporównawczym* (reprint, Lublin: Stowarzyszenie Naukowe Pro Scientia Iuridica, 2018), 17.

renowned trademarks²⁰). However, there are no obstacles to using an animal image not as a trademark, i.e., not for the sale of goods or the supply of services. Trademark rights do not monopolize this type of use.

If someone were to register the image of someone else's animal as a trademark, the owner of that animal would not, in principle, be able to demand the invalidation of the exclusive right. In most systems, infringement of personal rights is grounds for filing an opposition or invalidating the trademark protection right. However, animals have no personal or property rights, so this ground for invalidation does not apply. The right of ownership of an animal does not extend to its image. The issue of protecting animal images in areas other than trademark law will be discussed in the next section.

6. Animal Likeness in the Context of Image Rights and Copyright

Issues related to image rights are often regulated by national copyright laws. This is the case, for example, in the Polish Copyright Act.²¹ It uses the term “image” but does not define it. Nor does it specify whether an image can belong to someone other than a human being. This is sometimes a source of some doubt in doctrine and jurisprudence. It can be considered that an image is a set of visually perceptible characteristics of a human being that allow other people to identify them. In my opinion, a person's voice does not fall within the concept of image, even though it allows for identification. It is a separate legal good. However, this issue is irrelevant to the key problem discussed in the article. There may be doubts as to whether a legal person (e.g., a company, a public institution) can have an image. However, there is no doubt that, in the legal sense, only a natural person can have an image. Animals are not such subjects. Their dereification does not change this situation, since in unregulated matters we still apply to them the provisions relating to the ownership of things (see Section I above). Therefore, the protection of the appearance of animals based on image regulations is out of the question.

One may consider whether an image can be a work. According to Polish copyright law, a work should be creative and individual in nature (Article 1 of the Copyright Act). The creative nature of a work can be reduced to the fact that it must be the result of human intellectual effort. Appearance does not meet this condition, as it is the result of natural processes that humans are often unable to control. Even if the external characteristics of an animal were the result of genetic engineering, i.e., human activity, this type of creativity, or more precisely, invention, is not protected by copyright. It constitutes a kind of “procedure” that is clearly excluded from the concept of a work.²² In this situation, there is no reason to consider the second condition for recognizing an intangible good as a work, i.e., the feature of individual character.

²⁰ Judgment of the CJEU of 14 September 1999, *General Motors Corporation v. Yplon SA*, Case C-375/97, ECLI:EU:C:1999:408.

²¹ Act of 4 February 1994 on copyright and related rights, consolidated text: *Journal of Laws* of 2025, item 24, as amended.

²² See Article 1(2)[1] of the Copyright Act.

It is worth noting, however, that although a person's appearance is not a work for reasons similar to those discussed above, their clothing, accessories, hairstyles, tattoos, and combinations of these elements may constitute a work.²³ Following this line of reasoning, one may wonder how to assess a similar case involving animals. Shows of specially prepared animals are organized, and influencers often post photos of their pets on Instagram, the animals' fur, clothing, and accessories styled accordingly.

This seemingly trivial situation takes on new significance in today's world, where photos and videos, even those taken for fun, bring influencers significant profits. From their point of view, the answer to the question of whether copyright protection can be sought in this regard is important. To answer this question, we must determine what constitutes an intangible good in this case. This good may be the photograph itself, which may represent a work. It may also be the way in which the individual elements in the photograph are combined, including the animal's costume, colors, decorations, etc. However, it should be noted that the animal itself is not a work. Therefore, copyright protection in the case of photographic works or works in the broadly understood field of fashion will only indirectly cover animals. A person who distributes photographs outside the scope of fair use will infringe the copyright of the photographer and, in some cases, the stylist. Copyright holders will be able to prohibit further distribution of the photographs, as well as remove them from the internet or claim damages. Indirectly, these claims will protect the image of the animal itself. This does not change the fact that the use of the image of the same animal in another photograph or in another styling is permitted by everyone. As a result, it must be concluded that an animal cannot be a work of art, but can at most be an element of the world depicted in a work of art. Using copyright terminology, animals can be classified as content rather than form of work. Meanwhile, copyright law only protects form. The situation is different in the case of fantasy animals that are not part of reality (for example, Jabberwocky the cat). However, this article deals with the status of real animals in intellectual property law.

7. Can an Animal Be an Author?

The answer to this question must be given separately for copyright law and industrial property law. In copyright law, there is no question that only a human being can be the author of a work.²⁴ This issue has recently come to the attention of the public in the case of an Indonesian macaque who, left unattended, took several photographs.²⁵ The photo began to circulate on the internet, gained popularity, and the case ended up in court.²⁶ There has been a discussion on the internet about copyright on photos, but in this case,

²³ Małgorzata Kubik, "Prawnoautorska umowa licencji zawarta w sposób dorozumiany," *Prawo Mediów Elektronicznych*, no. 4 (2023): 38, <https://doi.org/10.34616/150224>; Jorge L. Contreras, *Intellectual Property Licensing and Transactions: Theory and Practice* (Cambridge: Cambridge University Press, 2022), 88.

²⁴ Dane E. Johnson, "Statute of Anne-imals: Should Copyright Protect Sentient Non-Human Creators?," *Animal Law Review* 15, no. 1 (2008): 16, <https://lawcommons.lclark.edu/alr/vol15/iss1/4>.

²⁵ Richard Stim, *Patent, Copyright & Trademark: An Intellectual Property Desk Reference*, 17th ed. (Berkley: NOLO, 2022), 338; Raffael N. Fasel and Sean C. Butler, *Animal Rights Law* (London: Hart Publishing, 2023), 123.

²⁶ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

the assessment is straightforward.²⁷ Under copyright law, only humans can be creators. Animals cannot be creators, even if they can produce works resembling those of human intellect. Personal rights (the right to authorship, to the integrity of the work, the right to authorial supervision) are important in copyright law. To have these rights, one must be a legal entity. Humans have this legal capacity; animals do not. Until animals are granted legal capacity, the intangible goods they generate will not be protected. Under copyright law, a human being cannot claim to be the author of goods generated by an animal. This is due to the way in which the premise of creative character is understood in copyright law. Similarly, creations generated by artificial intelligence are not protected (artificial intelligence is not a legal entity and therefore cannot be an author). It does not seem that anything in this matter is likely to change on a global scale in the future.

In my opinion, the problem discussed here may be viewed slightly differently in industrial property law, in particular patent law. This is because the “creator” in patent law is different from the “creator” in copyright law. The right of authorship is not as important in patent law as it is in copyright law. In patent law, inventions have sometimes been not only “flashes of genius” but also the result of error, coincidence, or actions leading to a completely different goal than the invention obtained. If we accept that someone who has made an invention through mistake or accident – which, it must be admitted, has little to do with creative activity – may be regarded as its inventor, then a further conclusion follows. Namely, if an animal made an invention, a human could submit it to the Patent Office and obtain a patent. Of course, the creator of the invention should be indicated in the patent application as a human being (e.g., the animal’s guardian) and not the animal itself. Later disclosure of the animal’s role in the creation of the invention should not be grounds for invalidating the patent. However, this issue is largely theoretical rather than practical. The creation of inventions is becoming increasingly complex and requires a great deal of creative effort on the part of humans. Nevertheless, in patent law, it is possible for a human to claim authorship of an invention made by an animal.

8. Conclusions

An animal as such is a product of nature and cannot be an intangible good. However, certain characteristics of an animal that are the result of human technical intervention (e.g., genetic engineering) may be the product of intellect. In this case, we can refer to the concept of intangible goods. In other words, if humans can influence the traits of an animal that manifest in subsequent generations, we can regard the animal as a kind of intangible asset.

An independent new intangible good is created when the legislator specifies in regulations the characteristics of that good that distinguish it from other objects of this type and grants it protection. This is the case with plant varieties. They must be new, stable, and uniform to be subject to plant variety rights. In the case of animals, there are

²⁷ Andrés Guadamuz, “The Monkey Selfie: Copyright Lessons for Originality in Photographs and Internet Jurisdiction,” *Internet Policy Review* 5, no. 1 (2016): 1, <https://doi.org/10.14763/2016.1.398>.

no such regulations. Not only do the laws not grant them protection, but sometimes they deny it (e.g., exclusion of animal breeds from patentability).

In summary, neither an animal nor an animal breed can be an independent intangible good (i.e., separate from inventions or works). Although animals do not have independent status in intellectual property law, they can be elements of other objects of this type. Genetic modifications that create new animals can be inventions. In addition, methods of breeding animals can be inventions, if they are not purely biological. In these cases, the innovativeness of the invention is assessed according to characteristics given by humans, rather than those existing in nature. An animal can also be a substrate in a trademark, i.e., something that evokes an association (of the origin of goods) in the minds of consumers.

The appearance of an animal may be an element of a work (e.g., photographic or audiovisual). As a result, certain characteristics of animals may be part of other intangible goods.

Since an animal does not have legal personality, it cannot be the author of a work. However, considering that an invention may be the result of an accident or error, which gives a person the status of its author, such a position may also be obtained by a human being if the invention were made by an animal.

It is possible to create a separate system for the protection of intangible goods relating to animals, as is the case with plant varieties. The question arises as to whether this is justified, given that patent law already adequately meets the needs of inventors in this area. However, it seems that such a new system could take greater account of protecting animals from unnecessary suffering during various experiments and tests, especially if this does not bring measurable benefits to humanity.

In order for solutions concerning animals to constitute a separate intangible good, at least the following characteristics of this good would have to be specified in the regulations. First, the solution would have to be new, i.e., introduce previously unknown characteristics of the animal. Second, it should be stable, which means that these new characteristics of the animal will manifest themselves in subsequent generations. Thirdly, it should be safe, meaning that it does not cause suffering or discomfort to the animals raised. Fourthly, it should be useful, which is linked to improving the animal's daily existence. This last feature is particularly important. Thanks to it, protection could be granted when, thanks to human intervention, an animal has become resistant to disease or more resilient to weather conditions, etc. Requiring the above characteristic would discourage breeders from genetic interference, which may benefit society but would only cause suffering to animals.

At this point, there is no economic need to create separate regulations on intangible goods concerning animals. The patent system meets the specific needs of pharmaceutical companies interested in patenting animals for research. However, this issue can be viewed from a broader perspective, not only economic but also axiological. Within a separate system for the protection of animals or their breeds, more regulations could be created to safeguard animals from unethical interference with their genetic code, etc. Such a system would create more opportunities to counteract the pathologies that occur in

breeding. As a result, there are reasons other than economic ones for creating a separate model of animal protection in intellectual property law.

However, I would be opposed to creating *sui generis* rights to an animal's image. This would be a response to the needs of people active on social media (so-called influencers). The right to protect such an image would probably have to be granted to the animals' guardians. I believe that this would not bring any measurable benefits to society. On the contrary, it could generate a lot of litigation. In the long run, it would lead to even greater reification of animals. This should not be the goal of new intellectual property solutions.

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