

## **QUESTION 40**

### **The inventions of employees**

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Yearbook 1963, New Series No. 13, 1st Part, 66th Year, page 85  
25th Congress of Berlin, June 3 - 8, 1963

Q40

#### **Question Q40**

#### **The inventions of employees**

#### **Resolution**

The Congress decides to continue the study of the respective rights of employers and employees in respect of inventions:

- on the basis of the Synthesis prepared for the Berlin Congress
- taking also account of points made during the Congress meeting.

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## **QUESTION 40**

### **The inventions of employees**

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Yearbook 1966/II a, 69th Year, page 49  
26th Congress of Tokyo, April 11 - 16, 1966

Q40

#### **Question Q40**

#### **Intentions of employees**

#### **Resolution**

The Congress

decides that the study of this question be continued at the Executive Committee.

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## **QUESTION 40**

### **The inventions of employees**

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Yearbook 1967/III, pages 112 - 114  
Executive Committee of Helsinki, August 28 - September 1, 1967

Q40

#### **Question Q40**

#### **The inventions of employees**

#### **Resolution**

The Executive Committee

in its desire to open the way to a doctrine relating to the respective rights of employers and employees as to the latter's inventions, which doctrine the contracting parties and the legislation of various countries could take as a basis, bearing in mind that, as in the case of patent law, it should promote technical development and social progress,

adopts the following resolution:

Unless otherwise provided by domestic laws or in the absence of an agreement between the parties concerned, the following regime should be applied:

1. The inventions eligible for protection made by the employees belong to the employer when they have been made with the means or experience of the latter or if connected with his type of activity. The employer shall enjoy the right of protecting the invention, in particular by a patent.

Except in the case in which the invention is the result of a task entrusted to the employee, and is already remunerated, the employee shall have the right to request (to obtain) a special remuneration or a recompense which, in the absence of an agreement between the parties, shall be determined by a tribunal or by arbitration. This remuneration or this recompense shall take into account the importance of the invention and the contribution of the employee responsible for it.

2. The employee shall have the right to be named as the inventor in the patent.

3. The inventions made by an employee which do not fall within the above mentioned cases shall be regarded as 'free' inventions and will be the property of the employee.

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## **QUESTION 40**

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Yearbook 1969/II, page 222  
27th Congress of Venice, June 9 - 14, 1969

Q40

#### **Question Q40**

#### **Inventions of employees**

#### **Resolution**

The Congress,

finding that its opinion is divided on the point which will decide any solution of this question, that is to say, the definition of the service invention,

decides to refer the question back to the Executive Committee for its continued study by a next Congress.

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