Date:\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| To be filled in by the University/Research unit: | |
| Submitted on: |  |
| Written confirmation of receipt sent on: |  |
| Notification of incompleteness on: |  |
| End of the 4-month period for claiming the rights on: |  |
| Decision University of Rostock Service GmbH on: |  |
| Decision on release or claiming of rights took place on: |  |

**NOTIFICATION OF AN INVENTION**

**Only to be posted in a sealed envelope and separately!**

Short description of the invention (working title)

Name of the invention!

1. **The following documents are attached to the Notification of an Invention:**

|  |  |
| --- | --- |
|  | «……..»pages of description of the invention incl.«……..» sketches/drawings |
|  | own work/publications in the field of the invention |
|  | Material found which describes the state of the art (catalogues, publications etc.) |
|  | Further information: |

**2. Inventors Involved**

Please use a separate column for each inventor. Please also give details of external co-inventors or freelance inventors (if details are known). If there are more than three inventors, please attach the necessary details on a separate page and make a note of this under point 2. Inventors are those who have made an independent contribution to the invention (‘flash of genius’);

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| If there are several inventors, contact person in charge | |  | | | | |  | | | | |  | | | | | | |
| 2.1Surname | |  | | | | |  | | | | |  | | | | | | |
| 2.2 First Name(s) | |  | | | | |  | | | | |  | | | | | | |
| 2.3 Title/academic degree: | |  | | | | |  | | | | |  | | | | | | |
| 2.4 Nationality: | |  | | | | |  | | | | |  | | | | | | |
| 2.5 Address **(private)**: | |  | | | | |  | | | | |  | | | | | | |
| 2.6 Tel.: **(private)**: | |  | | | | |  | | | | |  | | | | | | |
|  | **Details of Employment at the Time of Invention** | | | | | | | | | | | | | |  | |
| 2.7 Occupation:  (Mechanic, Biologist etc.) | |  | | | | |  | | | | |  | | | | | | |
| 2.8 **Institute / Chair:**  Address: | |  | | | | |  | | | | |  | | | | | | |
| Tel.:/pager: | |  | | | | |  | | | | |  | | | | | | |
| 2.9 email address: | |  | | | | |  | | | | |  | | | | | | |
| 2.10 Position:  (Professor, Research Assistant, Postdoc, Doctoral Candidate, Diplom Candidate, Technician etc.) | |  | | | | |  | | | | |  | | | | | | |
| 2.11 Type of Employment:  (employment contract as postdoctoral fellow/graduate assistant, contract for works and services, teaching contract, etc.) | |  | | | | |  | | | | |  | | | | | | |
|  | **Development of the Invention** | | | | | | | | | | | | | |  | |
| 2.12  Proportion of the invention | | % | | | | % | | | | | % | | | | |
| 2.13  The invention is within the field of my work | | yes | | no | | yes | | | no | | yes | | no | | |
| 2.14  I was requested to tackle the task which led to the invention (e.g. externally funded project) | | yes | | no | | yes | | | no | | yes | | no | | |
|  | **The Invention Was Made During...** | | | | | | | | | | | | | |  | |
| 2.15  my bachelor’s/master’s dissertation or Diplom thesis. | | | yes | | no | | | yes | | no | | yes | | no | | | |
| 2.16  my doctoral thesis. | | | yes | | no | | | yes | | no | | yes | | no | | | |
| 2.17  employment. | | | yes | | no | | | yes | | no | | yes | | no | | | |

If there are more than three inventors, please reproduce this page correspondingly.**3. Questions Concerning the Invention**

|  |  |
| --- | --- |
| **3.1 Have the ideas behind the invention been communicated in full or in part to third parties?** (in verbal or written form e.g. through publications, lectures, tours, trade fairs, exhibitions, posters, calls for proposals, verbal announcements e.g. company representatives, submission of abstracts/online-abstracts, registrations for lectures etc.)  The heart of the invention - the inventive nature - may not have been published anywhere in the world (not by you either) prior to a patent application at the Patent Office. Hold back any planned publications, the distribution of Diplom theses or doctoral theses, as well as specialist lectures!  **Please attach any relevant documents.** | |
| yes  Please indicate to whom and in which form | no |
|  | |
| **3.2 Have you planned or submitted corresponding publications?** | |
| yes  Please indicate when and in which form | no |
|  | |
| **3.3 How did the invention come to stand?** (through own experience, hints from colleagues, personal experience, problems on the edge of your actual research project?) | |
|  | |
|  | |
| **3.4 How much experience was already present at the University or institute?** | |
|  | |
|  | |
| **3.5 Date of invention:** Exactly when was the invention made (month/year)?  i.e. when did the ‘flash of genius’ occur? | |
|  | |

|  |  |
| --- | --- |
| **3.6 Was the invention made as part of a research/externally funded project? If yes, please indicate the contracting party, the kind of funding, the name of the project and the project number.**  Please attach a copy of the the project/research proposal, confirmation of approval and, if applicable, regulations concerning patenting/exploitation. | |
|  | |
|  | |
| **3.7 Is a research project planned on the basis of the invention that is being notified?** | |
| yes  Please indicate which project: | no |
|  | |
| **3.8 Apart from the named inventor(s), were other academic/scientific or technical members of staff involved in the drawing up/ realisation of the invention (but without making an independent contribution to the invention)? If so, who?** (e.g. workshop, Diplom candidate etc.) | |
|  | |

**4. Questions about the Market**

The current stand of the invention:

Idea  Experiment  Draft  Prototype

If known, please indicate the Technology Readiness Level - TRL 1-9:

TRL ...............................................

|  |  |
| --- | --- |
| 4.1 Are you planning to create a startup company based on your invention? | |
| yes  Are you planning to request financial funding (e.g. EXIST etc.)?  yes no | no  If no, would you provide your invention for other persons willing to create a startup company?  yes no |
|  | |
| **4.2 Have you already contacted a startup consultancy?** | |
| yes  Please indicate who: | no |

|  |  |
| --- | --- |
| **4.3 In which areas do you think your invention could be applied? How much relevant knowledge do you have about the target market and which corresponding sources of information can you name?**  Please give details of possible branches. | |
|  | |
|  | |
| **4.4 Which target groups could profit from your invention?** | |
|  | |
|  | |
| **4.5 How would you rate the chances of licensing or selling the invention to a third-party?** | |
|  | |
|  | |
| **4.6 Is anyone already interested in your invention? If so, who are the contact partners?** (Firms you have contacted, cooperation partners etc.) | |
|  | |
|  | |
| **4.7 Have any oral or written agreements been made with third-parties?**  (e.g. Material Transfer Agreements; Compound Use Agreements for used substances; existing confidentiality agreements?) | |
| yes  **Please be sure to attach a copy!** | no |
|  | |
| **4.8 Which disadvantages or risks (academic/scientific, in practical use, economic) do you see in your invention?** | |
|  | |
| **4.9 Can your invention be developed any further and do you plan to do so?** | |
| yes  If yes, how? | no |

**5. Description of the Invention**

Please find a description of the invention I/we am/are sending you with this form, which describes the invention in detail.

|  |
| --- |
| **PLEASE NOTE:**  The complete and comprehensive description is important as no further details can be provided after the patent application has been submitted to the German Patent and Trade Mark Office. Furthermore, the University will only release the part(s) of the invention that was/were described in the Notification of an Invention. The University will treat the submitted documents confidentially. |

**Scope**

|  |  |
| --- | --- |
|  | about 4 A4 pages, if necessary more; if applicable, the manuscript for a planned publication |
|  | drawings, plans, sketches; if applicable, important laboratory results |
|  | if applicable, copies of important sources describing the state of the art |
|  | if applicable, own publications in the field of the invention |
|  | if applicable, copy of the research proposal |

**Please be sure to describe the following points:**

**Scientific background:**

|  |  |
| --- | --- |
|  | Which field does it concern? |
|  | What is the state of the art known to you? Please name relevant publications. |
|  | Which technical problems or disadvantages are currently present and could be solved by your invention? |
|  | Which attempts have already been made to solve the problems? |
|  | And finally, what is the exact function of your invention? |

**Technical Solution**

|  |  |
| --- | --- |
|  | How does your invention solve the problem? |
|  | How can it be put into practice? |
|  | What is the ***most significant innovation*?** |
|  | Which advantages does your invention bring when compared to the state of the art? |
|  | Materials & Methods |
|  | Experiments and details which document the solving of the problem. |
|  | Examples of use, current and theoretically possible |
|  | Sketches, photos (black and white!), with legend, preferably in portrait format |
|  | Which other experiments, results are you planning (including time frame)? |

|  |
| --- |
| **DECLARATION:**   * To the best of my knowledge, there are no other persons, other than those named, who were involved in the invention as inventors. * Apart from the details provided here and in the attached documents, there has been no other pre-publication of any sort. * I have described the invention in full and in detail. * I am aware that all publications of the invention and all notifications of third parties, who are not committed to confidentiality, can cause the prevention of patents being granted and have liability consequences. * I am not allowed to make use of the invention until the University has released it. * We commit ourselves to constructive collaboration during the patenting and exploitation procedure and will provide all of the required signatures. |

Date, Signature

Date, Signature

Date, Signature

Date, Signature

Date, Signature

Date, Signature

**IMPORTANT: Explanatory Information for the Notification of an Invention**

**You have invented something?**

Consider legal protection for your invention and its exploitation possibilities in good time. The longer you wait, the more likely it is that somebody might beat you to it. Do not pass on details of your invention to the public. The advisory office for inventions provides information for any questions on this topic.

**The purpose of the Notification of an Invention is to determine who is entitled to the exploitation rights of the invention, prior to submitting a possible patent application. This is regulated by the *Arbeitnehmererfindungsgesetz* (Employee Inventions Act) - ArbnErfG[[1]](#footnote-1). If the invention is**

• a result of **employment** **(assignment, task)** at the University or

• based significantly on **experiences** gained during employment or

• **thematically** based in the field of employment,

it is a so-called **service invention** (§ 4), which can be claimed by the employer (§ 6). At the same time, it is irrelevant as to where or when (for example at the weekend or as part of secondary employment) the invention was made. If the University decides to claim the rights in full, it has to submit a patent application immediately (§ 13). The inventor is then entitled to adequate remuneration (§ 9).

The employer has to be notified of every invention which is made during the term of employment **immediately, in writing and in full** (§ 5 & § 18). The employee must receive an immediate written confirmation of receipt of the Notification of an Invention (§ 5).

Using the submitted documents, the employer (as a non-subject specialist) should be in a position to **judge** as to whether the invention is really a service invention and, if this is the case, as to whether s/he wants to claim the rights. This decision must be made by the employer within **4 months after receipt of the Notification of an Invention** (§ 6). If s/he has not passed comment after the 4 months have passed, the invention is automatically claimed by the employer.

If the employer claims the rights of the invention, s/he must make a patent application at his/her own cost. The practical realisation and subsequent commercial exploitation of the invention will be carried out by an entity commissioned by the employer.

In accordance with § 42(4) ArbnErfG, the inventor is entitled to a private 30 % share (in total) of the gross revenue from the invention. A further significant proportion of the remaining revenue is usually handed over to the departments involved.

The documents which describe the invention must contain enough information for the University as employer to be able to decide as to whether it wants to claim the rights of the service invention and thus make a patent application. If the Notification does not describe and explain the invention or its development in enough detail, the employer can **query** the Notification within a time frame of two months (§ 5). If s/he does not query the Notification within this time frame, it counts as sufficient.

If there is a query, the above named deadline for claiming the rights is extended correspondingly.

**Help for Completing the ‘Notification of an Invention’ Form**

**Objective and Purpose of the Form**

Legal regulations stipulate that notifications of inventions have to be made in written form to provide for legal certainty. However, inventors are often unsure about the requirements for a correct notification of an invention. This is where the Notification of an Invention Form comes into use, by asking the inventor to provide all of the required information. This means that queries and objections from the University’s administration can be avoided from the start.

Additionally, the form provides the University’s administration with a uniform, clear, and extensive depiction of possible inventions.

**Entries To Be Made by the University’s Administration**

The table at the top of the first page should clearly point out important dates related to the Notification of an Invention. The Explanatory Information for the Notification of an Invention already mentioned the need for a written confirmation of receipt and the possibility of queries due to the incompleteness of the submitted documents. In particular, there must be indication of the deadline for claiming the rights. This deadline cannot be extended if no query was made about the Notification.

**Attachment:**

The Notification of an Invention should mainly include personal details, information about how the invention was made and legal and financial aspects. The actual technical description and explanation of the invention should be attached to the Notification, together with possible illustrations, and noted in chapter 1.

**Regarding 2. Joint Inventions (2.1-2.6)**

If **several people** were involved in the invention, the submission of one joint Notification of an Invention is sufficient. The draft form makes specific allowance for this, by asking about the shares in the invention under 2.12 on page 2, in order to encourage an early agreement as to who has which percentage share in the creation of the invention.

The inventors, who have announced their invention or their share in the invention by submitting the documents, must also sign the Notification of an Invention on page 7. This does not apply to co-inventors who were named by the notifying person(s) under point 3.8 on page 4 for the sake of completeness.

The notifying person(s) confirm on page 7 that no further inventors were involved in the invention, other than those named. These details are required for naming the inventors (§ 37 PatG) which must be done after the patent application has been submitted. Freelance inventors or staff members from other institutes who were involved must also be indicated for the future joint patent exploitation.

**Inventors** who should be named are the persons involved who have made an important, inventive and independent contribution to the invention (‘flash of genius’).

**Employment Details (2.7-2.11)**

This looks in particular at the employment relationship at the time the invention was made. As inventions at universities are often made whilst completing Diplom or doctoral theses, it is important that 2.11 indicates where the inventors can be contacted after they have finished their theses.

**Development of the Invention (2.12-2.17)**

The question related to research projects should help clarify the University’s obligations towards external funders.

If the invention was made in the field of activity of another institute or subject area at the University, it should be checked, for example, if the invention could be used there.

**Regarding 3. Questions Concerning the Invention**

(3.1) Prepublication of Parts of the Invention

In order to judge the patentability of an invention, it is important to know whether parts of the invention have been made accessible to the public, either in spoken or written form (§ 3 PatG). On page 7, inventors are bound to confidentiality until the rights of the invention have been released by the University or the patent application has been made.

**Regarding 4. Questions about the Invention’s Market**

As patent applications are linked to financial expenses, it is important to think about the technical viability and market chances of an invention at an early stage. Inventors can and should look for potential users for their invention at every stage of the technical development and during the legal process for employee inventions and patents, without revealing the subject or the nature of the invention.

**Regarding 5. Description of the Invention**

An extensive and complete description should be attached. The contents should be structured in technical *problem* and technical *solution*, which are also part of every patent application. The inventor is asked to give comprehensive details of his/her knowledge of the the state of the art and literary sources known to him/her.This makes (patent) enquiries easier. It would be helpful if the results of own research on this topic are attached or quoted.

When describing their invention, inventors should lay the focus on the **important innovation** of their invention. They should list why their invention will solve a technical problem or which advantages their invention will bring when compared to previous developments. Long reports of unsuccessful preliminary tests and the explanation of the scientific fundamentals can be included as an auxiliary component to the Notification of an Invention. Neither of them are central points in the patent application, but they can help describe the invention.

**Please note: As an inventor, you are the ‘above-average expert’ - therefore please describe your invention for an ‘average expert’. For example, avoid page-long mathematical calculations! Don’t write ‘why’ something works, but ‘what you have to do, TO MAKE it work’.**

1. if not stated otherwise, the paragraphs refer to the *Arbeitnehmererfindungsgesetz* [↑](#footnote-ref-1)