



# (Co-)Ownership of Patents – Consequences in Germany

**Heinz Goddar**

**Boehmert & Boehmert**

# Documentation/Record of Ownership of Patents in Germany

- Any combination of natural and/or legal persons can obtain/hold patent applications and patents
- Inventor(s) can be a co-applicant/owner, but not necessarily
- Change of ownership by request to change patent register possible at any time (at GPTO)
- Register of GPTO has only declaratory, not constitutive character

# Rights of Co-Owners of Patents

- Co-Owners can each use the patent for own business purpose
  - ◆ Without obtaining permission of other co-owner(s) or compensation to other co-owner(s)
- Licensing is only possible by all co-owners together
- Enforcement is possible by each co-owner alone
  - ◆ Settlement by licensing, however, needs approval by all co-owners
  - ◆ Very unsatisfying situation!

# Ownership of Patents on Employee Inventions

- Employer fully entitled to be sole owner of patent
- Employer must keep inventor/employee informed of progress of any patent application and patent
- In those foreign countries where employer does not apply, employee is entitled to apply for patents
  - ◆ Employer may retain a non-exclusive right to use
- If employer wishes to give up any patent or patent application, prior offer for transfer to be made to employee inventor