



Institut für
Entrepreneurship
und Innovation



UNIVERSITÄT
BAYREUTH

Information on dealing with inventions

at the University of Bayreuth



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1. What is an invention?
2. How does the invention become a patent?
3. Who is the owner of the invention?
4. What happens after submitting the registration form?
5. When can the invention be published?

1. What is an invention?

Technical property rights (patents, utility models) require inventions. But how do you recognize an invention? There are the following indications:

- A problem that has not been solved for a long time has been solved.
- A product can be manufactured cheaper or faster.
- Work steps are saved.
- The quality improves.
- You discover a sudden change in a positive quality.
- The results are unexpected.

Researchers and employees are familiar with the work areas and know or can research whether the result is new or has already been published. If the result is unknown, there is probably an invention and you should contact the inventions advice center at

schutzrechte@uni-bayreuth.de.

2. How does the invention become a patent?

In order for an invention to become a patent, these three requirements must be met:

■ **Absolute novelty**

Anything that does not belong to the current "state of the art" is new. All "public" information about the core of the invention (solution to the problem) is novelty-destroying. This includes posters in corridors, lectures and publications in magazines or on websites.

■ **Level of invention**

The legislator assumes that the necessary level of inventiveness is met, if a professional in the specific area of research - based on the state of the art - would not come up with this solution.

■ **Commercial Applicability**

This is the case when a product can be manufactured and used or a manufacturing process can be carried out.

3. Who is the owner of the invention?

Inventions are divided into job-related inventions and free inventions:

Job-related invention

All inventions that result from work within the framework of an employment contract for the University of Bayreuth or are remotely related to it are job-related inventions. It doesn't matter whether you have the idea during work hours or in your leisure time.

The inventions must be reported to the employer (University of Bayreuth). The university provides a registration form for this purpose.

This can be requested from schutzrechte@uni-bayreuth.de. The registration form is used to check:

- Who is involved in the invention?
- Who has what percentage of the invention?
- Are other people / companies / universities involved in addition to the inventors of the University of Bayreuth?

Further questions relate to how the invention came about and whether it arose within the framework of cooperation, with or without a contract. If publications are planned, the date must be specified. In addition to this data, a description of the invention is attached to the registration form. This serves as a basis for research.

TIP

An ideal description reveals which solutions (processes/products) are currently available (state of the art), which problem has not yet been solved and what the solution (invention) looks like. Instead of a description, a draft of a publication or excerpts from a work (e.g. dissertation) can also be enclosed.

Free invention

If the invention was not created in connection with activities at the University of Bayreuth, or if the invention is not based on the experience gained at the University of Bayreuth, then it is a free invention. The invention is the property of the inventors and can be registered, sold or licensed at their own expense or used as the basis for founding a company.

TIP

You are not obliged to report free inventions. We recommend making the notification anyway. In this way, you receive feedback as to whether the invention is also free from the point of view of the university.

4. What happens after submitting the registration form?

If the report is complete, the University of Bayreuth has four months to examine the invention and decide whether the invention will be used. If a publication is planned, the review period is reduced to two months. The periods of four and two months are stipulated by law.

There are usually three different cases:

- If the invention is patentable and there are prospects of selling or licensing the property right, the UBT accepts the invention (claim). The University of Bayreuth pays all registration and maintenance costs. If income is generated, 30% of it is paid to the inventors. The remuneration of 30% is stipulated in the "Act on Employee Inventions". The distribution key results from the shares of the invention as stated in the notification form.
- If there are contractual regulations (e.g. third-party funding contracts) in which the transfer of the invention to the cooperation partner is provided, the UBT must claim the invention. If there is any income, 30% of it will be paid to the inventors.
- Although an invention may be patentable, it is not always advisable to register it. An example of this is when unauthorized use cannot be proven. If there are no interested parties for the purchase or licensing, the registration is not economical. In such cases, the University of Bayreuth can release the invention to the inventors.

If inventions are claimed and exploited by the University of Bayreuth, the University commissions an exploitation agency (e.g. BayPAT) or a law firm with the patent application. Inventors are the experts in the field of invention. Therefore, your cooperation is necessary. This applies, for example, to the provision of information and the proofreading of documents for registration. In the course of the proceedings, there are usually objections either from the patent agency itself or from third parties. These are documents that question novelty, for example. Patent attorneys can only refute these claims with the help of the inventors.

TIP

If the invention is registered with the patent office, the inventors are named in the documents. Patent applications and patents can be cited as publications and can be helpful in funding applications from the chairs and in applications.

5. When can the invention be published?

If a patent application is received by the patent office, the date of receipt is recorded. This filing date can also be found on the patent specifications and is important for assessing the novelty.

When the patent office searches, it is checked whether the solution to the problem (invention) was already known before the filing date and therefore belongs to the "state of the art". It is irrelevant who published the information, in which language and in which form (lectures, posters, film contributions, etc.) it was made.

Any information published after the "Filing Date" will not be taken into account when assessing novelty.

You must therefore wait until you register with the patent office before you publish your own publications.

Usually it takes a few weeks after the university has claimed the patent and registered it with the patent office.

NOTICE

Please make sure that the inventors do not make any publications that are harmful to novelty before registering the patent. This includes all publicly accessible lectures, posters, film contributions, publications in magazines, on your own websites or even in the hallway.



For further questions please contact:

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