Guide to Intellectual Property

How to protect and exploit your invention
This guide is aimed in particular at scientists and students at the universities in the “University of the Greater Region” group, in other words members of Saarland University, the Universities of Liège, Lorraine, Luxembourg, Kaiserslautern and Trier. The guide should raise awareness among researchers about the protection of their intellectual creations and about the possibility of technology transfer. The guide also provides information about local and national patent information offices.

This is how the guide works:

In the first section, you will find answers to the most frequently asked questions about dealing with intellectual property. The arrows indicate which terms are explained in the third section. The second section contains practical information on (university) contact points and research opportunities, overviews of national patent laws, competent authorities, a check list and example case. In the third section you can search through an alphabetised list of definitions for the most important technical terms. In the fourth section, you will find a glossary.
I. FAQs .......................................................................................................................................................................................... 3

II. PRACTICAL INFORMATION .................................................................................................................................................. 8
   1. Example case ....................................................................................................................................................................................8
   2. Checklist - what do I do if I have an invention? ................................................................................................................. 10
   3. University contact points .......................................................................................................................................................... 11
   4. Research database ....................................................................................................................................................................... 12
   5. Table overview on property rights, laws and competent authorities .................................................................................. 13
   6. Offices and patent authorities ................................................................................................................................................... 16

III. DEFINITIONS ........................................................................................................................................................................ 18

IV. GLOSSARY ............................................................................................................................................................................ 24
I. FAQs

1. What is a property right and which property rights are there?
Property rights protect your intellectual property from misuse. In addition to → patents or (in Germany) → utility models or (in France and Luxembourg) → certificats d’utilité for technical → inventions, other → industrial property rights such as → trade marks, → protected designs and → plant variety protections can also be registered. There is a charge for all registrations. There are also non-commercial property rights such as → copyright.

2. Why is it sensible to register property rights?
By registering an industrial property right, you are protecting your intellectual property and ensuring that you have sole → use. This means you can reclaim your research and development costs. Registrations of technical → inventions (→ patents, → utility models, → certificats d’utilité) are published after 18 months at the latest. In turn, this publication can serve as inspiration for new inventions, and technical advancement is promoted. Note: The → inventor does not always have to be the applicant (→ employee invention)!

3. How can I find out which property rights I can get for my invention?
An → invention can often lead to various industrial property right applications. For example with cars: A → patent application can be made for the technology (e.g. engine, undercarriage, electronics etc.). The name of the car or the model can be registered as a → trade mark. Appearance, shape and colour, in other words the optical features (design), can be registered as a → protected design (see II.1, example case).

4. When does an invention count as novel and how can I check the novelty?
“Novel” means that your → invention is not yet part of the state of the art and has not been published in property rights or other documents, at trade fairs, in lectures or by similar verbal transfer (not even by you!). Patent literature is the most important source of information on the state of the art. This means that in addition to checking the technical literature, you should also always carry out → patent research.
I have an invention, what do I need to do now if I want to patent it?
If you as a scientist or student have an employment contract with a university, then you must report your invention to your employer (employee invention). The universities have a pre-prepared reporting form for inventions. The university will then check within a defined period of time whether it will register your invention itself (service invention) or will release it for use by the inventor (released service invention).
If the university takes on the invention, it is obliged to submit a patent application (in Belgium, in France and in Luxemburg the university is not obliged but does have the right to do so) and to bear all costs. However, you are named in the application as the inventor.
Those with no employment contract can register their inventions themselves. You are recommended, in any case, to seek advice from the contact point of your university beforehand.
There is a charge for the patent application.

Why do I have to report my invention to my employer?
Normally, you as an employee are only able to make an invention as a result of your activities or the knowledge which you achieve through these activities. This means that your employer has a right of use for your intellectual property.

Which inventions do I have to report to my employer?
You must inform your employer of all technical inventions (patents, utility models, certificats d’utilité). The invention remains the property of the university unless it is released (released service invention).

Who can I ask if I have questions about inventions?
You can find information on inventions, industrial property rights and their use from your contact point (see II.3).

Can software be patented?
Software is generally protected by copyright. For software with a technical character, an additional application can be made for patent protection if it either solves a technical problem or has a technical effect. Examples: Software for effective data compression, for the control of machines and equipment.

How/where do I report an invention?
Your university will provide you with a form to report an invention. For additional information, please consult your contact point (see II.3).
Where do I report my invention if I have employment contracts with several universities?

If you as the → inventor have employment contracts with several employers, you have to report the → invention to each one of your employers.

What happens to me as the inventor if my invention is used by my employer? Will I be remunerated?

As the → inventor, you retain the right to be named expressly in the patent application as the → inventor. If there are any financial returns, remuneration from the employer is handled differently by the universities in the Greater Region in different countries. At German universities, the → inventor is given 30% of the revenue. The University of Luxembourg has agreed 50%, and the same procedure is followed in France. At the francophone universities in Belgium, the → inventor is remunerated with 33% of the revenue after all costs have been deducted.

If an invention results from a third party funded project, who does it belong to?

There are generally contractual agreements with the third party funder and, where applicable, cooperation partners involved. It is important that you always report the invention to your employer and, where applicable, name the third party funder and/or cooperation partner.
When can I publish my invention? You can generally only publish an invention when the patent application has been successful. Any prior written or verbal publication (lectures, oral report, article, design of scientific articles for inspection etc.) is prejudicial to novelty and can, in certain circumstances, lead to consequences related to labour law in the case of a service invention. Please consult your contact point about any additional special regulations (see II.3).

I have already written about my invention in an academic journal. Can I still patent it in Europe? No. Any publication before a patent application is prejudicial to novelty (see question 15).

I have sent an article about my invention to an academic journal, but it has not yet been published. Can I still patent it? As long as your article has not yet been published then this is still possible, provided the editorial team of the academic journal is bound by a confidentiality agreement. However, you must prevent the publication of the article until the inventor or the employer has submitted the patent application.

Can I still file a patent application if my invention was described in an academic thesis (BA, Diploma, PhD) and is available in the library? No. Even pieces of work which are accessible in the library are prejudicial to novelty (see question 15).

I have already told somebody else about my invention. Does that count as publication? Generally yes, unless the person you have told is bound by a confidentiality agreement. In any case, you should complete a non-disclosure agreement (NDA) before you pass on any information. If you have any doubts, please speak to the contact point at your university (see II.3).

I have reported my invention and am waiting for a response from my employer, but I do not want to hold off on the publication of my invention any longer. What can I do? You have to wait until your employer has made an application or released the invention. You may not publish the invention before this under any circumstances. As soon as publication is planned, you must inform your employer of the deadline. You generally submit the intention to publish along with the invention report.

Which options for use do I have if the university uses my invention? If the university uses your invention, you will be remunerated if there are financial returns. Any further use of the invention is at the discretion of the university (see question 13).

Which options for use do I have if the university releases my invention? If the university releases your invention, you have free control over it and can use it as necessary. You
can find information on the existing options for → use at the contact point of your university (see II.3).

How do I file a patent application if my invention is released?
If your → invention has been released (→ released service invention), you can make the → patent application yourself. The → invention must be published completely (area of application, detailed description of the problem and the solution, diagram). Submitting the application documents and paying the application fee secures the date of application; further → inventions (particularly improvements and/or additions to the old → invention) have to be registered again.

Do I need a patent lawyer?
In principle, anybody can submit a → patent without the help of a patent lawyer. This also applies to registering other property rights. However, the legal formulation of the patent claims is a particularly complex area, especially for applicants who have no or little experience. The costs for a patent lawyer can be several thousand euros and have to be borne by the applicant or applying institution in addition to other costs and fees arising as a result of the application. If you have any questions, please speak to the contact point at your university (see II.3). Many of these contact points work with patent lawyers and offer a free initial consultation (except in Belgium).

What do I do if I want to register a trade mark or a protected design?
→ Trade mark and → protected design applications are not technical property rights and do not have to be reported to your employer unless you have a special agreement. Before you file a trade mark application, you should research whether identical or similar sounding trade mark applications already exist. From the date of registration the → trade mark is ensured, but you may only advertise the “registered trade mark” once you have been entered into the trade mark register. Before making a protected design application you should also research whether there are identical or similar → protected designs (see II.4). The contact points at your university will be able to help you with this (see II.3). You can submit the application form at the patent and trade mark office or an authorised patent information centre.
II. Practical information

1. Example case of an invention and resulting technical property rights

a) A group of scientists and technicians develops a number of technical safety features for a passenger vehicle. If there is a crash (collision), sensors determine the negative acceleration of the vehicle. The on-board computer receives the signals and starts controlling the electric motors, which adjust the front edge of the seat cushion and the headrest into vertical positions.

b) There are also additional air slots on the body of the car to provide additional cooling to the electronic components, and air slots for decoration which give the car a characteristic appearance.

c) The intention is for the car to take part in commercial races under the name “WhatSafety?” The vehicle is financed by a number of sponsors.

Which property rights are affected?

For a) All features in section a) are technical → inventions. Applications for → patents and/or → utility models can be made on the basis of these.

For b) Section b) includes a technical feature: air slots which are used for cooling. Applications for → patents and/or → utility models can also be made on the basis of these. In addition to this, a → protected design can be registered to protect the visual feature (air slots for decoration).

For c) A → trade mark can be registered to identify the item or the product and prevent the competition from using this name.
2. Checklist
what do I do if I have an invention?

Fill in the → declaration of invention of your university. The form will include the following questions:

☑ Has an invention been made?
   Yes → A → patent application can be made for the → invention.
   No → It is not possible to apply for a → patent or → utility model.

☑ Is the invention described in the patent literature (see II.4) or in other documents?
   Yes → It is no longer novel and is part of the state of the art. It is not possible to file a → patent application.
   No → A → patent application can be made for the → invention.

☑ Does anyone know about your invention yet? (see question 15 et. seq.)
   Yes, essential parts of it have already been published → Prejudicial to novelty! It is no longer possible to file a → patent application. For additional information, please speak to your contact point (see II.3).
   Yes, my colleagues know about it → If they are bound by non-disclosure then this is not prejudicial to novelty. A → patent application can be made for the → invention.
   Yes, other third parties know about it → If they have signed a → non-disclosure agreement then they are obliged to maintain confidentiality. If this is not the case then this situation should be viewed as prejudicial to novelty. It is no longer possible to make a → patent application.
   No → A → patent application can be made for the → invention.

☑ Is the invention the result of cooperation (with third party funders)?
   Yes, it is the result of a cooperation → please speak to the contact point at your university (see II.3).

☑ Do I have an employment contract with the university (including a part time contract)?
   Yes → The → invention has to be reported to the employer. The employer will specify any further steps.
   No → Please speak to the relevant contact point at your university (see II.3) for more detailed information about the exact patent application process.

☑ Are other inventors involved?
   Yes → The → inventors have to be named in the patent application. If the → inventor(s) is/are employees, then the → inventors should be named in the original declaration to the employer.
3. University contact points

The contact points at the universities in the Greater Region are of course available to you at all times for information and advice. This information is generally free of charge for you as the inventor.

University of Kaiserslautern
Kontaktstelle für Information und Technologie
Patentinformationszentrum
Paul-Ehrlich-Straße
Building 32
D-67663 Kaiserslautern
Phone: +49 (0)631 205 2172
piz@kit.uni-kl.de
www.kit.uni-kl.de

University of Liège
Interface Entreprises-Université
Département Brevets
4, Avenue Pré-Aily
B-4031 Liège (Angleur)
Phone: +32 (0)4 349 85 23
ulgpatents@ulg.ac.be
www.interface.ulg.ac.be

University of Lorraine
Direction de la recherche et de la valorisation
Sous-direction valorisation
91 avenue de la Libération
F-54001 Nancy Cedex
Phone : +33 (0) 3.54.50.41.62

University of Luxembourg
Administration centrale
162 A, avenue de la Faïencerie
L-1511 Luxembourg
Phone: +352 46 66 44 6182
sigmar.lampe@uni.lu
http://wwwen.uni.lu/research/valorisation_of_research_results

Saarland University
Kontaktstelle für Wissens- und Technologietransfer
Campus A1.1, Starterzentrum
D-66123 Saarbrücken
Phone: +49 (0)681 302 2656
info@pva-saarland.de
www.kwt-uni-saarland.de

University of Trier
Kontaktstelle für Wissens- und Technologietransfer
Im Treff 23
D-54296 Trier
Phone: +49 (0)651 201 3126
egnerdup@uni-trier.de
www.wissenstransfer.uni-trier.de
4. Research database

When carrying out independent research in the databases, please be aware that searching for keywords (sometimes a charge is payable) often provides insufficient results, particularly when researching the state of the art. Only the relevant area of work should be researched. Please speak to the contact point at your university for professional research. Here you will able to find competent staff members to help you (see II.3).

Database of the German Patent Office for Patent Research (national and international)
http://depatisnet.dpma.de (de + en)

Database of the German Patent Office for Trade mark Research (national and international)
http://register.dpma.de/DPMAregister/marke/uebersicht (de + en)

Database of the German Patent and Trade mark Office for Research on Protected Designs (national)
http://register.dpma.de/DPMAregister/gsm/uebersicht (de + en)

Database of the French Patent Office for Patent Research (national and international)
http://fr.espacenet.com/ (fr)

Database of the French Patent Office for Trade mark Research (national and international)
http://bases-marques.inpi.fr/ (fr)

Database of the French Patent Office for Research on Protected Designs (national)
http://bases-modeles.inpi.fr/ (fr)

Database of the Benelux Office for Intellectual Property for Research on Trade marks (Benelux and international) *
https://register.boip.int/bmbonline/intro/show.do (nl + fr + en)

Database of the European Patent Office for Patent Research (international)
http://worldwide.espacenet.com (de + en + fr)

Database of the Office of Harmonisation in the Internal Market for Research on Trade marks (community trade marks)

Database of the Office of Harmonisation in the Internal Market for Research on Protected Designs (community designs)

Database of the World Intellectual Property Organisation for Research on Trade marks
http://www.wipo.int/romarin (en + fr + es)

* database subject to a fee
5. **Table overview on property rights, laws and competent authorities**

**Table 1: Overview of industrial property rights**

<table>
<thead>
<tr>
<th>Protected subject matter</th>
<th>Duration of protection</th>
<th>Examination procedure</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patent</td>
<td>20 years</td>
<td>Formal examination.</td>
<td>Wankel Motors, production techniques of nylon</td>
</tr>
<tr>
<td>Protected subject matter</td>
<td>For pharmaceutical products + max. 5 years</td>
<td>No examination. Same application form as for a patent. If the research fee is not paid within 18 months, the application reverts to a certificat d’utilité</td>
<td>Writing implement, safe children’s scissors</td>
</tr>
<tr>
<td>Utility model (Germany)</td>
<td>10 years</td>
<td>Formal examination.</td>
<td>Word sign (Peugeot), graphical sign (Mercedes star)</td>
</tr>
<tr>
<td>Certificat d’utilité (France/Luxembourg)</td>
<td>6 years</td>
<td>Formal examination for absolute grounds for refusal. No examination of whether there are any trade marks which would be obstacles</td>
<td>Patterns and wallpaper patterns, bottle and car shapes (body)</td>
</tr>
<tr>
<td>Trade mark</td>
<td>10 years</td>
<td>Formal examination.</td>
<td>e.g. varieties of potato and cereals</td>
</tr>
<tr>
<td>Protected design</td>
<td>25 years</td>
<td>Formal examination.</td>
<td></td>
</tr>
<tr>
<td>Plant variety protection</td>
<td>25-30 years (depending on the plant variety)</td>
<td>Formal examination.</td>
<td></td>
</tr>
</tbody>
</table>
Table 2: Competent authorities for national property right applications

<table>
<thead>
<tr>
<th></th>
<th>Belgium</th>
<th>Saarland/Rhineland Palatinate</th>
<th>Lorraine</th>
<th>Luxembourg</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Utility model</strong></td>
<td>–</td>
<td>German Patent and Trade mark Office, Munich</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td><strong>Certificat d’utilité</strong></td>
<td>–</td>
<td>–</td>
<td>French Patent Office, Paris Regional Office in Nancy</td>
<td>Office for Intellectual Property, Luxembourg</td>
</tr>
</tbody>
</table>
**Table 3: National laws**

<table>
<thead>
<tr>
<th></th>
<th>Belgium</th>
<th>Germany</th>
<th>France</th>
<th>Luxembourg</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Utility model</strong></td>
<td>–</td>
<td>German Utility Model Law</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="http://www.gesetze-im-internet.de/gebrmg/index.html">www.gesetze-im-internet.de/gebrmg/index.html</a></td>
<td></td>
<td>–</td>
</tr>
<tr>
<td><strong>Certificat d’utilité</strong></td>
<td>–</td>
<td>–</td>
<td>French Laws on Intellectual Property</td>
<td>Luxembourg Patent Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><a href="http://www.legifrance.gouv.fr">www.legifrance.gouv.fr</a></td>
<td><a href="http://www.mj.public.lu/">www.mj.public.lu/</a></td>
</tr>
<tr>
<td><strong>Trade mark</strong></td>
<td>Belgian Trade mark Law</td>
<td>German Trade mark Law</td>
<td>French Laws on Intellectual Property</td>
<td>Luxembourg Trade mark Law</td>
</tr>
<tr>
<td><strong>Protected designs</strong></td>
<td>Belgian Protected Design Law</td>
<td>German Protected Design Law</td>
<td>French Laws on Intellectual Property</td>
<td>Luxembourg Protected Design Law</td>
</tr>
</tbody>
</table>

**Table 4: Competent authorities for European property right applications**

<table>
<thead>
<tr>
<th>Authority</th>
<th>Area of protection</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Patent</strong></td>
<td>The individual European states must be named. European states which are not members of the EU can also be named.</td>
</tr>
<tr>
<td>European Patent Office, Munich</td>
<td></td>
</tr>
<tr>
<td>Patent Information Centre Saarbrücken</td>
<td></td>
</tr>
<tr>
<td>Patent Information Centre Kaiserslautern</td>
<td></td>
</tr>
<tr>
<td><strong>Trade mark</strong></td>
<td>All states of the European Union</td>
</tr>
<tr>
<td>Office of Harmonization for the Internal Market, Alicante</td>
<td></td>
</tr>
<tr>
<td><strong>Protected designs</strong></td>
<td>All states of the European Union</td>
</tr>
<tr>
<td>Office of Harmonization for the Internal Market, Alicante</td>
<td></td>
</tr>
<tr>
<td>Benelux Intellectual Property Office, Den Haag</td>
<td></td>
</tr>
<tr>
<td><strong>Plant varieties</strong></td>
<td>Community Plant Variety Office, Angers</td>
</tr>
<tr>
<td>Community Plant Variety Office, Angers</td>
<td></td>
</tr>
</tbody>
</table>
6. Offices and patent authorities

(see also www.innovaccess.eu)

6.1. National

**Benelux Office for Intellectual Property**
= BOIP (Trade mark and protected design applications in Benelux)
Bordewijklaan 15
NL-2591 XR Den Haag
Phone: +32 (0)70 244 242 (Belgium)
+352 8002 5383 (Luxembourg)
www.boip.int

**Federal Plant Variety Office**
Osterfelddamm 80
D-30627 Hannover
Phone: +49 (0)511 9566-50
BSA@bundessortenamt.de
www.bundessortenamt.de

**National institution – Plant variety protection**
(INOV = Instance Nationale des Obtentions Végétales)
25, rue Georges Morel
CS 90024
F-49071 Beaucouzé Cedex
Tel.: +33 (0)2 41 22 86 22
www.geves.fr

**German Patent and Trade mark Office**
Zweibrückenstr. 12
D-80331 Munich
Phone: +49 (0)89 2195-0
info@dpma.de
www.dpma.de

**French Patent Office**
15, rue des Minimes
CS 50001
F-92677 Courbevoie Cedex
Tel.: +33 (0)820 210 211
contact@inpi.fr
www.inpi.fr

**Regional Office in Nancy**
2/4, rue du Cardinal Tisserant
CS 30749
54064 Nancy Cédex
Phone: +33 (0)820 213 213
lorraine@inpi.fr

**Belgium Office for Intellectual Property**
North gate III
Boulevard du Roi Albert II, 16
B-1000 Brussels
Phone: +32 (0)2 277 90 11
piee_dir@economie.fgov.be
http://economie.fgov.be/opri-die.jsp

**Office for Intellectual Property**
Le Ministère de l’Economie et du Commerce extérieur
19–21, boulevard Royal
L-2449 Luxembourg
Phone: +352 2478 4113
dpi@eco.public.lu
www.eco.public.lu
6.2. European

Community Plant Variety Office = CPVO
3, boulevard Maréchal Foch
CS 10121
F-49101 Angers Cedex 2
Tel.: +33 (0)2 41 25 64 00
cpvo@cpvo.europa.eu
www.cpvo.europa.eu

Office for Harmonization in the Internal Market = OHIM
(Trade Marks and Design)
Avenida de Europa, 4
E-03008 Alicante
Phone: +34 (0)96 513 9100
information@oami.europa.eu
http://oami.europa.eu/ohimportal

6.3. International

World Intellectual Property Organisation = WIPO
34, chemin des Colombettes
CH-1211 Geneva 20
Phone: +41 (0)22 338 9111
www.wipo.int
III. Definitions

**Certificat d’utilité (France)**

If a patent application is made in France, the examination request or research request has to be made to the French Patent Office, and the research fee has to be paid within one month of the application. The request will be entered as a certificat d’utilité, or it will be registered as a certificat d’utilité within 18 months of the submission of a written request to change the patent application. This has a shorter term (6 years) than a → patent.

**Certificat d’utilité (Luxembourg)**

If a patent application is made in Luxembourg, the research request has to be submitted to the Luxembourg Patent Office within 18 months of the application. If the request is not submitted, the application is entered as a certificat d’utilité. This has a shorter term (6 years) than a → patent.

**Copyright**

Copyright is a non-commercial property right. It is the result of the creation of a piece of work (art, literature, music, software etc.). There is no register for copyright, and you do not have to file an official application or request for protection. However, a date of production can be confirmed e.g. with a notary, in a bibliography, in film credits or by witnesses or i-dépôt covers in Benelux countries. Authorisation from the copyright holder or the competent collecting authority (see → use of non-commercial property rights) is necessary for the reproduction of copyright protected material. There is generally a charge for reproduction.

Copyright protection lasts for 70 years after the death of the copyright holder. From this point onwards, the works are free and can be used by anybody.
Employee invention/declaration of invention

Employee inventions are technical → inventions which are made by employees. This also means → inventions which are made during the inventor’s free time or holiday are employee inventions (in Belgian and French law, this is only the case if the inventor uses the employer’s resources). Every employee invention has to be reported to the employer. The employer then decides if the inventions should be categorised as a → service invention or a → free invention.

If the invention relates to activities and experiences which fall within the → inventor’s area of work, then it is a → service invention. These → service inventions are reported using a declaration of invention. There is generally a pre-prepared form for this.

If the invention does not relate to activities and experiences which fall within the → inventor’s area of work, then it is a → free invention, but one which must also be reported to the employer.

Free invention

An → invention not relating to the activities and experience in the field of work of the inventor is a free invention. Free inventions also have to be reported to the employer. However, it is sufficient to only tell the employer enough about the → invention to determine whether or not it is actually a free invention.

Industrial application

A prerequisite for the patentability of an → invention is that the object of the → invention can be manufactured and produced as part of a commercial sector (including agriculture).

Industrial property right

An industrial property right e.g. → patent, → utility model, → trade mark, → protected design or → plant variety is a spatially and temporally limited monopoly on use and marketing granted by the legislator. It occurs as a result of an application to the competent patent authorities and offices which grant or register the potential protection following the application.

Property rights are spatially limited (territory principle) since they are only effective in the areas where the application was made. Property rights also have a maximum term, under the condition that this is maintained. An exception to this are → trade marks, which can be extended as desired.

Invention

An invention is a new teaching or solution to a technical problem. It must be novel (→ novelty), based on an → inventive step and commercially applicable (→ industrial applicability). Only under these conditions can an application be made for a → patent or a → utility model registered in Germany.
Inventive step
This exists if the inventive step required for the invention is not obvious from the state of the art for an expert in this field.

Inventor
The person who makes an → invention is the inventor. Several people may be involved in an → invention. The application of work instructions is not sufficient here. Example: Installing a prototype for a machine according to a pre-determined design is not an → inventive step.

Non-disclosure agreement (NDA) or Confidential Disclosure Agreement (CDA)
A non-disclosure agreement is a contractual obligation to ensure confidentiality and patentability of an → invention.

Novelty
Novelty means that the → invention is not part of the state of the art on the day the patent application is made and may also not have been published. Note: Lectures and other verbal transfer to third parties also count as publication.

Patent
The patent is an → industrial property right, and application can be made for technical → inventions. The prerequisites for this are: global → novelty, → inventive step and → industrial applicability. The patent holder received the spatially and temporally limited right to forbid third parties from the → use of his → invention. In return from this, he must publish his → invention.

In the states of the Greater Region, the application is made to authorised patent information centres or to the national patent office (see II.6). The examination of patentability is only carried out after an examination request is submitted (can be submitted after the application). The maximum term is 20 years. Examples of patents: Wankel Motors or production techniques of nylon.

Patent exploiting companies
Patent exploiting companies are service providers for the transfer of research and technology. They can establish contacts with potential license holders, distribution partners and buyers of property rights. They can also assess the potential economic use of a patent application. There is generally a charge for these services, and the patent exploiting company has a claim to some of the profits.
Patent research

There are publicly accessible databases on the internet sites of the national patent offices and on the European Patent Office website where you can research the state of the art (see II.4). All of the documents are sorted into fields in accordance with the international patent classification. It is important that you search within a classification to obtain the most optimal research result. Searching using keywords is generally not sufficient. Assistance with researching the state of the art is provided at the contact points at your universities (see II.3).

Patent specification

The essential parts of the → patents are the technical description, the claims and diagrams, where applicable. The claims are the key part of a patent application. These form the legal basis for the elements of this → invention which are novel and inventive and are to be protected. The claims also describe the scope of protection of the → patent.

Plant variety protection

Plant variety protection (→ industrial property right) protects the intellectual property of plant breeding. The maximum duration of protection is between 25 and 30 years depending on the variety. Examples: Varieties of potato and cereals.

Protected design

This property right protects the design of three dimensional objects or two dimensional designs with a claim to novelty or a particular feature. The maximum term is 25 years. Examples: Patterns and wallpaper patterns, bottle and car shapes.

Released service invention

An → invention which has been reported to the employer which is released to the → inventor for → use is a released service invention. In this case the → inventor may dispose freely of his → invention.

Service invention

An → invention relating to the activities and experience in the field of work of the place of employment is a service invention. This must be reported to the current employer. The employer will decide whether or not to use the service invention. For service inventions which are not used, see → released service inventions. If an → invention is used by the employer, the → inventor and the employer will be remunerated if there are any financial returns. Further → use of the → invention is then at the discretion of the employer.
Trade mark

Trade marks identify goods and services. Words, letters, numbers, figures, colours and acoustic signals can all be registered as trade marks. Trade marks differ from other → industrial property rights in two important ways: They have to be novel (an additional application cannot be made for expired trade marks) and they can be extended as desired. Examples: Word sign (Peugeot), graphical sign (Mercedes star).

Use of industrial property rights

Use means that protected → inventions, → trade marks or designs (→ industrial property rights) can be used in a commercial setting. Potential ways of doing this are to manufacture and distribute by yourself, enter into a cooperation or allocate a license. It is also possible to sell rights. The → patent exploiting companies can help you to determine the economic value of an → invention.

Use of non-commercial property rights

Collecting societies supervise the protection of → copyrights on a trust basis. Works may only be reproduced if prior authorisation is granted by the copyright holder. The costs of reproduction depend on certain parameters (industrial/non-commercial, scientific purposes etc.). Examples of collecting societies in Germany are VG Wort, VG Bild-Kunst and GEMA (Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte) (for music/radio etc.). In France and Luxembourg, SACEM (Société des Auteurs, Compositeurs et Editeurs de Musique) and in Belgium SABAM (Société Belge des Auteurs, Compositeurs et Editeurs) deal with the protection of → copyrights.

Utility model (Germany)

In Germany, this property right (as with → patent protection) may only be applied to technical → inventions (known as “little → patent”). These are often property rights with an inventive step which are not so well established and it is not certain whether a patent application will be successful. In contrast to the → patent, the utility model has a six month grace period and so can be registered within six months of a publication. The maximum term is ten years. Examples: Writing implement or safe children’s scissors.
# IV. Glossary

<table>
<thead>
<tr>
<th>English</th>
<th>Deutsch</th>
<th>Français</th>
</tr>
</thead>
<tbody>
<tr>
<td>application</td>
<td>Anmeldung</td>
<td>demande de brevet</td>
</tr>
<tr>
<td>certificat d’utilité (France/Luxemburg)</td>
<td>Certificat d’utilité (Frankreich/Luxemburg)</td>
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<td>Urheberrecht</td>
<td>droit d’auteur</td>
</tr>
<tr>
<td>date of application</td>
<td>Anmeldetag</td>
<td>date de dépôt</td>
</tr>
<tr>
<td>employee invention/declaration of invention</td>
<td>Arbeitnehmererfindung/Erfindungsmeldung</td>
<td>invention de salarié/déclaration d’invention</td>
</tr>
<tr>
<td>exploitation</td>
<td>Verwertung</td>
<td>exploitation</td>
</tr>
<tr>
<td>free invention</td>
<td>freie Erfindung</td>
<td>invention libre</td>
</tr>
<tr>
<td>industrial applicability</td>
<td>gewerbliche Anwendbarkeit</td>
<td>application industrielle</td>
</tr>
<tr>
<td>industrial property right</td>
<td>gewerbliches Schutzrecht</td>
<td>droit de propriété industrielle</td>
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<tr>
<td>invention</td>
<td>Erfindung</td>
<td>invention</td>
</tr>
<tr>
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<td>erfinderische Tätigkeit (beim Patent)</td>
<td>activité inventive</td>
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<tr>
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<td>erfinderischer Schritt (beim Gebrauchsmuster)</td>
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<td>Erfinder</td>
<td>inventeur</td>
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<td>licence</td>
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<td>licence</td>
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<td>nicht-gewerbliches Schutzrecht</td>
<td>droit de propriété littéraire et artistique</td>
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<td>non-disclosure agreement/confidential disclosure agreement</td>
<td>Geheimhaltungsvereinbarung</td>
<td>accord de confidentialité</td>
</tr>
<tr>
<td>novelty</td>
<td>Neuheit</td>
<td>nouveauté</td>
</tr>
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<td>Patent</td>
<td>brevet</td>
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<td>patent exploitation company</td>
<td>Patentverwertungsgesellschaft</td>
<td>société d’exploitation de brevets</td>
</tr>
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<td>Patentinformationszentrum</td>
<td>délégation régionale INPI</td>
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<tr>
<td>patent lawyer</td>
<td>Patentanwalt</td>
<td>mandataire</td>
</tr>
<tr>
<td>patent search</td>
<td>Patentrecherche</td>
<td>recherche de brevets</td>
</tr>
<tr>
<td>patent specification</td>
<td>Patentschrift</td>
<td>document de brevet</td>
</tr>
<tr>
<td>plant variety/plant variety protection</td>
<td>Sorte/Sortenschutz</td>
<td>variété/obtention végétale</td>
</tr>
<tr>
<td>protected design</td>
<td>Design (früher: Geschmacksmuster)</td>
<td>dessins ou modèles (design)</td>
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<td>Offenlegung</td>
<td>(publication de) demande de brevet</td>
</tr>
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<td>freigegebene Diensterfindung</td>
<td>invention de mission devenue libre</td>
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<td>invention de mission</td>
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<td>état de l’art</td>
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<td>marque</td>
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<tr>
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<td>Gebrauchsmuster (Deutschland)</td>
<td>modèle d’utilité (Allemagne)</td>
</tr>
</tbody>
</table>
In all denominations relating to individuals, the phrase applies to both sexes, regardless of the actual gender designation used in the formulation.