



TRANSFER AND ENTREPRENEUR CENTRE

Instructions for the Invention Disclosure Form

Please consider the protection of your invention and possible exploitation options as early as possible; in addition to industrial partners, this also includes, for example, exploitation within your own start-up company. The longer you wait to complete the Invention Disclosure Form, the greater the risk that others will beat you to it. **Do not disclose your invention to the public at any time, whether orally, in writing or by using it in public.** Either the Transfer and Entrepreneur Centre (TUGZ) or the [Patent Information Center](#) at the OVGU will be happy to answer any questions you may have at any time.

In case you are submitting an Invention Disclosure Form to the OVGU for the first time, we recommend that you carefully read the instructions for completing the form presented on this website (see also the article "Guidelines for Invention Disclosures"). Experienced inventors will no longer need this information. When you submit an invention disclosure for the first time, you may well grumble about the seemingly excessive bureaucracy at the Transfer and Entrepreneur Centre. However, the registration of an invention disclosure is not just a meaningless collection of data for no reason, but the creation of (legal) security for your ideas: an easy way to derail an otherwise great invention for a competitor would be to sue for avoidable formal errors in the claims or application. Therefore, the critical information in the form, which will form the basis for your intellectual property rights, have to be complete and correct. We have no discretion whatsoever and cannot "turn a blind eye" in relation to this, because yours and our effort and costs for the application, enforcement and maintenance of the intellectual property right depend on precise and correct data.

All questions relating to inventions by employees are initially regulated by the Employee Invention Act (ArbErfG); patents are described by the Patent Act (PatG) and utility models by the Utility Model Act (GbmG). In printed form, the short ArbErfG fits on just eight sheets of paper. In order to ensure that different interpretations and special situations can be adequately assessed, their assessment takes account not only of the concise wording of the act, but also, in particular, commentaries on the act as well as case law pertaining to it. These commentaries describe how the legal act is to be understood and interpreted in detail. The standard commentary "Bartenbach/Volz" (6th edition, 2019), which is generally used by the TUGZ, comprises 2,436 pages in which these detailed interpretations of the Employee Invention Act are comprehensively documented. This level of detail is not initially important for you as the inventor; however, you should have confidence that the processes at the TUGZ are not only based on the brief text of the ArbErfG. The University Library holds reference copies of various editions of the standard commentaries.

According to the ArbErfG, the Otto von Guericke University is generally entitled to claim inventions created by its employees during their term of employment. On the other hand, the employee is also entitled to an appropriate, compensatory remuneration for his inventions. The whole process, from the notification of an invention to the question of whether and how the university intends to exploit, release or abandon it, could result in various scenarios, which cannot be fully described on this site.

We would kindly point out that any violation of the obligation to report an invention, even without any explicit description in the employment contract or in collective bargaining agreements, could in general also give rise to a claim for damages by the employer against the employee and have consequences under labor law.

There are extensive comments relating to employee inventions. Many special circumstances, framework conditions and individual points are relevant for the associated legal issues. **The TUGZ@OVGU, therefore, accepts no liability for the completeness and correctness of this information or for decisions taken on the basis of this brief summary.**

For further questions, please contact the team at the Transfer and Entrepreneur Centre, Transfer and Intellectual Property Rights Department (contact person: Mr. Thomas Voigt; E-Mail: thomas.voigt@ovgu.de; phone: +49 (0)391 67-52091), who will be happy to help you.

Contact

Transfer and intellectual properties

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