

Date: _____

To be filled in by the University's 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:	
Recommendation Universität Rostock Service GmbH:	
Decision on release or claiming of rights took place on:	

NOTIFICATION OF AN INVENTION

Only to be posted in a sealed envelope and separately!

Name of the Invention!

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

<input type="checkbox"/> pages of description of the invention incl. sketches/drawings
<input type="checkbox"/>	Own work/publications in the field of the invention:
<input type="checkbox"/>	Material found which describes the state of the art (catalogues, publications etc.):
<input type="checkbox"/>	Further information:

2. The following inventors were involved in the Invention:

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");

Responsible contact person for several inventors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1 Surname:			
2.2 First name:			
2.3 Title/academic grade:			
2.4 Nationality:			
2.5 Address (private):			
2.6 Phone (private):			

Details of employment at the time of Invention

2.7 Occupation (Mechanic, Biologist etc.)			
2.8 Institute / Chair: Address:			
Phone/Beeper:			
2.9 Email address:			
2.10 Position: (Professor, Research Assistant, Postdoc, Doctoral Candidate, Diploma 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 concerns my field of work:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.14 I was requested to tackle the task which led to the invention (e.g. third-party funded project):	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

The Invention was made during...

2.15 my studies, work towards my Diploma thesis:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.16 work towards my doctoral thesis:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.17 my work tasks:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If there are more than 3 inventors, please copy this page correspondingly.

3. Question concerning the Invention

3.1 Have the ideas behind the invention been passed on 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, i.e. the inventive nature, cannot have ever 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 Diploma theses and dissertations, as well as specialist lectures!

Please make sure to attach any relevant documents.

Yes

Please indicate to whom and in which form.

No

3.2 Are corresponding publications planned or submitted?

Yes

Please indicate to whom and in which form.

No

3.3 How did the invention come to stand? Through your own experience?

(if you answered "no" to number 16 on page 2 - e.g. 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)? This means, when did the "flash of genius" occur?

3.6 Was the invention made as part of a research/third-party funded project? Which one?

Please attach a copy of the application for the project/research, confirmation of approval and if possible regulations concerning patenting/exploitation.

Empty response box for question 3.6.

3.7 Should a research project be recruited on the basis of the displayed invention?

Yes

Please indicate which project it is.

No

Form for question 3.7 with two columns for Yes and No.

3.8 Apart from the named inventor(s), were other academic/scientific or technical staff members involved in the drawing up/ realisation of the invention? Who?

(e.g. workshop, Diploma candidates..., however, this means that they did not make an independent contribution to the invention!)

Empty response box for question 3.8.

4. Questions on the market

The invention is present as

- Idea Proof of concept Datas Prototype

If known, please indicate the Technology Readiness Level (TRL 1-9)?

TRL

4.1 Are you planning to start a company based on your invention?

Yes

Are you planning to apply for financial support? (e.g. EXIST)

Yes No

No

If not, would you make your invention available to other founders?

Yes No

Form for question 4.1 with two columns for Yes and No.

4.2 Have you already contacted a start-up consultancy?

Yes

Please indicate with whom?

No

Form for question 4.2 with two columns for Yes and No.

4.3 Where do you see possible applications for your invention? What relevant knowledge do you have about the target market and what sources of information can you name?

Please indicate any industries.

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4.4 Which target groups benefit from your invention?

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4.5 How do you assess the chances of licensing or selling the invention to a third party?

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4.6 Are there already people interested in your invention? Who?

(Companies you have contacted, cooperation partners?)

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4.7 Have any verbal or written commitments been made to third-parties?

(e.g. "Material Transfer Agreements"/"Compound Use Agreements" for substances used; 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?

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4.9 Is further development of your invention possible and do you plan to implement it?

Yes
If so, in what form?

No

5. Description of the Invention

I/we enclose with this form a description of the invention which discloses the invention in full.

PLEASE NOTE:

The complete and detailed description is important as no extensions can be made after the patent application has been submitted to the German Patent Office. Furthermore, the University will only release the part(s) of the invention that 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 should be solved by your invention?
- Which attempts have already been made to solve the problems?
- Thus, what is the exact function of your invention?

Technical Solution:

- How does your invention solve the problem?
- How can it be used?
- 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 involved in the invention as inventors, other than those named under 3.
- ✓ Apart from the details made under 3.6 and in the attached documents, there has been no other pre-publication of any sort.
- ✓ I have described the invention completely 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 are committed to constructive collaboration during the patenting and exploitation procedure and will provide all signatures needed.

Date, Signature

Date, Signature

Date, Signature

Date, Signature

Date, Signature

Date, Signature

IMPORTANT: Explanatory Information for the Notification of an Invention

Have you 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 the punch. Do not pass on details of your invention to the public. The advisory office for inventions provides information for any questions on this topic.

For inventors who are employed as employees or civil servants at the University, 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) – ArbNErfG¹. If the invention

- was made as part of the **job (assignment, task)** at the University
- is significantly based on the **experience** gained in the position or
- is **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 (§1 3). The inventor is then entitled to adequate payment.

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 has to receive a written confirmation of receipt of the Notification of an Invention immediately (§5).

Using the submitted documents, the employer (as a non-subject specialist) should be in a position to **judge** whether the invention is really a service invention and, if this is the case, 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 claimed automatically 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.

According to § 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 whether it wants to claim the rights of the 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 correct.

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

Invention Notification 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, in asking the inventor to provide all the necessary 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 all inventions.

Entries to Be Made by the University's Administration

The table at the top of p. 1 should clearly point out important dates related to the Notification of an Invention. In the explanatory notes to the invention notification already mentioned the need for a written confirmation of receipt and the possibility of queries due to the incompleteness of the submitted documents. It is especially important to enter the date stating the end of the time frame for claiming the rights. If there was no query to the Notification, this deadline cannot be extended.

¹ If not stated otherwise, the paragraphs refer to the Arbeitnehmererfindungsgesetz.

Attachments

The Notification of an Invention should mainly include personal details, information on 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.

Re 2. Group of Inventors (2.1-2.6)

If several people were involved in the invention, the submission of one joint Notification of an Invention is sufficient. The form makes specific allowance for this, in asking on line 13 of p. 2 about the shares in the invention, in order to encourage an early agreement as to who is entitled to which percentage share in the creation of the invention.

The inventors, who have made note of their invention or their share in the invention by submitting the documents, should show this by filling-out the table on p. 2. They must also sign the Notification of an Invention on the last page 5. This does not apply to co-inventors who were named by the notifying person(s) in the table on page 2 for the sake of completeness.

On p. 5, the notifying person(s) confirm that no further inventors were involved in the invention other than those named. These details are needed for naming the inventors (§ 37 PatG) which has to be done after the patent application has been made. For the joint patent exploitation at a later date, it is also necessary to state freelance inventors or staff members from other institutes who were involved.

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

Re 2. Employment Details (2.7-2.11)

Since inventions are often made in the course of a Diploma or doctoral thesis, it is necessary to indicate under point 2. 11, where the inventors can be contacted after completion of the work.

Re 2. Development of the Invention (2.12-2.17)

The question about research projects should help clarify the University's obligations towards third-party 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, as to whether the invention could be used there.

Re 3. Questions about 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). Further down, inventors must commit to confidentiality until the rights of the invention have been released by the University or the patent application has been made.

Re 4. Exploitation of the Invention

As patent applications are linked with 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 buyers for their invention at every stage of the technical development and during the legal process for employee inventions and patents, as long as neither the subject, nor the nature of the invention are revealed.

Re 5. Description of the Invention

An extensive and complete description should be attached. The content 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 regarding the state of the art and literary sources known to him/her (note in chapter 2). 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 emphasis 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, SO THAT it works".