INVENTION NOTIFICATION to Georg-August-Universität Göttingen Stiftung Öffentlichen Rechts

To be filled in by MBM ScienceBridge GmbH:

Received (date):	
Notification of incompleteness:	
Acknowledgement of receipt:	
4-month-deadline ends on:	
Release /Claim of Employer:	

MBM ScienceBridge GmbH
Hans-Adolf-Krebs Weg 1
37077 Göttingen

Date:

To be sent only in closed envelope and separately (not by internal mail)!

Title of Invention

1. The following documents are enclosed with the Invention notification:

☐ _____ pages description of invention incl. _____figures / drawings

☐ Declaration of Department Head (page 6)

☐ Own works/ publications in the field of the invention

☐ Source of information concerning „state-of-the-art“ (flyers, publications, etc.)

☐ _____additional pages with notification of inventors (only if more than 3 inventors are named)

☐ _____

☐ _____

2. Persons participating in the invention:

Please use one **column** for each inventor. Please mention also external co-inventors or free inventors (as far as known). In case of more than 3 inventors, please print the pages 2 and 5 twice. The additional inventors have to fill and sign these extra pages.

A person counts as inventor that makes an independent contribution to the invention ("flash of inspiration"!).

Inventors are required to notify **changes of address** at all events, also in the possible case of change of employer.

	I hereby notify the invention mentioned in section 1 (Signature on page 5)		
	☐ Yes	☐ Yes	☐ Yes
1 Name			
2 First Name			
3 Title/ acad. grade			
4 Nationality			
5 **Privat** Address			
6 Phone			

Information concerning occupation at the time of invention

7 Occupation			
8 Institute/ Chair: **Professional** Address			
9 Phone/ beeper			
10 E-Mail address			
11 Official Position (Professor, Scientific Assistant, Ph.D. Student etc.)			
12 Kind of occupation: employment contract, service contract, teaching assignment etc.)			

Development/generation of the invention

	%		%		%	
13 Share in the invention						
14 The invention is situated within my field of work.	☐ Yes	☐ No	☐ Yes	☐ No	☐ Yes	☐ No
15 I was confronted with the task which led to the invention (e.g. third party funded project).	☐ Yes	☐ No	☐ Yes	☐ No	☐ Yes	☐ No

The invention was generated within the context of

16a my seminar paper, diploma thesis	☐ Yes	☐ No	☐ Yes	☐ No	☐ Yes	☐ No
16b my doctoral thesis	☐ Yes	☐ No	☐ Yes	☐ No	☐ Yes	☐ No
16c my employment assignment	☐ Yes	☐ No	☐ Yes	☐ No	☐ Yes	☐ No

3. Questions related to the invention

3.1 How did the invention arise/ take place? Through own experience? e.g.: Hints from co-workers, personal experience, research problem on the periphery of the main research project? (Please answer the question only if the answer to section 2, lines 16 a- c was „no“)

3.2 Which experience on the part of the University, viz. the Institute was already present?

3.3 Time of invention: When exactly did the invention occur (month/year)? The relevant time here is the **completion** of the invention.

3.4 Important: Did the invention come up within the context of a research-/third party funded project? If “yes” in which? (cf. Section 2, line 15) Please enclose a copy of the project outline/ application for the research project, notification of approval, and, if applicable, specific regulations concerning patenting and commercialization.

3.5 Apart from the above mentioned inventors, did other scientific or technical employees participate in the elaboration or execution of the invention? if “yes”, who? (e.g. workshop, diploma student...., but without independent share in the invention)

3.6 Previous publication of parts of the invention: Has the invention already been publicized in any form whatsoever (in writing or orally, seminar lecture, presentations, conducted tours, trade fairs, exhibitions, posters, online abstracts, etc.)?
Notice: The core of the invention, i.e. the inventive substance, must not be publicized (even not by yourself) prior to a patent application at any patent office worldwide. Refrain from planned publications, also publications of diploma or doctoral theses as well as scientific lectures on the subject! **Please include relevant documents at all events.**

3.7 Commercialization of the invention: Where do you see possible applications of your invention?
Possible lines of business? Companies? Have industry contacts been established? How much information has been revealed in this context?

3.8 Do you already know interested parties for your invention? Who?
Companies that have been contacted, cooperation partners?

3.9 Are there obligations to third parties established orally or in writing, e. g. "Material Transfer Agreements"/ "Compound Use Agreements" for substances used, do Confidentiality Agreements exist? Please always include a copy.

3.10 Do you see any disadvantages or risks (scientific, in its practical application, economic) of your invention ?

4. Description of the invention

I/ We include with this questionnaire a description of the invention which completely reveals the invention (see section 1).

PLEASE NOTE: A complete and comprehensive description ist essential because after submission of a patent application at the German Patent Office, a later extension is not possible. Also a „release“ of the invention by the University does only comprehend the content notified as invention. The University will treat all submitted documents confidentially.

Range of documents:

- ☐ ca. 4 A4-pages, more if necessary, if applicable manuscript of planned publication
- ☐ Drawings, plans, figures, possibly important laboratory data
- ☐ Copies of important sources of information on „state-of-the-art“, if applicable
- ☐ Own publications on the field of the invention, if applicable
- ☐ Copy of project outline/ application for research project, if applicable

Please elaborate on the following essential issues in the description of your invention**:**

Scientific background:

- ☐ Which scientific field is involved?
- ☐ Which „state-of-the-art“ do you know? Please mention relevant publications.
- ☐ What are the technical problems or deficiencies which your invention shall improve/remedy?
- ☐ Which former attempts have been made to solve these problems?
- ☐ Which is the underlying task your invention shall be the solution for?

Technical solution:

- ☐ How is the problem being solved by your invention?
- ☐ What does the practical application look like?
- ☐ Which is the ***essential new issue*** of your invention?
- ☐ Which advantages does your invention bring compared with the „state-of-the-art“?
- ☐ Materials & Methods
- ☐ Experiments and data documenting the completion of the task
- ☐ Examples of application, current as well as theoretically possible
- ☐ Drawings, Photographs (black and white!) with legend, preferably in „portrait“ format
- ☐ Which further experiments and results are you planning (including time frame)?

DECLARATION:

✓To the best of my knowledge, no other persons than those mentioned under section 2 are participating as inventors to this invention.

✓Other than the content mentioned under section 3.6, if applicable, and enclosed to this notification, there is no prior publication whatsoever.

✓I have described the invention completely and comprehensively.

✓I acknowledge that all publications of the invention and all revelations to third parties which are not bound by confidentiality obligations, hinder the grant of Intellectual Property Rights and may result in liability as consequence.

✓Unless the invention is released by the University I must not dispose of the invention myself.

✓I commit myself to cooperate constructively in the process of patenting and commercialisation and will exercise all necessary signatures.

Date, Signature	Date, Signature	Date, Signature

Declaration of Department Head

Concerning **invention notification** of _____ On the **topic** _____
(Date) (Short name)

In order to evaluate the legal and contractual background, we ask you to comment on the following questions:

1. Did the invention generate in the context of third party funded projects? (e.g. SFB, DFG, BMBF, BITÖK, EU, Industrial cooperation)

   ☐ No

   ☐ Yes - Please give details on the names of projects and agreements:

2. Are specific funds spent on the invention to be refunded from revenues? To what extent/ which amount? Have specific material oder financial resources been used for the invention (e.g. development of prototype in workshop, special purchases)?

3. Should the invention be patented? Why?

   ☐ **Yes**
   From a scientific perspective, the invention is
   ☐ a breakthrough ☐ significantly new ☐ partly/ limited new

   In my view, the economic potential is
   ☐ high ☐ medium ☐ low

   ☐ **No**, ☐ because not scientifically new ☐ because economically irrelevant

4. The information given in the invention notification was examined and appears correct.

_____ , the _____ _____
(Place) (Date) (Signature)

IMPORTANT: General Explanation to invention notification

You have made an invention?
Please consider at an early point possibilites to legally protect and commercialize your invention. The longer you hesitate, the higher the risk that others may anticipate and prevent this. Do not publicize your invention. MBM ScienceBridge GmbH can provide you with information on all relevant questions.

The general purpose of the invention notification of inventors working with the University (employees or civil servants) is to clarify the ownership and commercialization rights to the invention prior to a possible patent application. Legal details are regulated by the German Act on Employee Inventions (Arbeitnehmererfindungsgesetz, ArbnErfG[1]).

If the invention

- results from an **occupation (appointment, job)** at the University or
- relies fundamentally on **experience** of the occupation or is **thematically** situated in the field of the occupation

then it is a so-called **employee invention** (§ 4), which can be claimed by the employer (§ 6). It is irrelevant in this respect, where and when (e.g. during the weekend or a secondary employment) the invention was made. If the University claims the invention, it is obligated to apply for patent immediately (§ 13). The inventor is entitled to receive an adeqate recompense (§ 9).

Each invention generated during the time of employment **must** be notified to the employer **immediately, in text mode und comprehensively** (§ 5 viz. § 18). The receipt of invention notification must be immediately confirmed to the employee (§ 5 sec. 1, sen. 3).

The employer (as non-specialist) shall be enabled by the notification documents, to **evaluate** if an employee invention is on hand and if he wants to claim this invention. The employer has to decide this **within 4 months after receipt of the invention notification** (§ 6). If he does not give any reply to the employee, the invention is automatically counted as having been claimed by the employer after 4 months (§ 6 sec. 2).

In case the employer has claimed the invention, he has to apply for legal protection (usually patent application) in his own name and on his own costs. The practical administration of the patenting process and the commercialization of the invention is carried out by the entity entitled to this by the University (e. g. MBM ScienceBridge GmbH).
According to § 42 sec. 4 inventors are entitled to receive for their private use a total of 30 % of the gross revenues resulting from the invention. Usually the University departments involved receive a significant share in the remaining revenues.

The amount of documents describing the invention must be sufficient to enable the University as employer, whether it wants to claim the employee invention and apply for patent. If the notification does not describe and explain the invention or its generation in sufficient detail, the employer may **complain** about the notification **within two months** (§ 5 sec. 3). If he does not complain within this time limit, the invention notification counts as correct.

In case of a complaint, the mentioned deadline for claiming the invention is extended respectively.

[1] **If not marked otherwise, numbers of legal paragraphs refer to the Arbeitnehmererfindergesetz.**

Explanation to Form “Invention Notification”

Aim and Purpose of this Form

For the Invention Notification, text form is prescribed by law. However, many inventors are unaware of the demands of an Invention Notification in due form. The form “Invention Notification” shall be a remedy for this by investigating the necessary information from the inventor. This is thought to minimize from the outset requests and corrections/objections by the University administration which delay the process.

For the university administration there is the additional advantage of a standardized, clear and concise presentation of inventions. An additional (optional) form (page 6) shall obtain an opinion of the supervisor (usually the Professor), provided he does not notify the invention himself and alone. The inventor shall present this form to the supervisor together with the notification documents, before the Invention Notification is submitted to MBM ScienceBridge GmbH. This serves to avoid misunderstandings between the participants.

Entries of the University administration

The index on top of page 1 is supposed to demonstrate in an obvious form important deadlines connected with the Invention Notification. It also shows if and when a written confirmation of receipt has been issued or a possible objection because of incompleteness of notification documents. Highly important is the end of the deadline to claim the invention.

Enclosures

In the Invention Notification form only information concerning the persons, the generation of the invention and the legal and financial background should be inserted. The technical description and explanation of the invention should be enclosed as an additional document, if applicable associated with drawings. The size of the enclosure should be noted under section 1.

Multiple inventors (section 2, lines 1-16 c)

If **several inventors** share in the invention, it is sufficient to issue one joint Invention Notification. The form takes this expressly into account, by asking for the shares in the invention in line 13 on page 2 to encourage at an early stage a definition of the percentage of shares in generating the invention.

Those inventors notifying their invention, viz. their share in it with the submitted documents, indicate this by marking with a cross in the table on page 2. They need to sign the Invention Notification on page 5 (the last page). This does not apply for external co-inventors, who have to be named by the notifying persons in the table on page 2 only for the sake of completeness.

On page 5 the notifying persons have to declare that no other persons than those notified share in the invention. These declarations are needed for the nomination of inventors which has to be made after patent application (§ 37 Patentgesetz). It is also necessary for a later commercialization of patents to know “free” inventors who participate in the invention or participating employees of other institutions.

Those persons have to be named as **inventors** who contribute an important, inventive, independent part to the invention ("flash of inspiration")!

Data concerning employment (section 2, lines 7-12)

Here especially employment at the time of the invention is asked for. Since in the University field inventions are often made in the context of diploma or doctoral theses, in line 12 addresses have to be declared by which inventors can be contacted after completion of these theses.

Generation of invention (section 2, lines 13-16 c)

First it has to be clarified, if a „task“ invention (section 2, lines 14-16 c) or an „experience“ invention (section 3.1 on page 3 above) is on hand.

The question concerning research projects means to investigate the obligations of the university towards providers of third party funds. This question is repeated in the form "Declaration of Department Head", because experience has shown that only the supervisor or research group leader is able to provide exact details about this.

In case the invention is situated in the field of work of another institure or work group of the university, it has to be clarified whether the invention might be used there.

Prior Publication of parts of the invention

In order to evaluate the patentability of an invention it is important to know whether parts of the invention may have been publicized before in writing or orally (§ 3 Patentgesetz). There is lack of information on this issue especially in scientific circles. Further down in the form inventors are obligated to keep the invention confidential until the university has either given the invention at free disposal of the inventor or applied for patent.

Commerciability of the invention

Because patent applications involve financial expenses, the question of technical realizability and marketing opportunities has to be raised at an early point. Inventors should and could watch out for potential users of the invention in every phase of technical development and of the process according to inventorship and patent law, provided contents or nature of the invention are not disclosed.

To section 4: Description of the invention

Please enclose a concise and complete description of the invention. The contents should be divided into technical *question,* technical *solution* and the generation of the invention as they are also part of each patent application. The inventor is asked to communicate completely his knowledge of the "state-of-the-art" and to add literature which is known to him (explanation in section 1). This facilitates (patent-) research. Advantageous are own research results which can be added or cited.

Inventors should in their description focus on what is **essentially new** in their invention. They should describe why their invention solves a technical problem or is an advantage compared to previous developments. Long-term experiments without success as well as an explanation of scientific foundations can be given as by-product of the Invention Notification. Both is not the core of a patent application but may help to explain the invention.

Please note: As inventor, you are the „above-average expert"! Thus, please write for the „average expert"! Avoid e.g. detailed mathematical deductions, do not describe WHY something is working but „what have I got to do IN ORDER TO make it work".

Explanation to Form "Declaration of the Department Head"

Together with the documents of the Invention Notification employee inventors should present this form to their direct superior or supervisor. They are not obligated to do this, therefore this enclosure is to be marked optionally in section 1. However, experience shows that it is advisable to obtain the superior's approval.

To : Ph.D. and diploma students often have no knowledge about third-party funded projects and their financing.

To 2: *Specific* material or financial resources which have been used for the invention (e.g. prototype generation in workshops), might result in financial reclaim towards the inventor.

To 3: The personal opinion of the supervisor on the invention is helpful to evaluate the invention.

To 4: The supervisor confirms the data given in the Invention Notification and declares that the documents are correct.