

Who has what rights to the invention?

An invention generally belongs to the inventor.

However, if an employee invents something at work, the situation can look different: if it is a contractual obligation and the invention is created during the course of their work, the invention belongs to the employer provided nothing else is stated in the employment contract (Art. 332 CO).

Inventions created during the course of work but which are not part of the employee's contractual obligations must be reported to the employer if this has been agreed in writing. The employer can then decide whether he wants to obtain the invention in question.

Individuals as well as legal entities can apply to patent an invention. Inventors are always what is known as "natural persons" (i.e. individuals). They have the right to be named as the inventor in the patent application.

The owner of the patent is the one who derives the benefits from the patent— he or she decides how to exploit it.