

Guidance Note

Ownership of patents/patent applications and identification of inventor(s)

You have instructed us to prepare and file a patent application on your behalf. Please note that we are required to inform the UK Intellectual Property Office (UKIPO) of the identity of the inventor(s) of the invention described and claimed in the patent application. We are also required to explain to the UKIPO how the applicant for the patent derives its right to the invention from the inventor(s).

Definition of inventor

"Inventor" is defined in the Patents Act as the "actual deviser" of the invention. There may be a single inventor or the invention may have been made jointly by two or more inventors.

In some cases, the inventor(s) and the owner(s) of the patent application are the same. This is commonly the case where the invention is made by one or two private individuals and the patent application is filed in their personal name(s). More commonly, however, the inventor(s) are not the applicant(s). In the majority of cases, for instance, the applicant is a company and the inventor(s) are employees of that company.

Identifying the inventor(s)

In all cases, it is important that diligent efforts are made to identify the inventors properly, so that we can prepare whatever documentation is required to ensure that the rights to the invention are validly held by the applicant.

In deciding who should be named as inventor(s), it is important to identify all those individuals who made a significant or substantial contribution to the inventive concept. In general, this will not be everyone who has been involved in the development of the invention, but only those who originated the ideas behind the invention. Sometimes it is clear who the inventors are, but often it is not. In such cases, we will be pleased to discuss the circumstances surrounding the invention with you, so that appropriate decisions can be made.

Information required

Please therefore let us know without delay who you feel should be named as inventor.

For each such person, we will need the following details:

- full name;
- residential address;
- nationality; and
- relationship to the applicant (eg employee).

Please note that the contact details of the inventor(s) will be published and included in publicly accessible internet records maintained by the UKIPO. For employee inventors, our normal practice is, unless requested to do otherwise, to specify the inventor's address as c/o their employer.

We emphasize the need to ensure that, so far as is reasonably practicable, the correct inventors are identified. As noted above, wherever it is not clear who should be named as inventor(s), we will be pleased to assist.

AdamsonJones part of Gateley

February 2022