



WHO IS AN INVENTOR?

There is no universal definition of an inventor. Inventorship is governed by national criteria. In some countries, like in the USA, the law and/or the caselaw gives a clear definition of this concept. In other countries, like in Europe, the definition is not so well established.

→ **BE/EP:** Each person with legal capacity who has made an inventive contribution to the development of the invention must be considered as an inventor or co-inventor. No distinction is made as to whether one person contributed more than another.

→ **US:** An inventor is a natural person who has contributed to the conception of the invention. 'Conception' is defined as the formulation of a clear and complete idea of the invention in working order. An idea is sufficiently clear and complete when the invention may be carried out by applying ordinary skills without having to perform extensive research or experiments.

The order of the inventors is irrelevant to their contribution to the invention

HOW TO DESIGNATE THE INVENTORS?

Inventors are designated provided they made an active inventive contribution to the conception, the development, the improvement, etc. of the product or process object of the patent application, particularly the patent claims in the US. Therefore, inventor designation is made independently of any honorary, hierarchical, financial, service or friendship consideration. The mere fact of being the head of the laboratory or being the hierarchical superior of a true inventor does not make you automatically an inventor. Moreover, since the claims may be amended in the course of the patent application examination, the list of inventors can be reviewed accordingly.

In a patent application, it is possible to have:

- inventors who did not physically work together or at the same time,
- inventors who did not make the same type or amount of contribution,
- inventors who did not make a contribution to the subject matter of each part of the invention described in the patent application.

USEFUL LINKS

- [Definition of inventorship in Belgium](#)
- [Definition of inventorship in the USA](#)

LIEU NETWORK

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WHY IS THE CORRECT DESIGNATION OF INVENTORS IMPORTANT?

Inventors have to be named when filing patent applications. However, inventorship should not be confused with ownership. As a general rule, the University, as employer, is the owner of inventions conceived by its researchers (employees) during their research activities at the University. Students including PhD students who are not employees may assign their rights to the University to benefit from the same University support as that provided to researchers (see [PI Transfer of right](#)).

The correct designation of inventors is in addition required:

- to identify the researchers who may benefit from the financial returns attributed to inventors according to the regulation of their institution.
- to determine the shares of ownership of a patent application in case of inventors affiliated to distinct institutions, usually according to the principle of "ownership follows inventorship".

Moreover, it is critical that all inventors (and only inventors) are designated in a patent application, since a patent that fails to name the correct inventors may be ruled invalid.

HOW TO DOCUMENT INVENTORSHIP?

The designation of inventors provided for in the "[LiEU Invention Disclosure Form](#)" is easier when each inventor can demonstrate their contribution relying on proofs such as:

- laboratory notebooks,
- minutes of meeting indicating participants and their contributions to the discussion,
- applications for research grants,
- summary notes or other internal memos concerning the invention.

YOU CONTRIBUTED TO AN INVENTION BUT CAN YOU BE DESIGNATED AS AN INVENTOR?

Click on the right answer

You provided a technical solution to a technical problem during the conception of the invention:

You conceived at least some features present in the patent application by providing the means to implement them but did not perform the work:

You contributed to the conception of a feature that is not in the patent application

You suggested an idea of a result to be accomplished without formulating the means of accomplishing it:

You provided ordinary means (materials/equipment) or substantial work in the implementation/validation of the invention, by applying ordinary skills or according to the instructions of someone else:

You were only involved in the implementation/reduction to practice of the invention (not its conception, nor an inventive contribution to its development or its improvement), i.e. the process of demonstrating that the claimed invention works for its purpose (including its implementation or validation):