

Inventorship

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Defining Inventorship

Inventorship is based on conception:

- Invention requires conception of an inventive idea coupled with reduction to practice to create a working example.
- Inventorship is based solely on conception, the mental aspect of invention:
 - Conception is the formation in mind of inventor, of a definite and permanent idea of *the complete and operative invention*, as it is hereafter to be applied in practice (i.e., enabling a person of skilled in the art to reduce the conception to practice without any further research or exercise of the inventive skills.).
 - Claims determine inventorship.
 - Ask if this person had not contributed, would the invention exist, as claimed.
 - Inventorship is a question of law determined by the court based on contributions.

Defining Joint Inventorship

Joint Inventorship:

- *It is one of the muddiest concepts in the muddy metaphysics of the patent law.*
- **Joint Invention = two or more persons, collaborating together (conceptually), each contribute significantly to conception of the invention (contribution to at least one claim).**
- **A joint inventor's contribution must be joint in manner and inventive in nature.**
- **Minimum requirement: contribution to one claim.**
- **In unpredictable arts such as chemical and biological arts, the person actually reducing the conceived invention to practice can also be an inventor only if the reduction to practice requires extensive research and beyond ordinary skill & experimentation.**

Common Errors in Naming Inventors

- **Using inventorship as a reward – Inventorship is a legal question, not a political one.**
- **Naming every author – The standards for authorship are different.**
- **Naming the supervisor – posing problem to be solved not sufficient, or mere direction or approval of inventive activity not sufficient.**
- **Naming the executor – unless the executor makes improvements that are claimed.**
- **Naming the expert – Explanation of what is already known is not conception.**
- **A person who only conceives the result to be obtained but not the means of how to achieve it, is not an inventor.**
- **A person who discovers the problem but does not contribute to the solution, is not an inventor.**