Who is the author of the invention (the inventor)?

Every invention has an author. The author of an invention (i.e. the inventor) is a natural person who has created an invention as a result of his or her inventing activities (Patents Act § 13 Section 1). A legal person can never be the author of an invention. The author's rights are inalienable, and cannot be waived or transferred (PA § 13 Section 6).

An invention may sometimes have several authors.

If an invention is created as a result of joint inventing activities of several natural persons, such persons are joint authors (PA § 13 Section 2). In the case of joint authorship, all rights arising from the authorship are exercised by the authors jointly, i. e. none of the authors can withdraw his or her authorship. Joint authors may not leave out one of them at the disclosure of their names, but each author may prohibit the disclosure of his or her name as the author (PA §13 Section 7) or waive the proprietary rights of the author on the whole or in favour of somebody (PA §13 Section 9).

Sometimes different people have made the same invention independently at the same time. In very rare cases different people have made the same invention on the same day. As the actual moment of the creation of an invention is very difficult or even impossible to determine, first to file principle in filing a patent application with the Patent Office has been acknowledged worldwide. According to this principle, the author of an invention is considered the person, who has been noted the author in the first filed patent application or application for registration of a utility model. If the application has not been filed, nobody has the right to state his or her authorship. Therefore, without applying for a patent nobody will receive neither moral nor proprietary rights.

Was this information useful? * ❍ Yes
❍ No
Please provide details:

Submit

Last modified 22.02.2017

Source URL: https://www.epa.ee/en/protection-inventions/who-author-invention-inventor

The Estonian Patent Office Toompuiestee 7, 15041 Tallinn, Estonia phone: +372 627 7900, e-mail: patendiamet [at]