

Patent case: Drahtloses Kommunikationsnetz, Germany

Kluwer Patent Blog
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Christian Buchholz (Krieger Mes & Graf v. der Groeben)

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The case concerns the transfer of a priority right from an employee to his/her employer and the relevant time zone for determining the priority:

1. The validity of the transfer of rights to an invention by the employer by claiming it as a service invention is governed by the law applicable to the employment contract.
2. The rights and obligations of the contracting parties that result from a legal agreement on the transfer of a priority right are not to be judged according to the law applicable to the priority application, but according to the law applicable to contracts between the parties. If the agreement is made between the employee inventor and his/her employer, the agreement is governed by the law applicable to the employment contract.
3. A technical teaching which is made available to the public by uploading it to a web server and making it available via the internet does not constitute prior art only because at the time of uploading, the priority or filing date had not yet begun in a time zone other than that of the place of uploading.

Case date: 14 May 2019
Case number: X ZR 14/17
Court: Federal Court of Justice of Germany

A full summary of this case has been published on [Kluwer IP Law](#).