
Kluwer Patent Blog

Germany: Beschichtungsverfahren, Federal Court of Justice of Germany, X ZR 163/12, 27 September 2016

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Wednesday, July 19th, 2017

In this case the FCJ considered the question of whether one of the co-owners of an invention is individually entitled to file a patent application for that invention. The Court held that in general an application is not permissible if it is made only in the name and on behalf of that co-owner. In such a case, the other co-owner(s) is/are entitled to damages from the co-owner who filed the application. The damages may also comprise compensation for the use of the invention made by the applicant.

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

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