**Determination of Inventorship Form**

**(Inventorship Guidelines)**

**Research Services**

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| **Determination of Inventorship Process:** |
| The purpose of this form is for the Intellectual Property (IP) Review Committee to determine the inventorship for a patent application based on new research. This information is needed prior to the filing of a provisional patent application. The **attached** Inventorship Guidelines and Form should be forwarded to each person who is regarded to have been involved in the conception and/or reduction to practice of the invention. This form can also be provided to anyone who may consider themselves to have made an inventive contribution to the invention or to anyone who you are uncertain should be included as an inventor after having read the Guidelines provided. This form should be completed **independently** by individuals and submitted electronically. |
| ***IP Review Committee will review and further discuss with individuals to correctly record inventorship for this case.*** |

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| **INVENTORSHIP GUIDELINES** |
| ***Please note that the determination of inventorship is substantially different to the determination of authorship for a publication. Inventorship is a legal matter and depends on what is claimed in the patent application. Inventorship is not a favour, or a matter of protocol, status or generous sharing of credit.*****THE IMPORTANCE OF GETTING INVENTORSHIP RIGHT*** Inventorship is important in determining ownership any party may have in a patent. Inventors often have contractual obligations by virtue of employment that entitles their employer to ownership of IP developed in their course of employment.

In this regard, if any inventors are identified that are not employed by La Trobe University then closer consideration of ownership of the patent application will be needed.* The inclusion of a person who is not an inventor or omission of someone who should be named as an inventor will provide grounds for a patent to be challenged and revoked.
* Proper documentation of the invention is required to establish the date of the invention and support inventorship. To this end, always ensure that laboratory notebooks documenting the development of an invention are maintained in accordance with **La Trobe** University **Policies for keeping laboratory notebooks**.
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| **Please carefully read the points of determining Inventorship prior to completing the form.** |

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| **DETERMINATION OF INVENTORSHIP**  |
| **WHO SHOULD BE INCLUDED AS AN INVENTOR?*** Include ONLY colleagues, students, and collaborators who have contributed to:
1. Conceptualizing the invention (ie. who **conceived** the original ideas mentally, eg. what to achieve and how to achieve it); and/or
2. Devising a way to **allow the invention to work** that involves **inventive effort** above ordinary skill and not merely routine testing or experimentation.

A significant contribution is required to make the invention claimed **novel or non-obvious (eg.** provided **new/ inventive technical feature** of the claimed invention). **Identifying the Conception:*** A definite and permanent idea of the complete and operative invention, as it is to be applied in practice
* Conception is complete when it permits one with ordinary skills in the field to reduce it to practice without undue experimentation.
* There may be two or more people who collaborate to produce the invention through joint efforts.
* If the answer is **YES** to any of the following questions, then an individual may be regarded as an Inventor:

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| Would the invention have occurred without their contribution? |
| Did that person contribute to solving of the problem? |
| Did that person solve a problem not recognised by the other inventors? |
| Did that person solve a recognised problem that the other inventors were unable to solve? |
| Did that person produce a result or advantage not contemplated by the other inventors? |

**WHO SHOULD NOT BE INCLUDED AS AN INVENTOR?*** Someone whose only contribution is routine work that could be carried-out by some other person.
* Someone whose only contribution is participation in discussion/ consultation about the invention before or after conception and the reduction to practice of the invention has been achieved by others.
* A person who only conceives of the result to be obtained but not the idea of how to achieve it.
* Someone, participating or contributing only to the reduction to practice of the invention is insufficient, particularly if mere routine experimentation or testing is employed.
* Working under the direction/ or instructions of another does not establish inventorship unless a contribution of an original thought to the claimed invention is made.
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| **If, after reading the above, you consider that you may be an Inventor for this Invention please complete the attached Inventorship form independently.** **(Please use space as required).** |

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| **INVENTORSHIP FORM** |
| This form is to be completed by the proposed inventor in relation to an invention. | Name |  |
| Department |  |
| Invention title |  |
| Research Service Reference |  |
| Position  |  |
| Telephone |  |
| Email |  |
| **Question 1:** What do you consider the invention to be?  | Please summarise highlighting what is new and inventive over the known field. |
| <Insert> |  |
| **Question 2** What was your specific contribution to the conception of the invention?  | .Please summarise and provide details, including the approximate date you made any significant contribution.  |
| *Indicate if you formulated any ideas that led to the invention, and/ or recognized or solved all or part of the problem addressed by the invention? Please specify.* |  |
| <Insert> |  |
| **Question 3**Did you contribute in any way to reducing the invention to practice that did not involve routine procedures or direction under the guidance of another? | .Please summarise and provide details, including the approximate date you made any significant contribution.  |
| *Indicate, for example, if you developed or produced any new reagents or other tools or, designed new techniques that were required to achieve the working of the invention. Such developments for achieving the invention should require inventive design and not mere practice of routine methods or equipment? Specify also if you worked independently or under supervision and to what extent?* |
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| <Insert> |
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| **Question 4**Do you have documented evidence of any significant contributions discussed at question 3 or 4? | .Please provide details of any documented evidence (eg. laboratory notebook records, minutes of discussions with colleagues, written notes, seminars, etc)?  |
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| **Question 5:** Do you consider that your contribution to the invention was an individual or joint effort with others?  | Please provide the details of any others who you consider jointly contributed with you. Please specify their name, organisation, particular role in their joint contribution and period of involvement. |
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| <Insert> |
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| **Question 6**Is there anyone else who you think may have contributed in some way to conceiving the invention or contributed beyond routine tasks to achieving the working of the invention?  | .Please specify their name, organisation, particular role in their joint contribution and period of involvement. |
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| <Insert> |
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| **Question 7**Was there any aspect of the invention that you are aware of that was made possible by use of confidential information or materials (eg cells, reagents, nucleic acid sequence, computer software, etc) owned by a person including an organization other than your employer?  | .If applicable, specify if you are aware of any agreement or contract providing access or transfer of rights to the information. |
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| ***Question 8****Is there any other information that you consider may be relevant to the question of ownership of the invention?* | *.For example, if you are not employed by La Trobe University. Please provide any relevant documents (i.e. Employment contracts, collaboration or grant contracts), if necessary.* |
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| --- | --- |
|  | **Date:**  |
| Date that this Invention Form is signed? |  |

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| --- | --- |
| Signature of proposed Inventor | **Signature** |
|  | **Print Name** |