

# Identifying and Managing Joint Inventions

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## **Introduction**

Joint inventorship is defined by patent law and occurs when the outcome of a collaborative project results in two or more people contributing intellectually to an invention.

Depending upon the number and affiliations of the joint inventors, many interesting situations can arise, and a number of these issues will be addressed in this chapter. When referring to a joint invention in this chapter, the definition is an invention with one or more inventors from multiple institutions or companies.

Included in this chapter is a discussion of some of the issues involved in the identification and management of joint inventions, as well as potential hurdles that technology managers may face during these processes. Joint inventors are identified through a variety of ways, including an institution's invention disclosure report, publications, or at a patent drafting meeting with patent counsel.

Similar to any invention disclosed to a technology transfer office, once the joint invention is identified, an evaluation and decision is required to proceed with protection of the invention. In addition to the criteria used when evaluating inventions developed at a single institution, technology transfer offices need to consider additional factors, such as expense and revenue sharing, when deciding whether or not to pursue patenting of a joint invention.

In the process of determining whether to patent a jointly developed technology, the other participating inventors and institutions should be notified. If a decision is made to file a patent application, the institutions should consider entering into agreements with each other to establish the role each party will play in the patenting and licensing of the invention. While each joint invention is unique and may require special provisions, processes discussed here are presented as best practices for managing joint inventions.