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Q244

Inventorship of multinational inventions

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I. Current law and practice

1) Please describe your law defining inventorship and identify the statute, rule or other authority that establishes this law.

a) If person A, located outside your country, directs the efforts of person B, located in your country, for making an invention in your country, under what circumstances would person A and/or person B be considered an inventor under your law?

Both persons, A and B, are considered as inventors according to the Patent Law. Both persons, A and B, are considered as inventors according to the Patent Law.

b) Does your law defining inventorship rely on or look to a particular part of the patent application? For example, is inventorship under your law determined on a claim by claim basis, determined based on the content of the drawings or the examples, or determined on some other, and if so, what basis?

no
Please comment:

2) Does your law of inventorship depend on the citizenship of the inventor(s)?

no
Please comment:

3) Does your law of inventorship depend on where the invention was made (e.g. on the residency of the inventor(s))?

no
Please comment:

4)	Can the inventorship of a patent application be corrected after the filing date in your country?
yes	If yes, what are the requirements and time limits for such correction?:
The correction can be filed at any stage of the Patent application process before the granting, by means of a voluntary brief.	

5)	What are the possible consequences of an error in the stated inventorship on a patent application in your country? Can a patent issued from such an application be invalidated or rendered not enforceable on that basis? Does it matter whether the error was intentional or unintentional?
In the event of an intentional or unintentional error regarding an inventor's name, address or citizenship, such error must be corrected before the granting of the Patent; otherwise, the Patent application will be considered as abandoned.	

6)	Does your law require that an application for a patent claiming an invention made in your country, whether in only one technical area or in all technical areas, be filed first in your country?
no	If no please comment:

a)	Is the law requiring first filing in your country limited to a specific area of technology or otherwise limited such that it does not apply to all inventions made in your country? If yes, please explain.
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7)	Does your law require that a patent application claiming an invention made, at least in part, in your country undergo a secrecy review or similar process before it can be filed in another country?
no	If no please comment:

II. Policy considerations and proposals for improvements of the current law

8)	If your law defines inventorship, is this definition sufficient to provide patent applicants with clear guidance as to who should be named as the inventor(s) of a patent application? Are there aspects of this definition that could be improved?
Inventorship is not defined in the Venezuelan Patent Law.	

9)	If you have laws requiring first filing of patent applications directed to inventions made in your country, are there aspects of these laws that could be improved to address multinational inventions?
This kind of law does not exist on the Venezuela legal system.	

10)	If you have laws requiring a secrecy review of patent applications directed to some or all types of inventions made in your country, are there aspects of these laws that could be improved to address multinational inventions?
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This kind of law does not exist on the Venezuela legal system.

- 11) Are there other aspects of your law that could be improved to facilitate filing of patent applications having multinational inventorship? If yes, please explain.

III. Proposals for harmonisation

- 12) Is harmonisation in this area desirable?

yes

Please comment.:

If yes, please respond to the following questions without regard to your national or regional laws. Even if no, please address the following questions to the extent you consider your national or regional laws could be improved.

- 13) Please provide a definition of inventorship that you believe would be an appropriate international standard.

Inventor is an individual that devises, creates or conceives an innovating solution to a technical problem.

- 14) Please propose a standard for correction of inventorship after a patent application is filed, together with any requirements necessary to invoke this standard (e.g. intentional versus unintentional error) and any timing requirements (e.g. during pendency of the application).

The Patent application petitioner or a Patent holder can file at any moment for the correction of an inventor's name, address or citizenship, to an intentional or unintentional error before the Patent Office, by means of a voluntary brief.

- 15) If you believe such a requirement is appropriate, please propose an international standard for first filing requirements that would take into account multinational inventions.

We consider this requirement it is not appropriate.

- 16) If you believe such a requirement is appropriate, please propose an international standard for secrecy review requirements that would take into account multinational inventions.

We consider this requirement it is not appropriate.

- 17) If you believe such a requirement is appropriate, please propose an international standard for obtaining a foreign filing license.

We consider this requirement it is not appropriate.

- 18) Please propose an international standard for an ability to cure or repair an inadvertent failure to comply with a first filing requirement or a security review requirement.

19) Please propose any other standards relating to multinational inventions (excluding those related to inventor remuneration or ownership of the invention) that you feel would be appropriate.

Summary

Please comment on any additional issues concerning the multinational inventions you consider relevant to this Working Question.

AIPPI