

*Good lawyers give good answers.
Excellent lawyers ask the right questions.*

Pontes lawyers act for international, regional and local corporations, individuals, as well as universities and partner IP lawyers covering multi-jurisdictional IP transactions. Our IP work includes issues ranging from protection, commercial exploitation to disputes.

IS AN INVENTOR – EMPLOYEE ENTITLED TO RECEIVE ANY EXTRA-REMUNERATION IF HE HAS MADE AN INVENTION UNDER AN EMPLOYMENT RELATIONSHIP?

CZECH REPUBLIC

Yes, beyond the salary, the employee is entitled to an additional reward (even if the invention was not patented nor implemented), and under certain circumstances also to a supplementary remuneration.



www.jsk.cz

AUSTRIA

No, even if the invention was patented and implemented provided that the inventor – employee factually mainly invents and is paid above minimum collective bargaining standards.

OOO graf patsch taucher

www.gpra.at

HUNGARY

Yes, but only if the invention was patented or protected in another way and implemented.



www.hunlaw.hu

SLOVAKIA

Yes, beyond the salary, the employee is entitled to an appropriate remuneration (but only if the employer has exercised the rights to an invention) and under certain circumstances also to a supplementary remuneration.

MAJERNÍK & MIHÁLIKOVÁ
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ROMANIA

No, if/when the inventive mission is defined in the employment contract.



www.ja.ro

BULGARIA

Yes, but only if the invention was patented.

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Warning: We like clarity just as much as you do. This overview could not be made without extensive implication, generalisation and simplification.

This overview can be used for general reference, but please call or email us before drawing any conclusions based upon it.

PONTES: the CEE lawyers is a network of independent law firms providing full service commercial legal support in the Central and Eastern European countries (CEE). For more details, please visit www.ponteslegal.eu

WORK FOR HIRE IN PONTES COUNTRIES

	AUSTRIA	BULGARIA	CZECH REPUBLIC	HUNGARY	ROMANIA	SLOVAKIA
Can the company exercise the economic rights to works created by its employees on a statutory basis (i.e. even in absence of the relevant contract provisions)?	NO, but exceptions apply in the case of computer programs.	YES, insofar as required for the performance of employer's usual business activity.	YES	YES	YES, but the extent of the statutory transfer varies as per the type of work.	YES
Can the employer dispose with the employee's work without specific provision in the contract, by way of:						
a. Assignment / Transfer of economic rights	a. NO, but exceptions for certain works may apply.	a. NO, but exceptions for certain works may apply.	a. NO	a. YES	a. NO, but exceptions for certain works may apply (e.g. software).	a. YES
b. Licensing / Sub-licensing	b. NO	b. YES	b. YES	b. YES	b. YES, but certain limitations may apply.	b. YES
Would the answer differ if the author was a freelance contractor rather than employee?	NO	NO	YES, the person who ordered the work would be considered only as a licensee.	YES, the person who ordered the work is not allowed to dispose with the work in any way, unless contractually agreed with the author.	YES, the person who ordered the work is not allowed to dispose with the work in any way, unless contractually agreed with the author.	YES. Yes, the person who ordered the work would be considered only as a licensee.
Is the employer required by law to refer to the employee as the author of the work?	NO	YES	NO	YES	YES	NO
Is the employer authorized to complete an unfinished employee work or modify an employee work?	NO, unless the modifications are required by the nature or purpose of the economic rights to the work.	NO, unless the modifications are required by the nature or purpose of the economic rights of the work.	YES, but certain limitations may apply.	YES if such work is officially handed over to the employer first.	YES, but certain limitations may apply.	YES
Can the author (the employee) claim a supplementary remuneration for the work he/she created?	NO	YES	YES, but only if the salary is obviously disproportionate to income brought by the work.	NO, the employee is only entitled to claim the salary and the so-called appropriate compensation for disposal of the work by the employer.	NO	NO
If so, can it be waived?	N/A	NO	YES	YES	N/A	N/A
Would the answer differ for freelance contractors?	NO	YES, as licensees, their rights for supplementary remuneration would be unwaivable.	YES, as licensees, their rights for supplementary remuneration would be unwaivable.	NO, but under specific circumstances, they may claim an "appropriate compensation".	YES, they may be entitled to a supplementary remuneration.	NO
Can the employee sue third party for:						
a. Abuse of moral rights?	a. YES	a. YES	a. YES, but certain limitations may apply.	a. YES, but certain limitations may apply.	a. YES, but certain limitations may apply.	a. YES, but certain limitations may apply.
b. Economic rights remedies?	b. YES	b. YES	b. NO	b. NO	b. YES, when rights were not transferred to the employer.	b. NO