

**Fourth Study Commission
Public and Social Law**

QUESTIONNAIRE 2012

**Aspects of intellectual property and competition law in employment
relationship**

Introductory remarks: Statutory provisions on intellectual property and competition law are not bound to a certain form of relationship. Nevertheless in employment relationship on the one hand there are many rules to protect employees but on the other hand employment relationship bares certain risks for the employer. The purpose of this Questionnaire is to provide an overview on the provisions governing intellectual property and competition law in employment relationship in the legal systems of the participant countries.

Intellectual property:

1. Who obtains intellectual property rights in case of an invention by an employee?
2. If the employer obtains any rights: What connection between an invention and the employment relationship is necessary? What is the scope of the employer's rights (ownership of the patent, exclusive use, non-exclusive use...)?
3. Are there any boundaries to agreements between the parties of an employment contract on intellectual property rights (compulsory compensation, limitation of the rights that can be transferred
4. Are there different provisions applicable to employees who are hired as inventors?

Competition:

5. Are there any statutory limitations to the employee's possibilities of additional activities?
6. Are there any boundaries to agreements between the parties prohibiting certain activities of the employee while the employment relationship lasts?
7. What other obligations does an employee have in order to protect the competitiveness of their employer (boundaries of secrecy)?
8. Once the employment relationship has ended: Are there any remaining limitations of the employee's possibilities to compete with their former employer?
9. Are there any boundaries to agreements on such limitations even after the employment relationship is terminated ?

Send Your answers before the 1rst of August to:

IAJ-UIM: secretariat@iaj-uim.org

Gerhard Kuras gerhard.kuras@justiz.gv.at

Bron Philippe philippe.bron@just.fgov.be

Julie Dutil <jdutil@judicom.ca>