

Paper Proposal for the ATRIP-Conference, Helsinki 5-8.8.2018

Submitted by Professor, Director Niklas Bruun

IPR University Center, Helsinki, Finland

FAIRNESS AND THE RIGHT TO EMPLOYEE INVENTIONS

It is a well known fact that the approach to IP in employment is different within various legal systems. In an anglo-saxon context employee IP is predominantly seen as an integrated part of conditions for employment where the parties to the employment contract may dispose of any upcoming IP-related issue. In a Nordic and continental European context the issue is more complex and especially regarding employee inventions we find quite complex, detailed regulation.

The purpose of the paper to be presented in Helsinki is to explore the foundations for the regulation of the right to employee inventions. What are the philosophical or economic considerations behind the legal regimes on employee IP and what role does the aim to achieve fairness play in this context? Are we concerned with economic considerations making sure that the inventor should get a fair share of the value of the invention, are we ensuring the moral rights of the inventor to be recognized or/and what other considerations are at stake?

The paper will not only try to explore the foundations of the right to employee inventions, it will also try to discuss the impact of the changed technological environment within the digitalized knowledge economy on employee IP and its regulatory foundations.