

European Tour Webinar Serie  
Inventors Rights and Remuneration  
Comparative Perspectives  
Session 1  
LES BENELUX & LES FRANCE

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- **AGENDA**

- Legal framework
- Service vs Free Invention
- Valuation and Remuneration
- Special regime University Inventors
- Case Law and implication



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## MODERATOR

- Carmen Correa Martin, President LES Benelux

## SPEAKERS

### LES FRANCE

- Frédéric Portal , Bardehle Pagenberg (FR)

### LES BENELUX

- Achim Krebs, HGF (NL)
- Michael Kinyentama, IP Porta (BE)



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- **Legal framework**

- **France:** Article L. 611-6, L. 611-7 and L. 611-7-1 of the French Intellectual Property Code
- **The Netherlands:** Regulated by Article 12 of the Dutch Patent Act 1995
- **Belgium & Luxembourg:**
  - Luxembourg:** Regulated by Article 13 of the Law 20 July 1992
  - Belgium:** No specific statutory rules



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- **Service vs Free Invention**

- **France:** Services, Off Mission and Free
- **The Netherlands:** Service and Free
- **Belgium & Luxembourg:**

**Luxembourg:** Service (including off mission/mixed type) and residual category

**Belgium:** Service, dependent or mixed and Free



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- **Valuation and Remuneration**

- **France:** Additional compensation
- **The Netherlands:** Salary, unless disproportional benefit to employer
- **Belgium & Luxembourg:**
  - Luxembourg:** a fair share in case of significant profits (benefice notable) – “special compensation” – possibility of more favorable clauses
  - Belgium:** No rules, but court decides based on casuistic circumstances



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- **Special regime University Inventors**
  - **France:** French Intellectual Property Code (Article L. 611-7).
  - **The Netherlands:** Article 12(3) of the Dutch Patent Act; Labour Collective Agreement
  - **Belgium and Luxembourg:**  
**Luxembourg:** Article 6 (public entities) and 16 (research institutes) of the Law 9 March 1987; Article 13 of the Law 20 July 1992 also applies; University Policies  
**Belgium:** BE: Decree-based and Regional Exceptions & University Policies



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- Case Law and implication



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THANK YOU

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LES Spain/Portugal & LES ITALY

