

**Act No. 656 of December 29, 1967 on the Right to Employees' Inventions\***

**(as amended by Acts No. 961 of December 17, 1982, No. 526 of June 10, 1988 and No. 1698 of December 22, 1995)**

1. The provisions of this Act shall apply to inventions, patentable in Finland, which have been made by a person in the service of another person—employee. This Act shall apply *mutatis mutandis* to persons employed in the public service.

Where the employer claims a right in an employee's invention which limits the right of the employee to file and to obtain a patent for the invention, such invention shall in that respect be held to be patentable in Finland unless the employer gives probable reasons why there would be obstacles to the grant of a patent. (10.6.1988/526)

Teachers and the scientific personnel of universities, other colleges or equivalent scientific institutions of learning shall not, in such capacity, be regarded as employees within the meaning of this Act. This Act shall however apply to teachers at a military institution of learning who hold an office or appointment in the defense forces. (10.6.1988/526)

This Act shall not be applicable to persons who are in military service according to the Act on the liability to such service. (10.6.1988/526)

1. (10.6.1988/526) The provisions of this Act shall be applied insofar as nothing else has been provided for by contract or clearly results from the employment or from other circumstances. Contractual terms incompatible with Section 3, the second paragraph of Section 6, the first or third paragraph of Section 7, Section 7a, the second paragraph of Section 8 or Section 9 shall be invalid.
2. Employees shall have the same right to their inventions as other inventors unless anything else follows from the provisions of this Act or any other law.
3. Where an invention has come about as the result of an employee's activity in the performance of the work given to him or substantially as a result of using his experience in the enterprise of his employer, the employer may acquire the right to the invention, in whole or in part, if the use of the invention falls within his field of activity. Where the invention is the result of a task given in the course of service and specified with more precision, the employer may acquire the right even if the use of the invention is not within his field of activity.

Where an invention the use of which falls within the field of activity of the employer has come about in any connection with the employment other than those mentioned in the first paragraph, the employer may acquire the right to use the invention.

Should the employer wish to acquire a more comprehensive right to an invention referred to in the second paragraph than that provided for therein or should he wish to acquire the right to an invention which has come about without any connection to the employment but the use of which falls within his field of activity, the employer shall have an option to acquire such right by agreement with the employee.

5. (10.6.1988/526) An employee who makes an invention referred to in Section 4 shall notify the employer accordingly in writing without delay and at the same time shall communicate such particulars of the invention as to enable the employer to understand it. At the employer's request he shall also inform the employer of what he considers to be the connection between the employment and the making of the invention.
6. An employer who wishes to acquire the right to an invention in accordance with the first or second paragraph of Section 4, shall, no later than within four months from his receipt of the notification provided for in Section 5, notify the employee in writing that he will assume a specified right in the invention. An employer must exercise the option given to him under the third paragraph of Section 4, within the same period. During the four months following the receipt of the notification under Section 5, the employee may not dispose of an invention referred to in Section 4 without his employer's permission in writing or make any disclosure which would render the invention public or would enable it to be used for the benefit of another person. The employee may, however, when the notification has been made in accordance with Section 5, apply for a patent for the invention in Finland, in which case he shall notify the employer accordingly in writing within one week from the day the application was filed with the patent authority.
7. Where an employer acquires the right to an invention made by an employee by virtue of Section 4 or on the basis of any other right, the employee shall be entitled to a reasonable compensation even if it was agreed otherwise by contract before the invention was made.

In the assessment of the compensation, special consideration shall be given to the value of the invention, the scope of the right which the employer acquires, as well as to the terms in the employment contract of the employee and the contribution of other circumstances connected with the employment to the making of the invention.

Where an action for compensation has not been instituted within 10 years from the employer's notification that he is acquiring the right to the invention, the right of action shall lapse. If a patent for the invention has been applied for, the action may always be instituted within one year from the grant of the patent. (10.6.1988/526)

7a. (10.6.1988/526) The employer shall be obliged to provide the employee with such information as is required for the determination of the compensation for the invention, specifically the information on the filing and grant of the patents for the invention, as well as on the production quantities and selling prices of the products according to the invention, or of the products manufactured by the process according to the invention.

The employee shall be obliged to provide the employer with the necessary information relating to the invention and its exploitation.

8. Where, during the six months following the termination of an employment, an application for a patent is filed for an invention to which Section 4 would apply if it had come about during the employment, the invention shall be deemed to have been made during the employment unless the inventor gives probable reasons why the invention had come about after the employment had ceased. Any agreement between an employer and employee which limits the employee's right to dispose of an invention made more than one year after the termination of the employment shall be invalid.
9. Notwithstanding any provision in a court order or contract concerning compensation under Section 7, the court may vary the compensation if this is required by a substantial change in circumstances. An employee shall not be obliged to refund compensation already paid. The provisions of the Act on Legal Acts in the Field of Property Rights (228/29) shall apply to the adjustment of an unreasonable condition in a contract concerning a right derived from an employee invention. (17.12.1982/961)
10. (10.6.1988/526) Anyone who, as a result of this Act, learns about an invention, a trade or professional secret or the financial status of another person shall not, without authorization, disclose to any outside third party what he has learned.
11. (10.6.1988/526) A Board for Inventions shall be instituted which shall give opinions on questions relating to the application of this Act; the Board shall consist of a chairman and eight members.

The chairman and two members shall be appointed by the Government, for a specified term, from among persons who are considered not to represent employer or employee interests. The chairman and one of the members referred to, who shall at the same time act as vice-chairman, shall have the qualifications of a judge and be familiar with the work of a judge. The other members shall have an engineering training and be familiar with patent questions.

The other members, who shall be familiar with working conditions and inventive activities and of whom three shall represent the employers and three the employees, shall be appointed by the Government, for two years at a time, at the proposal of the respective organizations.

Each member of the Board shall have an alternate, appointed by the Government, with the qualifications prescribed for the member.

**11a.** (10.6.1988/526) An opinion from the Board of Inventions may be sought by employers and employees as well as by the courts where the dispute has been submitted to them. The same right shall be available to the Patent Office if it is dealing with an application for a patent for the invention.

The Board may also function as an arbitration tribunal if the employer and employee agree on this. For such function the Act on Arbitration Procedures [(46/28)] has to be observed, to the extent nothing else follows from this Act.

The Board's costs shall be paid from the public funds. Where the Board functions as an arbitration tribunal, the Ministry for Trade and Industry shall determine the honorarium of the chairman, the members and the secretary.

The Board shall publish to the extent necessary such opinions which may have significance with respect to the application of this Act in similar cases or which may have general significance. Where a patent application is pending the opinion may not be published before the documents have become available to the public under Section 22 of the Patents Act. In the opinion nothing may be included and published which has to be kept confidential.

More detailed provisions with respect to the Board shall be issued by the Government.

**12.** (22.12.1995/1698) The District Court of Helsinki shall have jurisdiction in disputes concerning employers' or employees' rights under this Act. In such proceedings, the rules relating to court procedure in patent cases shall apply where appropriate.

The District Court of Helsinki shall be the competent court where the dispute concerns the right to an invention within the meaning of this Act for which a European patent within the meaning of the European Patent Convention (Finnish Treaty Series 8/96) has been sought and if the employee at the time of making this invention was working principally in Finland. If no State can be shown where the employee was working principally, the District Court of Helsinki shall be the competent court, if the employer at the moment the invention was made had in Finland such place of business where the employee making the invention was employed. The case may also be heard at the District Court of Helsinki where the parties to the dispute have, by word of mouth or in writing, agreed that the District Court of Helsinki shall be the court of competent jurisdiction in the case and where such agreement is permitted in the legislation of the State whose legislation is applied to the employment contract concerned.

1. More detailed rules for the application of this Act shall be issued by decree.
2. This Act shall enter into force on January 1, 1968.

This Act shall not apply to inventions made before January 1, 1968.

\* Finnish title: L [Laki] oikeudesta työntekijän tekemiin keksintöihin 29.12.1967/656. Entry into force (of the last amending Act): March 1, 1996. Source: Communication from the Finnish authorities. Note: English translation furnished by the Finnish authorities.