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# Decree No. 80-645 of August 4, 1980, on Inventions of Officials and Public Servants

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## Chapter I General Provisions

**1.** Section *1ter* of the Law of January 2, 1968, as amended, shall apply to officials and public servants of the State, the local authorities, public establishments and all public legal entities, subject to the conditions laid down by this Decree, unless more favorable contractual terms govern the industrial property rights in their inventions. These provisions shall not preclude the maintenance or introduction in respect of officials and public servants of more favorable regulatory measures.

**2.-**

(1) Inventions made by an official or a public servant in the execution either of tasks comprising an inventive mission corresponding to his functions or of studies or research explicitly entrusted to him shall belong to the public entity on whose behalf he carries out those tasks, studies or research.

(2) All other inventions shall belong to the official or public servant.

However, the employing public entity shall have the right, subject to the conditions and time limits set out in this Decree, to claim all or part of the rights deriving from the patent protecting the invention when the latter has been made by an official or a public servant:

- either in the execution of his functions;
- or in the field of activity of the public body concerned;
- or by means of the knowledge of the use of techniques or means specific to that body or of data acquired by it.

**3.** Where one and the same public servant exercises activities on behalf of more than one public entity, those entities shall act jointly in accordance with terms laid down by decree or by agreement communicated to the public servants concerned as regards the exercise of the rights and the execution of the obligations laid down by this Decree.

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## **Chapter II**

### **Obligations of the Officials and Public Servants and of the Public Entities Responsible for Them**

4. An official or a public servant who makes an invention shall immediately declare the fact to the authority empowered by the public entity responsible for him.

The provisions of Chapter I of Decree No. 79-797 of September 4, 1979, on the duties of employees and employers shall be applicable to officials and public servants and to the public entities concerned.

## **Chapter III**

### **Provisions Concerning the Joint Conciliation Board**

5. Subject to the measures set out in Section 6 of this Decree, Chapter II of the aforementioned Decree No. 79-797 of September 4, 1979, concerning the Joint Conciliation Board, shall apply to disputes arising from the application, under the terms of this Decree, of Section 1<sup>ter</sup> of the aforementioned Law of January 2, 1968.

6. For the purposes of the disputes affecting officials and public servants referred to in Section 1 of this Decree, a special list shall be drawn up from which shall be chosen for each proceeding the two assessors assisting the Chairman of the Joint Conciliation Board.

Subject to the final paragraph of this Section, the list shall contain persons entered on the proposal of the Ministers and persons proposed by the organizations representing the staff.

The list of such organizations shall be established by decision of the Prime Minister on a proposal from the Ministers.

One of the assessors shall be chosen from among the persons proposed by the aforementioned organizations and the other from among the persons proposed by the Ministers.

Where an invention has been made by an official subject to the general military regulations, an assessor to represent the public servant shall be designated by the Chairman of the Conciliation Board from a list of five members of the military corps of inspectors (*corps militaire du contrôle général des armées*) drawn up by the commander of the military corps of inspectors and periodically updated.

7. This Decree shall apply in the territorial entity of Mayotte and in the Overseas Territories.

8. The Keeper of the Seals, Minister of Justice, the Minister of the Interior, the Minister for Foreign Affairs, the Minister of Defense, the Minister for Cooperation, the Minister of Economic Affairs, the Minister of Budgetary Affairs, the Minister for the Environment, the Minister of Education, the Minister for the Universities, the Minister of Health and Social Security, the Minister of Labor and Participation, the Minister of Agriculture, the Ministry for Industry, the Minister of Transport, the Minister of Foreign Trade, the Minister for Youth, Sport and Leisure, the Minister of Culture and Communication, the Minister of Trade and Handicrafts, the State Secretary for Posts and Telecommunications and for Telediffusion, the State Secretary for War Veterans, the State Secretary to the Prime Minister and the State Secretary to the Minister of the Interior (Overseas Departments and Territories) shall be severally responsible for the implementation of this Decree, which shall be published in the Official Journal of the French Republic.