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Standing Committee on the Law of Patents

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CORRIGENDUM TO DOCUMENT SCP/36/9

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1. In Paragraph 48, the first two sentences shall be replaced by “In Germany, in addition to the special provision in Section 6 para 2 of the Patents Act (specifying that if two or more persons have jointly made an invention, the right to the patent belongs to them jointly), the general rules of the German Civil Code apply to this matter. The German Civil Code differentiates ownership of property in this context between the so-called “co-ownership by defined shares (*Gemeinschaft nach Bruchteilen*)” under Section 741 and the so-called “partnership” under Sections 705 *et seqq.*”
2. The entirety of paragraph 49 shall be replaced by “In cases where a group of persons contractually agrees to develop an invention jointly, this may constitute a partnership in accordance with Section 705 *et seqq.* of the Civil Code. In this case, the property is owned by the partnership (Section 713 German Civil Code).”
3. The entirety of paragraph 51 including footnote 36 shall be replaced by “In cases of infringement of a patent, Section 139 para 1 (injunctive relief) and para 2 (damages) of the German Patent Act are generally interpreted to the effect that each co-owner can, in accordance with the law on co-ownership by defined shares (Section 741 *et seqq.*), bring claims independently, whereby damages are to be paid to all co-owners jointly.” The replacement footnote 36 shall come at the end of replacement paragraph 51 and shall read “Cf. BeckOK PatR/Pitz, 33. Ed. 15.7.2024, PatG § 139 Rn. 18-20.”

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