

would be made *ex-poste* and not *ex-ante*, ie the situation can only be addressed with the knowledge of how the employer has performed.

1.12 However, a continuous, for example, annual assessment of the value of patents and the inventions they protect should ensure that any patent or invention that is having an outstanding effect on the employer's profit margins is identified early. Employers, however, would not need to make any payments if the relevant employee is a member of a trade union which provides compensation payments for employee inventors⁴.

1.13 If a patent or patented invention that has been of outstanding benefit to the employer is found, a generous but conservative payment to the inventor(s) may well head off at the pass potential Claims.

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The information provided in this document is, of course, of a general nature and should not be considered as legal advice; if you have any specific questions, please contact us as set out above.

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⁴ Section 40(3) UKPA 1977