12.2.2026

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Title

Die urheberrechtliche und arbeitnehmererfindungsrechtliche Stellung des wissenschaftlichen Mitarbeiter unter besonderer Berücksichtigung der angestellten Ärzte

Publication year

2011

Source/Footnote

In: Wissenschaftsrecht. - 44 (2011) 3, S. 280 - 304

Inventory number

31651

Keywords

Patente, Patentamt ; Urheberrecht ; Beamten- und Personalrecht : allgemein

Abstract

In the beginning the author concerns himself with §§ 43 and 69 b of the German Copyright Law (Urhebergesetz = UrhG). § 43 UrhG sets standards for the copyright status of employees and § 69 b UrhG contains autonomous regulations for this group of people. Subsequently the author considers the university domain and notes that the office of university professor is characterized by its academic freedom. This is irrespective of whether the university professor has civil service status or whether he is a public employee. It follows, among other things, that the works created and protected under the copyright law are so called free works and that §§ 43 and 69b UrhG cannot be applied in the case of these persons. In the classification of the copyright status of the academic staff members the author attaches great importance to the fact that in the case of co-authorship, this co-authorship must also be acknowledged. As a consequence, the moral rights of authors must be respected. Furthermore, they should participate in a suitable share of the proceeds.After describing the peculiarities of academic staff members at university medical schools the author turns his attention to the problems of the

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German Employee's Invention Act (Gesetz über Arbeitnehmererfindungen = ArbEG). Due to the revision of § 42 ArbEG early problems of differentiation have been cleared up. Henceforth the newly formulated § 42 ArbEG applies to all university employees including the nonacademic personnel. Unlike the earlier legal situation, inventions made by university personnel are service inventions. § 42 in the new version applies indisputably to all universities including universities of applied sciences. (HRK / Abstract übernommen)