



Features of the exclusive rights conferred by a patent.

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Inventor, Applicant and Owner of a patent



Inventorship: generally, the inventor is the creator of the invention.

Right to patent: EPC - inventors or their successor.

Different than patent right: rights stemming from the patent.

Inventor vs. applicant: not always the same person.

Employers/ Researchers

Rights stemming from the invention

- Creation of the invention grants the inventor the right to file the patent application: hence, to obtain patent protection.
- Right to a European patent(art. 60(1) EPC): “The right to a European patent shall belong to the **inventor** or his successor in title. [...]”
- Persons entitled to apply for and obtain a European patent:
 - “[...] **any natural or legal person**, or any body equivalent to a legal person [...]. (art. 58 EPC)
 - can the artificial intelligent machine be an inventor?
 - multiple applicants (art. 59 EPC)



Moral rights

Right of the inventor to be mentioned (art. 62 EPC: art. 62 c.p.i.):

- “The inventor shall have the right, vis-à-vis the applicant for or proprietor of a European patent, **to be mentioned as such** before the European Patent Office.”

Rights conferred by a European patent (art. 64 EPC)



- (1) A European patent shall [...] confer on its proprietor from the date on which the mention of its grant is published in the European Patent Bulletin, **in each Contracting State in respect of which it is granted**, the **same rights** as would be conferred by a **national patent** granted in that State.
- (3) **Any infringement** of a European patent shall be dealt with by **national law**.

Recap



- Invention = right to file a patent;
- Patent = set of economic rights and (limited) moral rights toward the invention.
- Moral rights = right to be claimed inventor.
- Economic rights = different pursuant to the type of invention (product, process, new use).