

“Ask the Legal Professional”

Question and answer articles on legal topics featured in the Pittsburgh Business Times



PROTECTING YOUR BUSINESS

Q During the course of her employment, my at-will employee invented something but never signed an agreement assigning the rights to me. What rights do I have to the invention?

A While it is a good idea to have an agreement with your employees regarding intellectual property rights, this is often overlooked. If your employees are not currently under an agreement to assign their intellectual property rights, you should consider asking them to sign such an agreement as soon as possible. In Pennsylvania, unlike non-compete agreements, continued employment is adequate consideration for signing an intellectual property rights agreement. However, in the event that your employee has already invented something in the scope of her employment and is not under an obligation to assign her rights, something known as the Shop Rights Doctrine is invoked. Under the Shop Rights Doctrine, your employee owns the invention and is able to make, practice, or sell the rights to the invention. However, you, as the employer, can make or practice the invention and your employee cannot sue you for infringement.

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