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Summary of doctoral dissertation
„Labour law institutions in industrial property law”

Comprehensive overview of labour law institutions in industrial property law was one of the main objectives of the PhD dissertation. Complete and detailed analysis conceptual categories of labor law such as „employee”, „employer”, „duties of an employee” or „right to the result of work of employee” occurring on the basis of industrial property law, led to complete approach of aforementioned issue. It is worth mentioning that it has not been done under The Act of 30 June 2000 Industrial Property Law.

The achievement of the aim of dissertation rendered it possible to prove these that there is a link between labor law and industrial property law. In the context of the legal institution of „employer” in the meaning of The Act of 26 June 1974 Labour Code, the concept of „economic entity”, „commissioner” and „employer” was analysed. The analysis showed that industrial property law refers the term of „employer” only to those employers who are patentable. Furthermore, conducted deliberations allow to conclude that notion of „economic entity”, „commissioner” and „employer” under article 11 of The Act of 30 June 2000 Industrial Property Law can in some cases be used interchangeably.

As regards the institution of an „employee”, it was noted that the provisions of the Industrial Property Law Act do not use this term, but use a descriptive phrase: „where an invention, a utility model or an industrial design has been made by a creator in the course of employment duties”. This was followed by reflections on the interpreting of the term „employee” in industrial property law. The last analysis carried out in this respect led to the conclusion that the ability to be an employee within the meaning of Art. 2 of the Labor Code depends on who can be the „employer-entrepreneur” in the inventive cycle. Qualifying as „employee” on the basis of industrial property law will matter most in the case of grounds of

employment such as an employment contract and co-operative employment contract. In the case of other grounds of employment, such as an appointment, an election or a nomination, the group of employees who may be the creator of an inventive project is significantly limited and depends on whether a specific employer can be considered an entrepreneur within the meaning of industrial property law.

Thereafter, it was indicated that The Act of 30 June 2000 Industrial Property Law uses expressions such as: „in the course of employment duties” and „the scope of the creator’s employment duties”. This was the reason for the search for provisions creating the obligations of an employee-creator under the industrial property law. The obligation of creative work was derived from the regulations of the Labor Code and industrial property law and the duties of the employee-creator were assigned to groups.

In further considerations, the issue of rights to an employee's inventive project was analyzed. The following rights were distinguished: right to be mentioned as such in specifications, registers and other documents and publications as a personal right and economic rights such as: 1) right to obtain a patent, a right of protection or a right in registration, 2) right to exploit an inventive project 3) right to remuneration. In relation to the right to remuneration, it was found that the remuneration for the exploitation by employer of an employee inventive project is not remuneration for work within the meaning of labor law.

Lastly, the employer's entitlement to the material medium of an employee's inventive project was discussed. It is part of the general right to an inventive project. Firstly, from the characteristics of the employment relationship was derived the obligation to provide the employer’s inventive project. Then, from this duty was derived the rule according to which the ownership of material medium of an employee’s inventive project belongs to the entity employing the inventor, but only from the moment of its adoption.

The main reserach method was the dogmatic-law method. The research included analyzing legal acts, literature and judicial decisions. Historical method was used supplementary in the dissertation.

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