



IP ITeaser 039:

Interests in inventions

The assignment of the legal title to a granted patent or a patent application must be in writing (PA 1977 s.30(6)). As a matter of public policy, this ensures that there is a good evidential basis to establish any transfer of legal title. In contrast, an equitable assignment of title does not need to be in writing. This reflects the fact that equity is more flexible and less legalistic than the common law, and often steps in to address situations that arise in practice rather than in an ideal world. However, what is the position when dealing with the transfer of rights that arise before a patent application is made? According to HHJ Hacon in *Jones v Irmac* [2021] EWHC 495 (IPEC), [2022] FSR 18, the transfer of the legal rights in an invention must also be in writing. His reasoning was predicated upon aligning such rights with the right to apply for a patent. In practice, this could introduce serious problems for the unwary, as before a patent application is made, the arrangements between the various people involved with the genesis of an invention is often in a state of informal flux, which is exactly the sort of scenario that equity is best suited to address, rather than being bound by the straitjacket of the common law.