

INFORMATION FOR STUDENTS AND EXAMINERS

Theses and intellectual property rights

1. Copyrights on final theses

Originators of **works of science**, literature and art enjoy protection for their works under the Copyright Act (§ 1 Copyright Act (Urheberrechtsgesetz- UrhG)).

Protected works include, among others, **linguistic works, computer programs and representations of a scientific or technical nature**, such as drawings, plans, maps, sketches, tables and plastic representations (§ 2 UrhG). **Bachelor and Master Theses** as scientific final papers therefore enjoy copyright protection. Application or registration is not required, because the copyright to the work arises with the creation of the work.

According to § 7 UrhG, the **originator** is the **creator of the work**. Students are therefore the originators of the academic theses they have written. They alone are entitled to the rights codified in the UrhG, for example the exclusive rights to publish and exploit their theses.

If several persons have created a work jointly, they are **co-authors** (§ 8 UrhG). The jointly created work may in principle only be published and used with the consent of all co-authors. **Co-authorship of theses** is, however, regularly excluded, because the law on university examinations requires **independent scientific achievements** of examination candidates (cf. § 59 Hamburg Higher Education Act - HmbHG).

Supervision of a thesis does not result in the supervisor acquiring copyrights to the thesis. This also applies if the supervisor has given thought-provoking impulses or ideas for the thesis. This is because the UrhG does not protect the insight or idea itself, but only its perceptible representation, e.g. in words, images or sound. Nevertheless, the presentation of external scientific findings in scientific work is subject to the rules of good scientific practice, from which it follows, among other things, that the origin of the findings must be clearly identified by citing the source.

2. Inventions and patents in context with final theses

Inventions are not protected by the UrhG, but by patent law. **Patents** are granted for inventions in all fields of technology, provided that they are new, based on an inventive step and are industrially applicable (§ 1 Patent Act - PatG). Patent owners are entitled to prohibit others from using the invention.

If several persons have jointly made an invention, they are jointly entitled to the patent as **co-inventors** (§ 6 PatG). A patentable invention arising in the course of a **thesis** is therefore entitled to those on whose ideas and intellectual achievements it is based. The (sole) authorship of the student in the thesis therefore does not exclude that e.g. the supervisor is (co-)inventor of a technical innovation that has arisen in the course of the work of writing the thesis.

Since student theses do not arise in the context of an employment relationship with the university, related inventions by students cannot be claimed by the university as service inventions under the **Employee Inventions Act**.

3. Granting of rights to use intellectual property

Originators and inventors may grant third parties rights of use to their copyrighted works or the rights attached to their inventions, e.g. by way of a so-called license agreement or a contract for the sale of rights.

Students are under no obligation to grant rights to the university. Therefore, it is inadmissible to make the supervision or correction of a thesis dependent on the granting of rights to the university.

The TUHH is interested in using contents from selected theses with the consent of the author for the purposes of research and teaching, for example in courses or in the context of the further development of software. For this purpose, the attached sample for a grant of rights is provided. Use beyond the purposes of research and teaching is generally not intended by the TUHH and is reserved for the authors.

Supervisors are advised to refer the examination candidates to this information sheet at the beginning of the supervision. The signed consent form should be kept at the institute in which the thesis was supervised.

To the attention of

Hamburg University of Technology (TUHH)

Name: _____

First name: _____

Matr.-number: _____

At Hamburg University of Technology, institute:

under the supervision of:

I have written a Thesis with the topic:

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