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Patent is a certificate, legal paper, issued by the state, evidencing exclusive right for economic exploitation of the invention to the inventor or his legal successor on the territory of that state.

Owner of the patent has a right to prevent the competitor to use his invention, but is not allowed to violate patents of others. Patent has an interdictory and not permissive function; owner of the patent must not use his own patent if this use causes an infringement of someone's earlier patent.

Patent is basically intended for the producers of goods; since the research organizations are not involved on "product" markets, patents owned by research organizations are intended to strengthen license negotiation position and to define the scope of license agreement. When research & development is carried out for a company, it is strongly advised to define what to do with possibly patented inventions in advance.

Patent is granted for the invention; invention has to be absolutely new, has to have inventive level and must be industrially applicable.

Until now, patents are granted by the states only; there is no international or multi-state patent. PCT (Patent Cooperation Treaty) and EP (European Patent) are only a part of procedure, conducted in one place. After PCT or EP, patent must be validated in each state, meaning at least to be translated into national language and registered by a national authority.

Patents are very expensive; typical costs per a state are between 2.000 and 10.000 EUR. And in spite of all costs, patent may not be granted, if the authority finds invention not to be new, inventive and industriable.

Patent protection usually starts with filing domestic national application. Then within 12 months of priority term, foreign applications must be filed.

May I suggest all the researchers to conduct a patent search even before starting with research. This is the best way to avoid inventing already invented and later to define their own patentable invention. I suggest to use EPO database <http://ep.espacenet.com/>

The form and the content of patent application is strictly defined. For instance: also the format and margins of the paper are prescribed, line spacing, numbering etc. I suggest to consult <http://www.epo.org/> "How to get a European patent, Guide for applicants", pages 25 to 31; for more detailed information see "Guidelines for Examination in the European Patent Office".

According to my experience, the most usual deficiencies made by researchers are caused by their habit to write scientific articles, meaning report on results of research achievements. Also, many of the patent application drafts made by researchers have two parts: first part is like a textbook on history of the field of invention and second part like an advertisement. In both cases, description of the invention is missing or is minor.

The very first step to make a patent application is to define the patentable invention. Usually not all of the research work done is new and inventive; the new and inventive element of the research results have to be identified. Comparing state of the art obtained by patent search the researcher can find what is new and inventive and therefore patentable in his research results.

The application begins with the title of invention. It should be short – less than 10 words and possibly not disclosing the substance of the invention.

Title is followed by the description, you must:

- specify the technical field of the invention,
- indicate the background of which you are aware,
- disclose the invention; the disclosure must indicate the technical problem not yet solved and describe the inventive solution. The invention must be disclosed in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art,
- claim the rights: claims must be clear and concise and supported by the description,
- make drawings according to general rules of technical drawings; be careful on reference signs; drawings must not contain text matter except, when absolutely indispensable,
- abstract merely serves as technical information for searching.

May I stress the importance of complete and detailed disclosure, i.e. description of the invention. This part of the application is the basis for the claims. Nothing can be added to the disclosure after filing the application. Drawings are not a part of disclosure, they only illustrate the invention.

The claims define the scope of protection. Claims must be supported by the disclosure / description. Independent claims defines the protected invention, subclaims illustrate particular elements of independent claims. Claims may be modified in granting procedure.

Once the application is filed with a patent office and priority date achieved, invention may be presented to the public.

Every national patent office has a home page with explanations; may I suggest some of them:

<http://www.epo.org/>

<http://www.wipo.int/>

<http://uspto.gov/>

<http://www.dpma.de/>

<http://www.uil-sipo.si/>