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Patentiranje in spremljanje patentov za JRO v Sloveniji

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GET A PATENT, PATENT SEARCH

Patent is a legal monopoly, i.e. owner of the patent is entitled to eliminate market competition on patented invention. Since the research organizations are not involved on "product" markets, patents owned by research organizations have a specific role: to strengthen negotiating position and to define the scope of license agreement.

Patenting is extremely expensive; filing patent - and not necessarily granting - in a dozen of countries costs approx. 100.000 EUR. To avoid unnecessary costs, research organizations have to file national priority applications, possibly also a PCT (Patent Cooperation Treaty) and sell patent applications within 12 months priority or 30 months PCT term.

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.

Here we come to patent searching: to avoid inventing what was already invented and to get a feeling on how to draft your own patent application.

I suggest using open-to-public patent database of the European Patent Organization:

<http://ep.espacenet.com>

There are very strict rules regarding the draft of patent application on description, claims, drawings, and even the form. 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/>

Following are the steps on how to draft a patent application:

- decision on what really is the invention; earlier patent search would help,
- description of the invention must be so exhaustive to enable a skilled person to realize the invention,
- claims defining the scope of protection; nothing is allowed to be in claims if not described.

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