

INTRODUCTION TO PATENTS

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Intellectual Property covers four main areas:

Patents - How something works

Trade Marks – What you call it

Designs – What it looks like

Copyright – Artistic or literary expression

Sometimes a single item can be covered by all four elements, for example, a new lock mechanism could be covered by a **Patent** for the mechanism, by a **Design** for the appearance given to the outside, by a **Trade Mark** for a logo and by **Copyright** for the installation instructions.

Successful patent applications must possess **novelty** or have one or more obvious improvements over the prior art (what has been previously invented).

What is a Patent?

A patent for an invention is granted by government to the inventor, giving the inventor the right to stop others, for a limited period, from making, using or selling the invention without their permission. When a patent is granted the invention becomes the property of the inventor, which like any other form of property or business asset can be bought, sold, rented or hired. Patents are territorial rights: a UK patent will only give the holder rights in the UK and rights to stop others from importing the patented products into the UK.

To be Patentable your invention must

Be New - Never been made public in any way, anywhere in the world, before the date on which the application for a patent is filed.

Involve an inventive step - If when compared with what is already known, it would not be obvious to someone with good knowledge and experience of the subject.

Be capable of industrial application - An invention must be capable of being made or used in some kind of industry. This means that the invention must take the practical form of an apparatus or device, a product such as some new material or an industrial process or method of operation

An invention is not patentable if it is

A discovery,

A scientific theory or mathematical method,

An aesthetic creation, literary, dramatic or artistic work,

A scheme or method for performing a mental act, playing a game or doing business,

The presentation of information or a computer program,

If the invention involves more than these abstract aspects so that it has physical features (such as special apparatus to play a new game) then it may be patentable.

In addition it is not possible to get a patent for plant variety, a method of treatment of the human or animal body by surgery or therapy or a method of diagnosis.

Layout of Patents

Based on typical layouts in patent specifications since the late 1970's. Before this they were likely to lack a front page and search report.

Front page - Used in the same way a book will have a title page, a patent will have a front page which gives useful bibliographical details. It uses two letter country codes and INID codes to identify pieces of information.

An Abstract - (compiled nowadays by the applicant) and may be an illustration. This layout is becoming increasingly standardised but the information given can vary from country to country.

Opening Statement - Usually states the problem.

Background Information - US patents are likely to have a discussion of the 'state of the art' with references to key patents, books or journal articles.

Problem - The nature of the problem is outlined.

Description of the invention - Explains the inventive step and how it works.

Claims - The numbered claims cover the legal aspects of the monopoly, with the first being the main claim and the later dependant claims referring back to earlier claims in describing what is new about the invention.

In a published application the claims are merely an attempt to get protection while the granted patent has the claims that are recognised in law.

Illustrations - As many as required showing the invention.

Search Report - Usually on the front or last page. At a minimum this consists of a list of patents or other documents suggesting that some at least of the invention is not new. More detailed search reports would indicate which claims in the application were affected, the kind of relevance and the exact page and line numbers thought to be relevant in the cited document. Search reports can be valuable when trying to assess if the invention is truly new.

There has been Standardisation in classification. Nearly all countries now use the International Patent Classification, IPC.

INID Codes

INID codes - These are numbers used to identify bibliographic elements in patent specifications, normally on the front pages. They are only sometimes given in numerical order and are nicknamed 'INID codes' after internationally agreed numbers for the identification of bibliographic data.

What rights does a patent give?

A patent gives the right to stop others from using your inventions. Alternatively you can choose to let others use it under agreed terms.

A patent also brings the right to take legal action against others who might be infringing and to claim damages.

An inventor is not required to get a patent in order to put an invention into practice, but once the invention is made public, there will be no protection against others using the invention and you would be unable to obtain a patent.

The Intellectual Property Office does not ensure that others do not copy a patented invention. It is up to the owner to take any necessary action to ensure an idea is not infringed.

Once 'Granted' or in the public domain any ideas may not be reregistered.

Confidentiality

Any invention should be kept confidential until it is filed at The UK Intellectual Property Office. A confidentiality agreement should be signed before any details or description is disclosed. This does not apply to patent attorneys or other professional advisors or staff helping a member of the public. This is automatically a situation of confidence.

<http://www.patent.gov.uk/patent/info/cda.pdf>

References

The British Library Business & IP Centre

The Business & IP Centre has all the business and Intellectual property information you need as an innovator and entrepreneur.

Can be contacted by phone– 020 7412 7454/7919 or by email bipc@bl.uk.

You can take a look at our Web page <http://www.bl.uk/bipc/>

The Intellectual Property Office

The IPO is the official government body responsible for granting Intellectual Property rights in the United Kingdom.

Can be contacted by phone– 08459 500505 or by email enquiries@ipo.gov.uk.

You can take a look at their web page <http://www.ipo.gov.uk/home.htm>



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