An outline of the law of patents

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Patents

- Registered and issued by the State;
- new inventions - how things work, what they do, how they do it, what they are made of and how they are made
Owners’ rights

- to prevent others from making, using, importing or selling the invention without permission
- 20 years, international context
International context

- National rights
- Principles of reciprocity and priority rights
- System of claims and specification under examination
- EPO provides examination assistance for signatory states
Your invention must

- Be new N.B. beware disclosure
- Have an inventive step that is not obvious to someone with knowledge and experience in the subject
- be capable of being made or used in some kind of industry
Application

- File to obtain a priority date or use priority gained from another filing in last 12 months
  - Claim
  - Specification with enabling disclosure
- Preliminary examination with search of prior art
- Substantial examination
- Publication

“the name of the game is the claim”
Your invention must not be

- a scientific discovery or theory
- a method of medical treatment or diagnosis
- works that might attract other intellectual property rights e.g. copyright for literary and artistic work
- some computer programs.
Further information

- UK Intellectual Property Office http://www.ipo.gov.uk;
- Database for patents http://gb.espace.com
- Kirin-Amgen and others v Hoechst Marion Roussel Ltd (2005) RPC 9