

Applying for a Patent

You may have an idea for a new invention but are not sure whether someone else has already thought of it, or you may be an employee who has conceived a new way of doing something that could be worthy of recognition/protection from exploitation elsewhere. So what are the criteria for lodging a successful patent application, and how long does it take?

Can It Be Patented?

It is not sufficient merely to have thought of a concept or have an idea for something. A patent must be novel (new) as well as be able to be made or used somehow in some form of industry. The novelty- i.e. the part of the patent that is 'new' must not be obvious to someone who has knowledge and experience in the field to which your invention applies: in other words, it must be innovative.

Who Can Apply?

You must ensure that you have the right to apply for the patent. If your invention was created with another person, you can make a joint application. If you invented something during the course of your employment, the invention will be the property of your employer. It is also possible for companies to apply for patents.

Your patent application will fail if it has already been lodged by another person. Before you apply, you will need to have conducted sufficient searches to determine whether or not someone else has already had the same idea as you and has patented it, either in the UK or elsewhere in the world.

The Patent Application

There are several facets to a patent application. You will be required to submit a comprehensive description of your patent, in as much detail as is necessary to distinguish your invention from others that may be similar. This detailing includes drawings, an abstract (which is a summary of the features of your invention) and claims, which are arguably the most important part of your application. Claims they describe the invention in words and must be correctly and clearly compiled to make sure that the application is true to the invention.

Once your application is lodged with the patent office (known as its filing date), it is published 18 months later. If your application meets the Patent Office's criteria, and no one successfully disputes your invention, you will be granted a patent.

Worldwide Patent Protection

Making a successful application to the UK patent office only protects your patent in the UK. It may be that you should obtain worldwide protection, in which case you may need to obtain permission to file an application abroad. It is highly advisable to seek professional advice if you need to file an application in these circumstances.

Applying for a patent can be expensive so it is worth establishing whether or not your invention is patentable, as well as whether there is any benefit to you in

obtaining a patent for your invention, before making the application. If you would like advice and assistance with your invention, contact us without delay.

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