



Patents

Patents are obtained in the UK from the Patents Office and are governed by the Patents Act 1977.

Definition

Patents are granted to protect the rights in an invention. In order for a patent to be granted the invention must satisfy a number of requirements:

1. It must be new which means that it can never have been made public anywhere in the world at any time before the date of the application. It is important therefore, if an inventor is thinking of applying for a patent, that he keeps the idea confidential and does not publish or otherwise disclose it.
2. It must contain an inventive step which means that if the invention is compared to what is already known, it would not be obvious to someone with a good knowledge and experience of the subject.
3. The invention must be capable of industrial application and must therefore be either a product, device or apparatus or an industrial process or method of operation. Furthermore, the invention cannot be any of the specific exclusions set out in the Patents Act.

Rights and Exploitation

A patent, once it has been granted, is a monopoly right to the exclusive use of an invention. Whilst the inventor does not have to obtain the patent before putting his invention to use, the grant of a patent allows him to prevent others from "infringing" his idea. Owning a patent for an invention does not necessarily guarantee any commercial success. However the proprietor need not exploit the patent himself and can sell or licence it.

Duration

Once a patent has been granted it can remain in force for a period of 20 years although renewal fees will become payable after the first 4 years.

Ownership

Generally speaking the owner of the patent will be the inventor but this is not necessarily the case if the invention is made by an employee in the course of normal duties or if the ownership has passed to someone else (for example, by assignment).

Application

Patents can be obtained in most countries worldwide. Depending on the procedure used, the inventor may choose to apply for a UK patent, a European patent covering any of the European countries or, under the Patent Co-operation Treaty, a patent in any of the 92 countries (as at July 1997) which are a party to the treaty.

It is up to the person making the application to draft the patent specification. This is a complicated and technical document and anyone considering applying would be best advised to employ a patent agent. For further information contact the Department of Trade and Industry.

The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this factsheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice.

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