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Intellectual Property:  
Release its potential

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# To File or Not to File; Protecting Your Intellectual Property: Patents

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# Types of Intellectual Property

- Copyright
- Trademarks
- Designs
- Patents



# PATENTS....WHY BOTHER?

- Monopoly rights
- Property rights
- Term...20 years from date of filing...SPCs
- Infringement
- ££££ licences and assignments



# BASIC REQUIREMENTS

- Novelty
- Inventive Step
- Industrial Applicability
- Exclusions
- Enablement....Condition



# NOVELTY

**New** i.e. does not form part of state of the art

**Worldwide**

**Available to the public** (oral, written or by use)



# DISCLOSURE

- Enabling
- Understanding person
- Grant Proposals/Peer Review Journals
- Confidentiality
- Subject to Contract
- Prior Public Use...analysability



# PRACTICAL ADVICE

- Web-site profiles
- Posters in Departmental Public Areas
- Inter and Intra-Departmental Discussion Groups
- PhD Thesis
- Publications...Discussion Sections



# NOVELTY EXAMPLE

Prior art is a Chinese publication of a sequence of a mouse gene X

Your patent application is the human equivalent of gene X

Is your disclosure novel?.....YES



# INVENTIVE STEP

Is it obvious?

Who is the skilled person?

Different approaches US/EP

Back to the mouse gene...arguable



# Industrial Applicability

Must be capable of industrial application if it can be made or used in any kind of industry including agriculture

- Surgery and Therapy
- Not to limit the medical professional



# EXCLUSIONS

- Methods of treatment on human or animal body by surgery, therapy or diagnosis (G1/04)
- Animal and plant varieties
- Discoveries, scientific theory or mathematical methods
- Arty things, methods of doing business, games, computer programmes
- Specifics Harvard Mouse/Dolly/ Stem Cells



# CONDITIONS...have you done enough?

Sufficiency/Enablement Europe/US

It must be possible to reproduce in at least one way the claimed invention using the original application documents without any inventive effort over and above that of the skilled person.



# OWNERSHIP

Invention made by an employee belongs to the employer

Unless.....you invent a new bottle opener

Remuneration and Spin-offs



# WHO IS AN INVENTOR?

Look at the claims

Inventive contribution....NOT a bottle washer  
NOT the provider of material  
NOT necessarily the Prof or Head  
NOT necessarily the PhD or Post-Doc



# Rest of the World versus USA

First to file versus first to invent

Laboratory Notebooks

Inventors are applicants...assignments

Grace periods

Methods of Treatment



# The General Process

Non-disclosure

Search

Prepare and File application

1 year no further added matter

Patent Office Search based on claims

Amendments to claims

Publication

Examination

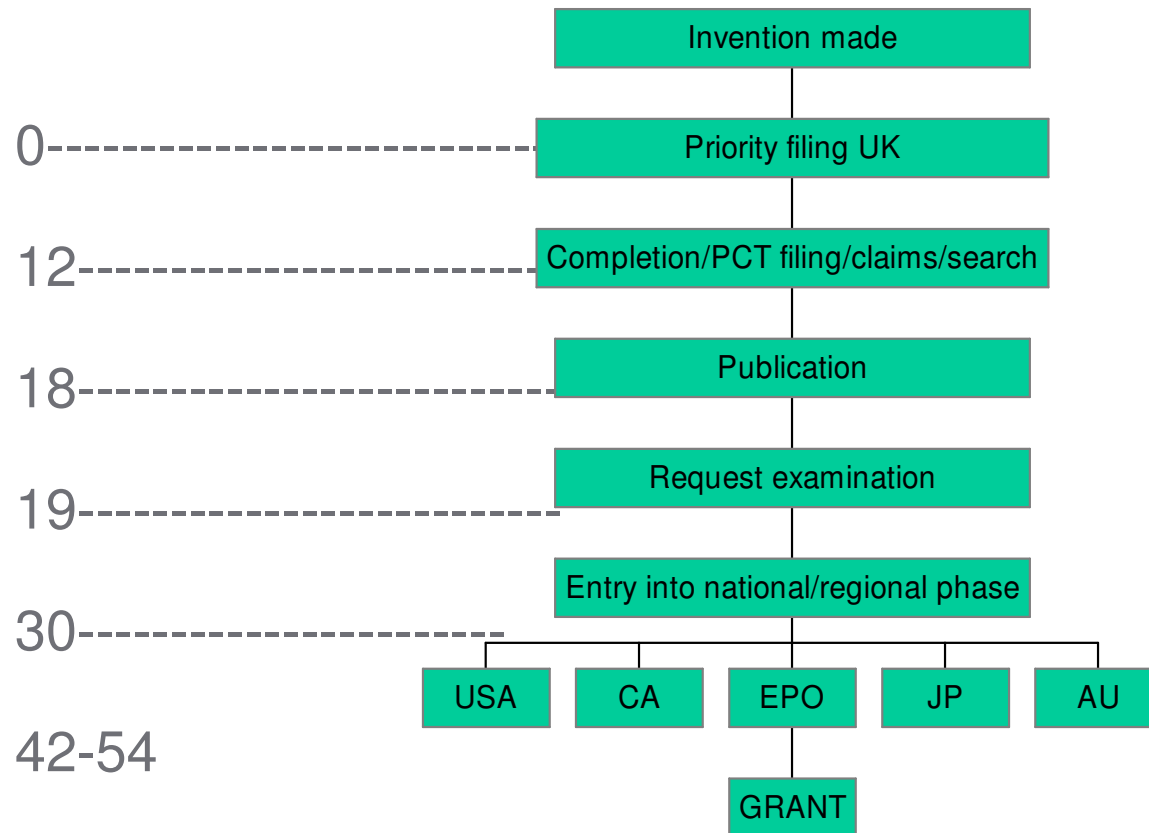
Grant

Maintenance fees



Months

# TIMINGS



# STRATEGY

File in UK; possibly simultaneously in US

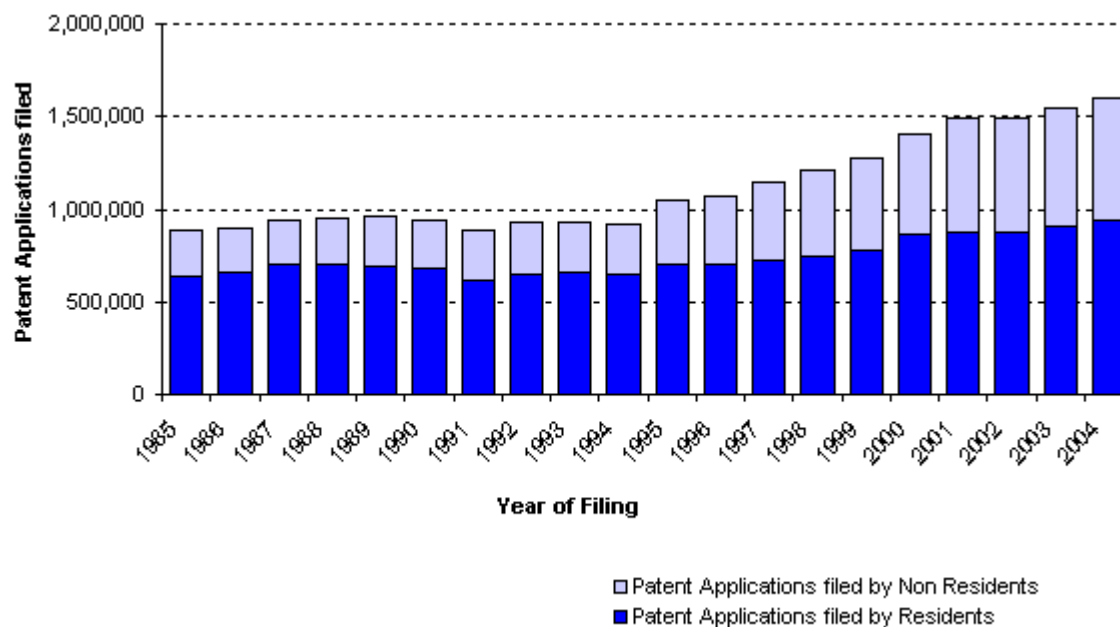
International application

Select “A grade” EP/JP/US.....KR/CN/IN

Select appropriate markets



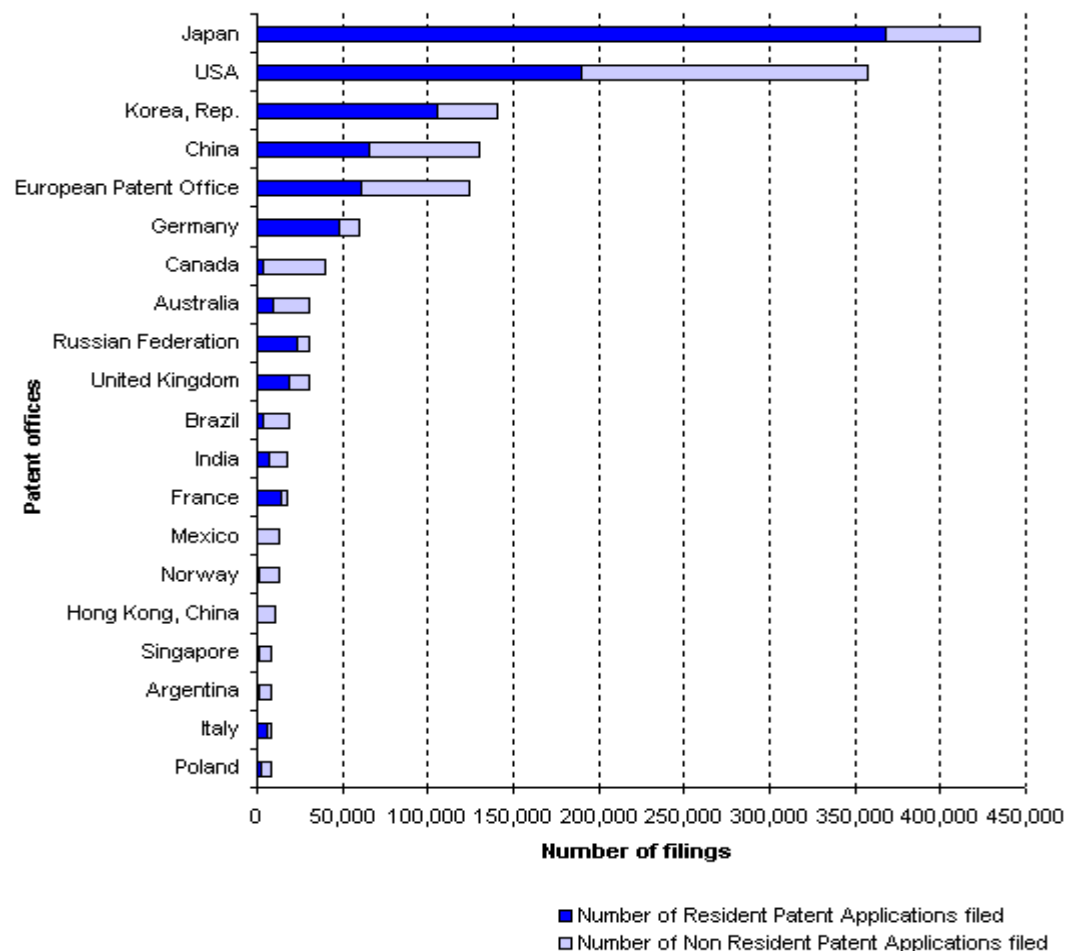
# Worldwide Patent Filings



Source: WIPO Statistics Database



# Top 20 Offices of Filing



Source: WIPO Statistics Database

# Who to watch out for

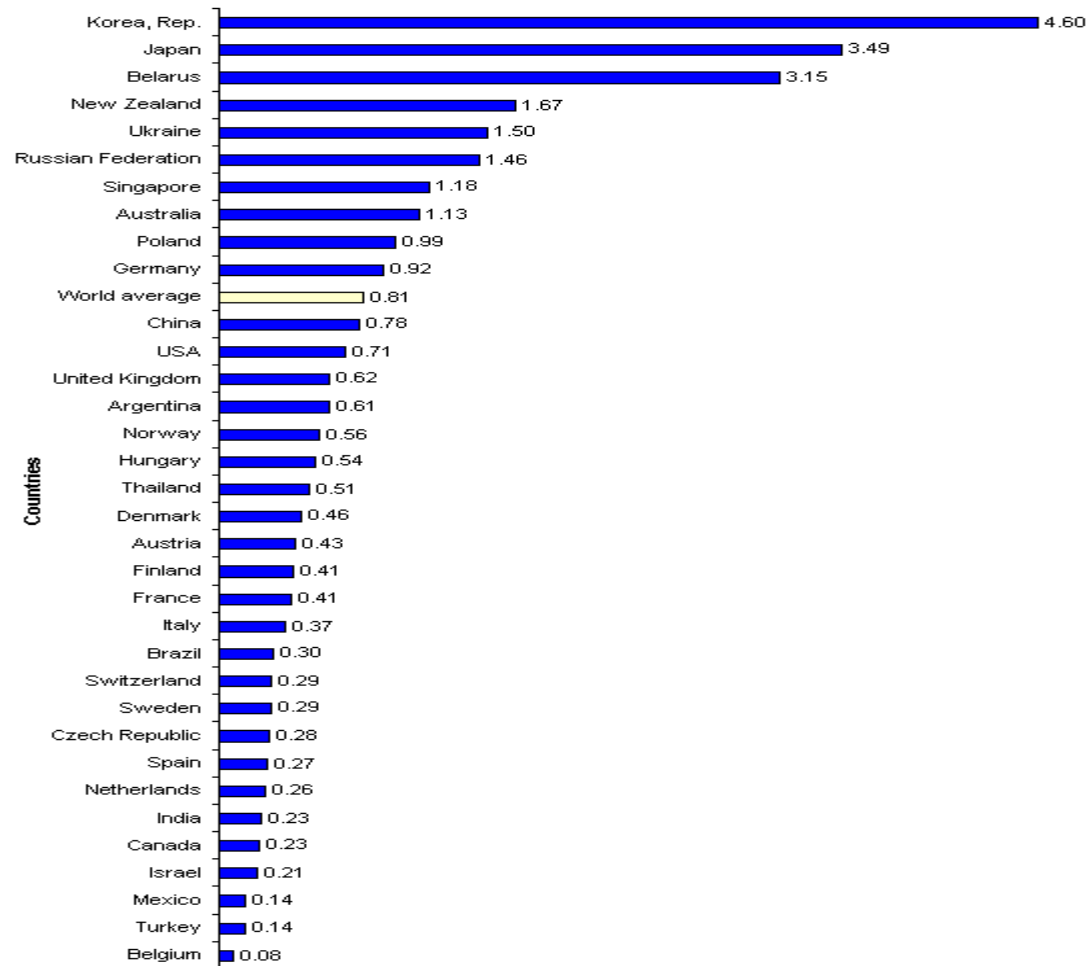
CHINA (31.7% growth 2006)

KOREA (20.5% growth 2006)

INDIA



## Patent Filings per Research and Development Expenditure by Country



**Resident Patent Filings per million \$ R&D Expenditure**

Source: *WIPO Statistics Database, World Bank - World Development Indicators, UNESCO Institute for Statistics*

# TOP OF THE POPS

- 1. Preparations for medical, dental, toilet purposes (6.1%)**
2. Electric and digital processing (5.3%)
3. Transmittal of digital information (3.1%)
- 4. Heterologous compounds (2.9%)**
5. Transmittal of digital information (2.8%)
- 6. Analysis of materials by chem/phys properties (2.7%)**
- 7. Diagnosis and surgery (2.3%)**
- 8. Micro-organisms and enzymes (1.8%)**
9. Pictorial communication (1.7%)
10. Transmission systems (1.3%)

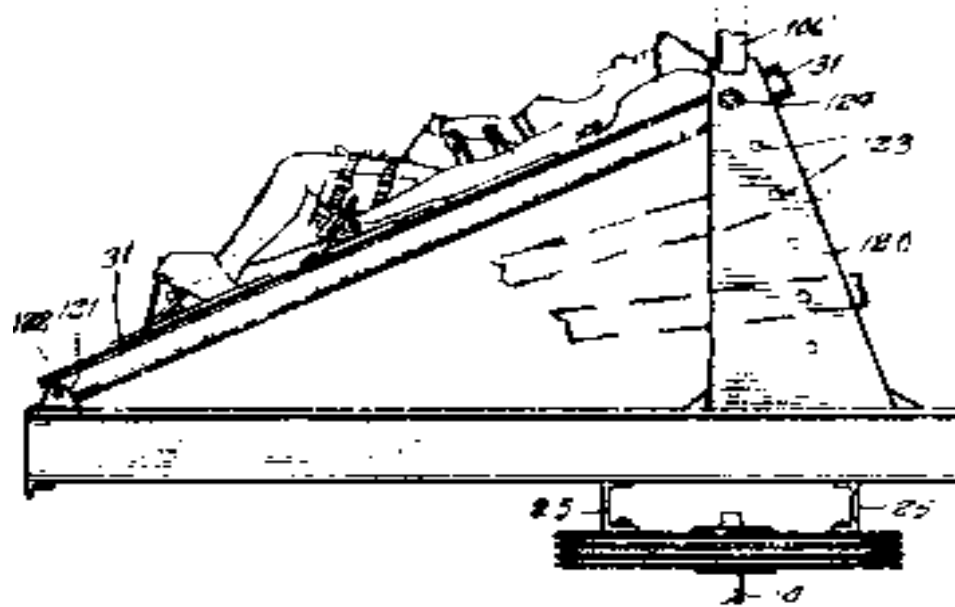


# GOOD SCIENCE MAKES FOR GOOD PATENTS



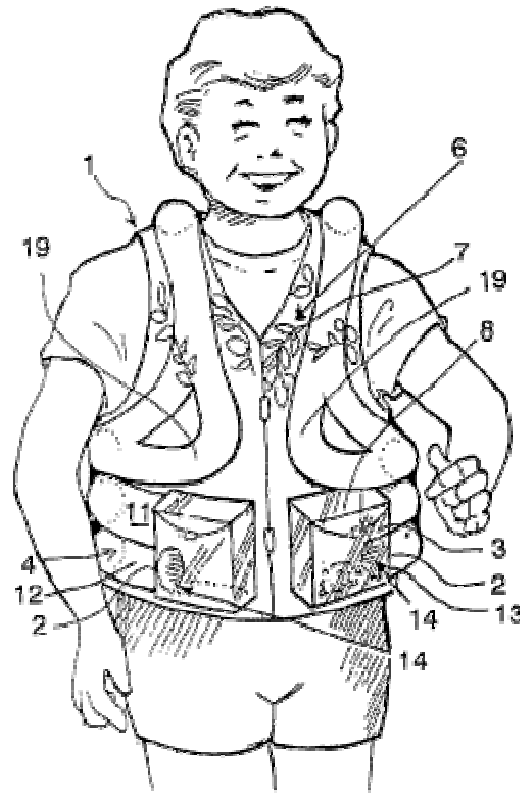
# Apparatus For Facilitating Child Birth

Centrifugal Delivery Table  
Granted 1965



# PET VEST

Hamster Display Unit  
Granted 1999



# HORSE NAPPY

Granted 1998

