

Patent Application Timeline

0 months

Priority Application

Priority Year

A first patent application for an invention (the “priority application”) is usually filed in an applicant's home country - e.g. at the Intellectual Property Office (IPO) in the UK. This establishes a “priority date” for the invention. For the invention to be patentable, the invention must be novel and non-obvious over everything in the public domain before the priority date of the invention.

Further patent applications which are based on this priority application must be filed within 12 months of the priority date.

This “priority year” allows time to develop the invention further, to seek investment and to evaluate the market potential of the invention, before filing further patent applications.

12 months

PCT Application

International Phase

At the end of the priority year, an International (PCT) patent application may be filed. The text of this PCT application will be based on that of the priority application, together with any additional information on the invention which has been obtained in the priority year.

International Search Report

In order to establish what relevant documents were in the public domain before the priority date, an International Search Report is produced by the International Searching Authority (usually the European Patent Office for applications filed within Europe). This Report lists the documents which need to be considered when assessing whether or not the invention is novel and non-obvious. A detailed Written Opinion on the patentability of the invention is also produced. These are usually issued at about the 15-20 month stage.

18 months

Publication

The International patent application will be published together with the International Search Report (if available then) at 18 months.

If desired, a response to the Written Opinion and amendments to the PCT application can be filed in order to try to obtain a more favourable Written Opinion although often no action is taken at this stage.

International Preliminary Report on Patentability

At the end of the International phase, an International Preliminary Report on Patentability (IPRP) is produced by the International Searching Authority based on the Written Opinion and any response/amendments made. This is then made available to other patent offices. No International patent is granted.

30 months

National Applications

National and regional phases

Within 30 months from the priority date, the applicant must file patent applications in their chosen countries (e.g. US, Europe, Japan, Australia). These will be examined independently by Examiners from the patent offices of these countries and (hopefully) patents in these countries will be granted in due course. By this stage examinations of the application are independent of one another although similar issues are likely to arise in different jurisdictions.



Further advice

If you would like any further advice please contact us at Dehns using the details below.

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