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Dehns Guide to the Patent System

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Introduction

Whether you work for a multinational company, a start-up or a university, or you are an independent inventor, a knowledge of the patent system is essential in order to understand how best to protect your inventions. The aim of this document is to give you an overview of what a patent is, how you might get one and the rights that a patent confers.

In addition to discussing the key criteria that an invention must satisfy for a patent to be granted, this document describes what practical steps need to be taken to obtain a patent for that invention. The roles that Patent Attorneys and Patent Offices play in this process are also explained. A few examples are given in this document of some simple mechanical and chemical inventions, but the principles of the patent system described here apply to all forms of invention, whether it is a chemical, mechanical, electrical, biotech or software invention, or indeed an invention in any technical field.

Dehns is one of the leading firms of Patent & Trade Mark Attorneys in the UK. Our services include obtaining patent, trade mark and design protection around the world. Our clients include small businesses, private inventors, universities as well as multinational firms.

Our specialist practice groups serve clients in the full range of technical fields, including chemistry and biotechnology, engineering and electronics. We also act for clients in relation to trade marks and designs and provide IP consulting services including assistance with identifying and protecting valuable trade secrets.

We are dedicated to providing high quality, creative solutions to our clients' intellectual property needs.

The firm's combination of experience, commercial awareness and continuing development of technical expertise in many fields enables it to offer clients an exceptional service in the fields of patents, trade marks, designs and IP consulting.

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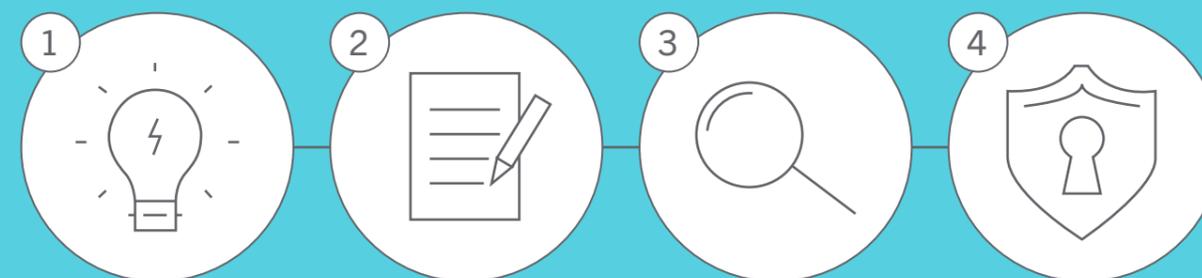
The patent process

Overview

The basic stages of getting a patent granted for an invention are summarised below:

Patents are territorial rights. Hence if protection for the invention is required in more than one country, then patents in each of those countries must be obtained from the Patent Offices in those countries.

Many aspects of the patent system are complex and hence it must be emphasised that the information given in this document should be seen merely as providing guidance on the general principles of the patent system. Whilst these general principles are similar in most countries, numerous differences between these patent systems do exist. Consequently, it is recommended that professional advice be sought for any specific matter.



The inventor makes the invention.

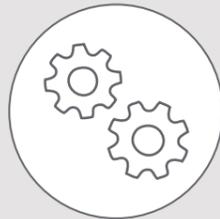
A patent attorney writes a patent application for the invention and files it at a Patent Office.

An Examiner from the Patent Office searches and examines the patent application in order to determine whether or not it is worthy of the grant of a patent. If it is, then a patent for that invention is granted.

Once a patent has been granted, it will give the patent Applicant the right to stop others from using that invention for up to 20 years.

What can you patent?

When most people think of patents, they generally think of patented products such as a new vacuum cleaner or a new medicine. However, in addition to patenting products, it is also possible to patent methods of doing something, processes for making or treating something, and new uses for old products. Here are some examples of what can be patented:



Mechanical inventions

Engines, gears, tools, generators, medical devices, artificial surfaces, heating elements



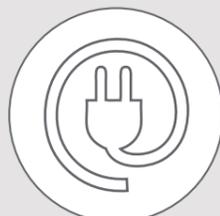
Chemical inventions

Medicines, plastics, polymers, alloys, processes, coatings, catalysts



Biotechnological inventions

Antibodies, proteins, stem cells, genes, PCR primers, assays, diagnostics



Electronic inventions and software

Sensors, CAD/CAM, CNC lathes, computer modelling, internet security, data transmission, mobile communications

What is a patent application?

A patent application is essentially a 10-50 page book which describes an invention in a combination of legal and scientific language. After the patent application has been examined, and if necessary amended, the text of the patent will be based on the text of the patent application. All patent applications around the world have the same basic format and they are usually made up of the following sections:

Field of the invention

The patent application usually starts with a single paragraph which gives a very brief summary of what the invention relates to.

Background

This section describes the background to the invention. Usually, there will be a discussion of the field of technology that the invention relates to, details of the problem that the invention addresses and information on how people have previously tried to solve that problem. The aim of this section is to educate the Patent Office Examiner about the field of the invention, and (hopefully) to enable the Examiner to appreciate the merits of the new invention.

Statements of Invention

The Statements of Invention are concise definitions of the invention; they will correspond to the main Claims. These Statements are normally followed by details of Examples of the key features of the invention and which Examples are most preferred.

Examples

The Examples section serves two main functions: (i) to provide details of how to put the invention into practice and (ii) to justify the breadth of the Claims. This section is written in standard scientific language, in the same level of detail as one would find in a scientific paper.

Claims

The most important section of the patent application is the Claims. The Claims provide a concise definition of the invention in words (not pictures or other diagrams). The Claims usually have a cascading structure with Claim 1 being the broadest claim (i.e. of widest scope), with subsequent Claims adding further features to the invention, thus narrowing the scope of the Claims. The Claims will usually cover more than what the inventor has actually made. In particular, simple modifications and variants of the invention should be covered by the Claims in order to ensure that a competitor cannot easily circumvent the granted patent by making such modifications/variants. During the examination of the patent application, it is primarily the scope of the Claims which will be considered by the Patent Office Examiners (i.e. to see whether what is being claimed is novel and inventive). After the grant of the patent, it is the Claims that will define the scope of the acts that the Applicant can stop others from doing.

Figures

Any graphs (for example, illustrating data from the Examples) and technical drawings are included at the end of the patent application in the Figures section. However, the legends to the Figures are usually placed just before the Examples.

What criteria must the invention satisfy?

Not all inventions are worthy of the grant of a patent. In order to be patentable, the invention (as described in the patent application) must satisfy certain criteria. These criteria are basically the same in all countries around the world, although there are some important exceptions.

The main criteria – which are examined by the Patent Offices – are summarised below:

Novelty

The invention (as defined in the Claims) must be new over everything that is in the public domain anywhere in the world before the date that the patent application is filed at the Patent Office. (Such public information is often referred to by Patent Attorneys as the “prior art”.) Hence the previous publication of scientific papers or oral presentations relating to the invention, or public demonstrations of the invention, can destroy the novelty of the invention. This is why it is vitally important to keep all details of the invention confidential until a patent application has been filed.

Inventive step

The invention (as defined in the Claims) must not be obvious, bearing in mind what it is in the public domain before the filing date of the patent application. Obviousness must be judged through the eyes of a person who is familiar with all general techniques in the area of technology of the invention (also known as the “skilled person”), but who is incapable of any spark of inventive thought. Whether an invention is obvious or not is often the subject of much argument between Patent Attorneys (on behalf of their clients) and Patent Office Examiners.

Clarity

The language that is used in the Claims to define the invention must be clear enough so that a person who is familiar with the general area of technology of the invention (i.e. the “skilled person”) can readily understand what is being protected in the patent application and what is not.

Enablement

After reading the patent application, and taking into account common general knowledge at the filing date of the patent application, the skilled person must be able to put all aspects of the claimed invention into practice.

Support

The claims of the patent application will usually cover more than merely what the inventor has made. In particular, simple modifications and variants of the invention will also be claimed. Although it is not necessary to show in the patent application that examples of every modification and variant have been made, the data given in the Examples of the patent application must demonstrate that such modifications/variants can be made and that they would be expected by the skilled person to work.

"The invention must be new over everything that is in the public domain anywhere in the world before the date that the patent application is filed at the Patent Office."

How are patent applications examined?

After the patent application has been filed at the Patent Office and the appropriate Patent Office fees have been paid, the patent application will be assigned to a Patent Office Examiner who is familiar with the technology of the invention. It is the Patent Office Examiner's job to determine whether the patent application satisfies the legal criteria for the grant of a patent.

The examination process generally consists of two steps – search and examination – although in many countries these two steps are carried out at the same time.

The Search Report

The two main criteria for patentability are that the claimed invention must be novel and inventive over everything which was publicly known before the date that the patent application was filed. In order to judge whether the claimed invention satisfies these criteria, the Patent Office Examiner must first carry out a Search in order to find out what was in the public domain before that date.

To do the Search, the Examiner can use any information to which they can readily gain access, including scientific databases, databases of earlier patents and patent applications, and on-line trade journals. The results of their Search will then be sent to the Applicant's Patent Attorney in the form of a Search Report; copies of the cited documents are also usually provided.

The Search Report is essentially a list of documents which the Search Examiner considers to be relevant to the patentability of one or more of the claims of the patent application, with some indication of the degree of relevance of each document, and

an indication of the most relevant parts of each document. It will then be up to the Patent Attorney, with the assistance of the Applicant, to review the contents of the cited documents.

If it is decided that all of the key features of the invention were known before the filing date of the patent application and hence that there is little likelihood of obtaining any patent protection, the patent application may simply be abandoned at that time (and hence no further costs will be incurred). Alternatively, if there remains the prospect of obtaining valuable patent protection, then the Examination fee will then need to be paid to the Patent Office in order to start the examination process.

Examination Reports

After payment of the Examination fee, the Patent Office Examiner will give detailed consideration to the documents that were cited in the Search Report. They will read them in depth with a view to establishing precisely which aspects of the invention – as claimed in the claims – are, in their opinion, novel and inventive. They will also consider whether the patent application satisfies the other criteria for patentability, i.e. that the Claims are clear and concise, that the breadth of the Claims is supported by the description and that the description provides enough details of how the invention may be put into practice.

If one or more of the patentability criteria are not met, then the Patent Office Examiner will issue an Examination Report (which is variously known in the patent profession as an "Official Action", "Office Action" or "Official Letter") which provides full details of their objections.

A deadline for the filing of a response to the Examination Report will also be set. These deadlines vary from country to country, but they are usually between 2-6 months. Extensions of time are also available in some (but not all) countries; most extensions incur a fee. If a response is not filed within the prescribed period, then the patent application might be rejected.

Response to the Examination Report

A key role of the Patent Attorney is to consider the merits of the objections raised by the Patent Office Examiner and – using their knowledge and experience of the patent system – to advise the Applicant on how to maximise protection for their invention in the light of the Examiner's objections. The Patent Attorney might consider that some of the Examiner's objections are unfounded and hence arguments against those objections might be filed. In other cases, the scope of what is being claimed might have to be limited in order to exclude what was already publicly known before the priority date. Furthermore, some of the words of the Claims might have to be changed in order to ensure that the Claims are adequately clear.

Once a response has been filed by Patent Attorney, the Examiner will then reassess the patentability of the invention in the light of the arguments and/or amendments which have been filed. If the patent application is then found to be acceptable, it is granted.

If not, one or more further rounds of Examination Reports/responses might be necessary. If, however, no real progress is being made towards the grant of the patent, the patent application might be

rejected by the Examiner. The patent systems of most countries allow for Appeals to be filed against such rejections, although such Appeals are generally expensive procedures.

Examination procedures in other countries

As mentioned above, patents are territorial rights and hence if patent protection is desired for an invention in any one particular country, a patent must be obtained in that country.

Although the majority of countries have patent systems which are based on the above general principles, there are numerous exceptions. For example, South African patent applications are not examined at all; they are merely granted after they are filed. New Zealand patent applications are examined for novelty, but not for inventive step. In the US, the results of the Examiner's search are included within the Examination Reports; they are not issued as separate Search Reports. In addition, Applicants for US patents have an obligation to provide the US Patent & Trademark Office with details of all documents and acts, such as prior sales, which the Applicants consider to be relevant to the patentability of the US Claims. Thus patents are easier to obtain in some countries than in others.

It should be noted that each patent application is examined independently in each country where the patent application is filed. Hence in some countries, patent claims of broad scope might be granted, yet in other countries the patent application might be rejected.

The role of a Patent Attorney in the patenting process

Patent Attorneys assist Applicants in obtaining patent protection for their inventions and advise them on the intellectual property rights of others. Thus the Patent Attorney may carry out a preliminary patentability search, will write the patent application and file it at a Patent Office. During the examination of the patent application, the Patent Attorney will explain to the Applicant any objections which are raised by Patent Office Examiners, and then, with the help of the Applicant, formulate arguments and/or amendments to try to overcome those objections with the aim of securing the broadest valid patent protection for the Applicant's invention.

Patent Attorneys are generally graduate – sometimes post-graduate – scientists who are legally qualified in patent law. UK Patent Attorneys will have passed patent exams in order to qualify them to practise before the UK Intellectual Property Office (UKIPO) and the European Patent Office (EPO). They should also be familiar with the patent laws of the most important foreign markets (e.g. the USA and China).

Some Patent Attorneys work in patent departments of (usually, large) companies where they deal with obtaining protection for that organisation's inventions. Other Patent Attorneys work in private firms where they obtain patents on behalf of their clients, e.g. inventors, small or medium size enterprises (SMEs) or universities. The key point to note, however, is that Patent Attorneys are independent of the Patent Offices.

Most Patent Attorneys specialise in a particular area, such as mechanical, electrical, chemical or biochemical inventions. Hence, when selecting a Patent Attorney (or a firm of Attorneys) to use, it is important to ensure that they have expertise in your chosen area. (Most patent firms have internet websites from which information can be obtained on the background of each of their Patent Attorneys.) Thus a good Patent Attorney should have an appropriate scientific background in order to understand the inventor's invention; have experience in writing patent applications for such inventions; be familiar with objections which are often raised by Patent Offices against such inventions; and be familiar with how to overcome such objections (or, better still, know how to avoid them in the first place).

UK Patent Attorneys are members of the Chartered Institute of Patent Attorneys (CIPA) and are regulated by the Intellectual Property Regulation Board (IPReg) and bound by its code of conduct. In particular, they have an obligation to their clients to keep all details of their clients' inventions confidential. (Hence it is generally not necessary for UK Patent Attorneys to sign confidentiality agreements with their clients.)

Establishing ownership of the invention

It is vitally important to establish rigorously who actually owns the invention. In the absence of any other agreements, the owner is responsible for the patent costs and the owner will reap the rewards from the invention and any granted patents.

The starting point in establishing the ownership of the invention is to determine who the inventor or inventors are. It is important to note that, in the context of patent law, the term "inventor" is reserved only for the people who have made inventive contributions to the invention. Thus it is important to draw a distinction between people who have provided some inventive input to any aspect of the invention (who should be named as inventors) and those who have merely contributed peripheral advice or who have acted under directions from another person (these people should not be named as inventors).

Once you have resolved who the correct inventors are, you then need to consider whether each of those inventors still has their rights in the invention or whether those rights have been transferred elsewhere. In this regard, anything which might affect the ownership of the invention such as UK patent law, contracts between employers and employees, research contracts, sponsorship agreements, etc. needs to be considered. In particular, the ownership of inventions made by scientists who are employed to do research and also those who have "a special obligation to further the interests of the employer's undertaking" will generally pass by virtue of UK patent law to the employer.

Summary of the patent application process

Priority year 0–12 months

Writing the patent application

The role of the Patent Attorney is to take the inventor's description of their invention and capture this in a patent application. The patent application also needs to capture modifications and variants of the invention, as well as details of how the invention can be made.

Often the Patent Attorney is provided with a draft of a scientific paper which relates to the inventor's new research. (This level of detail is ideal.) During the time that the inventor is finalising the draft paper, the Patent Attorney can write and file the patent application.

It is very important to ensure that the patent application is filed at a Patent Office before any details of the invention are disclosed to the public in any way.

Filing the patent application

Once the text of the patent application has been resolved with the inventor, it is filed by the Patent Attorney at a Patent Office. This first patent application is known as the "priority application" and the date that it is filed is called the "priority date". Once the patent application has been filed, the patentability of the invention (e.g. whether it is new and inventive) can only be judged by what was in the public domain before that priority date.

The following 12 months (i.e. the "priority year") allows time for the inventor to develop and/or market their invention further and, if necessary, to seek investment in their invention. If desired, it is possible in some countries (e.g. the UK, Norway) to ask the Patent Office to carry out an early Search of the invention, thus providing an early indication of its patentability.

During the priority year, more information about the invention (e.g. further examples or data) can be added simply by inserting this new information into the text of the priority application and refiling it at the Patent Office as a further priority application.

At the end of the priority year, there is an opportunity to pursue patent protection in other countries. A common approach is to file an International (PCT) application which can be used to defer a final decision on countries for a further 18 months. After the end of the priority year, no more information may be added to the patent application.

International phase 12–30 months

International Search Report and Written Opinion

After the international application has been filed, it is assigned to an International Patent Examiner, and they produce a Search Report and a Written Opinion. These provide their opinion on the patentability of the invention. They are usually sent to the Applicant at about 16 months after the priority date.

Publication of the patent application

The International patent application and the International Search Report are published 18 months after the priority date of the patent application. It is important to note that, even if no patents to the invention are ultimately granted, details of the invention will be made available to the public by this publication. Published International patents are given WO numbers, e.g. WO2013/137789.

National phases 30+ months

National phases of PCT application

The International phase ends 30 months after the priority date. If the Applicant wishes to obtain patent protection in any specific countries, then patent applications based on the International application must now be filed in those countries. These new patent applications retain the priority date of the International patent application. For example, if patents in the USA, China and Europe are desired, then patent applications at the US, Chinese and European Patent Offices will need to be filed at this time.

Once these "national phase" patent applications have been filed in the desired countries, they will be examined independently by Patent Office Examiners in those countries, although the Examiners will be influenced by (but not bound by) the findings of the International Search Report and Written Opinion.

Obviously, the more "national phase" patent applications which are filed at this time, the higher the costs will be. (The costs will be a combination of Patent Office and Patent Attorney fees.) Additionally, for non-English language countries such as China and Japan, translations of the patent application will also be required. Hence, before deciding to proceed at this stage, the potential value of patent protection in your selected countries needs to be balanced against the potential costs of obtaining patent protection in those countries.

The costs of obtaining patent protection

As will be appreciated from the above, Patent Office Examiners and Patent Attorneys are required to have a unique combination of scientific, legal and language skills. The official Patent Office fees and Patent Attorney fees reflect the high level of training and skills that they are required to have. Patent Offices generally have fixed fees (which vary from country to country) for the filing, search, examination and grant of patents. In contrast, Patent Attorneys usually charge fees on the basis of the amount of time spent working on a particular case.

Thus the charges made by a Patent Attorney will be dependent on a number of factors including the complexity of the invention; the number and length of the documents to be considered in the Search Report; and the number and complexity of the objections raised by the Patent Office Examiners in the Examination Reports. For these reasons, therefore, it is generally very difficult to accurately predict in advance how much any one patent is likely to cost to obtain. If patent protection is desired in a number of different countries, then the costs will of course be commensurately higher.

The following cost estimates should therefore be viewed with the above points in mind:

A typical UK patent application may cost anywhere in the range of £4,000-£10,000 to draft and file as a UK priority application, depending primarily on the complexity of the invention. For example, a simple mechanical invention might fall towards the lower end of the scale, whereas a complex biotechnological invention might be in excess of £10,000.

If a PCT (International) patent application is filed based on the UK priority application, this may cost £4,500-£6,500 (most of which are Patent Office fees), with a further £750-£1,500 once the International Search Report issues, if comments on the cited documents are required.

If the Applicant wishes to file patent applications in Europe and the US (based on a UK priority patent application), the filing costs (which would include the Patent Office's examination fees) are likely to be around £5,000 and £3,000, respectively. For a longer list of countries, the total filing costs will be greater, particularly if translations of the patent application into foreign languages are required (e.g. for China or Japan).

For the examination stages of a pair of European and US patent applications, perhaps £6,000-£12,000 (in total) might be required for a typical case, with higher potential costs if there is a need for a hearing or Appeal procedure, or if the Patent Office raises large numbers of objections.

Upon the grant of a European patent application, translations of the granted application will need to be filed in some of the chosen European countries; this may cost up £20,000-£40,000 depending primarily on the length of the patent application and the number of countries involved. A granted European patent application can be used to obtain a Unitary Patent (UP), which is a single right covering many EU countries and which can provide significant cost efficiencies in some scenarios.

Thus over a period of about 5 years after the initial (priority) patent application has been filed £40,000 may have been spent on securing patent protection in a selection of European countries and in the US. To proceed with patent applications in a small selection of other countries, perhaps a further £20,000 would be required and it can be considerably more if large numbers of countries are required or if we encounter difficulties convincing an Examiner of our case. With annual renewal fees included also, the total expenditure over a 6-7 year period can fall in the range £30,000-£100,000 or above, depending on the jurisdictions selected. It should be remembered, however, that the patent applications can be abandoned at any point during the examination process or after grant.

What rights does a granted patent give you?

After the patent has been granted (and not before), the Applicant is given rights to prevent others from exploiting the invention as defined in the claims of the granted patent in the country where the patent has been granted. These rights differ from country to country, but generally the patent grants the right to exclude others from making, using, offering for sale, or selling the invention in the country where the patent has been granted, or importing the invention into that country. If the invention relates to a method, use or process, a granted patent will give the Applicant the rights to prevent others from using that method/use/process in the country where the patent has been granted.

For example, if a patent on a new product is obtained in the UK, it will give the Applicant the right to stop others from making/selling that product in the UK. But if no equivalent patent is obtained in the US, then the Applicant will have no powers to stop a competitor making/selling that product in the US.

Thus the grant of a patent is a negative right: the Applicant has the right to stop others from exploiting their invention for a set time (i.e. while the patent is in force) within a certain geographical area (i.e. in the country in which the patent was granted). The grant of a patent provides the Applicant with no right to exploit their invention themselves. Often other laws (e.g. health and safety laws) will have to be complied with before the Applicant can practise their invention. The patent rights of others might also have to be taken into account (see Freedom to Operate on page 16).

In most cases, if the Applicant wishes to enforce their patent rights against an infringer, they will have to issue proceedings in the courts against that infringer. If the Applicant wins, then the judge might issue an injunction against the infringer to prevent them from infringing the patent again and award monetary damages to the Applicant.

Exploiting or licensing the patent

If the Applicant does not wish to exploit the patented invention themselves, they may choose to license the invention to one or more parties in return for licence fees. In other cases, the value of the patent lies in its ability to act as a bargaining tool in negotiations with competitors, for example to try to secure a licence under one of their patents.

Patent life

The duration of the patent right is now harmonised in most countries as being 20 years from the filing date of the patent application (excluding the priority year). Some countries allow longer terms for patented medicines to take account of their long development times. However, in order to keep the patent in force, most Patent Offices require the payment of annual renewal fees (also known as "annuity fees").

Once the patent is no longer in force (i.e. at the end of its 20 year life or if the patent lapses due to non-payment of the renewal fees), the public is then free to use the invention, although it should be kept in mind that other Applicants might have patented improvements/ variations of the invention in the meantime.

Freedom to Operate – considering other people’s patents

The grant of a patent is a negative right: it gives the Applicant the right to stop others from exploiting their invention. It does not, however, give the Applicant the right to ignore other people’s patents.

In this regard, it is important to understand the distinction between the patentability of your inventions as opposed to your freedom to operate (FTO) in light of other people’s inventions; this is often the cause of some confusion.

Patentability

“Patentability” refers to whether or not an inventor is likely to obtain the grant of a patent to their invention. Hence here it is necessary to consider issues such as the novelty and inventive step of the invention in light of all documents which were available to the public before the filing (or priority) date of the invention. If any single relevant prior art document is found, this could be enough to destroy the patentability of the invention, depending of course on what that document discloses.

Freedom to Operate (Infringement)

“Freedom to Operate” (FTO) relates to whether or not a person or company is carrying out any acts (such as selling or making a product, or using a method or process) which fall within the scope of other people’s patents in the country where those patents are granted. If there are relevant patents, then the owner of those patents could use them to stop the activities of that person or company.

For example, if a company wishes to start selling a product in the US, it will be necessary for the company to find (by means of an appropriate patent search) all granted US patents which are still in force (and preferably also all pending US patent applications which might be granted) and which cover the company’s product. It might well be the case that the product falls within the scope of the claims of a number of different patents/ patent applications, and hence the Claims of each of those patents/patent applications will need to be considered carefully by a Patent Attorney.

Obviously, the more patents/patent applications that are found by the search, the more work will be required in evaluating them, and hence the larger the costs will be. It is not uncommon for such searches to uncover 10-50 patents/ patent applications. For this reason, exhaustive FTO searches and their analysis often cost in the region of £5,000-£20,000. However, if desired, a “cursory” FTO search may be carried out merely in order to see whether there are any (i.e. at least one) relevant patents/applications in the country in question; these generally cost £750-£2,000.

If any relevant patents/applications are found in the FTO search, then – depending on the precise relevance of the patent/application in question – the options available to the company include seeking a licence under the patent, redesigning the product to avoid the patent and challenging the validity of the patent.

“Freedom to Operate relates to whether or not a person or company is carrying out any acts (such as selling or making a product, or using a method or process) which fall within the scope of other people’s patents in the country where those patents are granted.”

Glossary of terms

CIPA

Chartered Institute of Patent Attorneys (the body which regulates UK patent attorneys).

EP

European patent or patent application.

EPC

European Patent Convention (the law which governs the examination and grant of European patents).

EPO

European Patent Office (the Patent Office which examines and grants European patents).

FTO

Freedom to Operate (whether there are any third party patents which might be used to prevent a company from commercialising their product or process).

IP

Intellectual Property (a general term which covers patents, trade marks, copyright and design rights).

ISR

International Search Report (the Search Report which issues on a PCT application).

PCT

Patent Co-operation Treaty (the treaty under which International patent applications are filed).

Prior art

All documents which were in the public domain before the filing/priority date of the patent application.

Priority year

The 12 months after the filing of the first (priority) patent application.

Skilled person

A person who is skilled in the area of technology of the patent but who is incapable of inventive thought.

SME

Small or Medium size Enterprise (company).

UKIPO

UK Intellectual Property Office (the trading name of the UK Patent Office).

UPC

The Unified Patent Court. A supranational court created by agreement between 25 EU member states. It has exclusive jurisdiction in lawsuits concerning Unitary Patents, Supplementary Protection Certificates based on Unitary Patents, and classical European Patents unless they are opted-out.

USPTO

US Patent & Trademark Office.

WIPO

World Intellectual Property Organisation (the body which oversees the Patent Cooperation Treaty and other international IP treaties.).

Written Opinion

A preliminary report on the patentability of an invention which is issued on a PCT patent application.

Useful contacts

Dehns

020 7632 7200

www.dehns.com

Please contact us with any queries you may have either arising from this guide or more generally.

UK Intellectual Property Office

For Patents, Trade Marks and Designs

www.ipo.gov.uk

Espacenet

Free patent database; keyword searching of abstracts

worldwide.espacenet.com

US Patent Office

Free database and full-text searching of US patents

www.uspto.gov/patft/index.html

World Intellectual Property Organisation

Information on International IP Treaties

www.wipo.int

European Patent Office

www.epo.org

Small Business Service

Government agency offering advice and assistance to small businesses

www.sbs.gov.uk

Chartered Institute of Patent Attorneys

The professional body for UK Patent Attorneys

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