

# **Dolleymores<sup>®</sup>**

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## **What is a patent?**

Information Sheet

## What is a patent?

A patent for an invention is granted by government to the Patentee, normally an inventor.

A patent gives the Patentee the right, for a limited period, to stop others from making, using or selling the invention without the permission of the Patentee.

## What kinds of things do patents cover?

Patents are generally intended to cover products or processes that possess or contain new functional or technical aspects; patents are therefore concerned with, for example, how things work, what they do, how they do it, what they are made of or how they are made.

The vast majority of patents are for incremental improvements in known technology.

## What do I have to do to patent my invention?

For a patent to be granted for your invention, the invention **must be new**. It is therefore essential to **keep your invention secret** before any patent applications are made.

To obtain a patent for your invention, it is necessary to file an application at the UK Intellectual Property Office (IPO). The application must contain a specification comprising a detailed description that fully describes your invention along with any drawings referred to and a series of claims. The claims concisely define the invention that is to be protected.

Once an application has been filed, the IPO will conduct a search based upon your invention, as defined in the claims. The search covers published patent applications along with any other relevant material – the aim of the search being to find any published material that shows your invention to be either known or obvious.

The IPO will subsequently conduct a substantive examination of the application, to determine whether the invention is new and inventive. If necessary, there is the opportunity to amend the claims to differentiate your invention from what is already known. There may be several examination stages with a series of amendments filed. Once the IPO is satisfied that your claimed invention is both new and inventive a patent is granted.

## What does a patent enable me to do?

A British patent gives you the right, in the UK, to stop others from using your invention. Alternatively, you can choose to let others use it under agreed terms. A patent also brings the right to take legal action against others who might be infringing your invention and to claim damages. The mere existence of a patent can sometimes be enough to deter a potential infringer.

## This will cost money, so why do it?

A patent gives you the power to take legal action against others to prevent the unlicensed manufacture, use, importation or sale of your patented invention. This right can be used to give you time to develop a business based on the invention, or you may allow another person or company to exploit the invention and pay royalties to you under a licensing agreement.

There are also tax incentives, through the Patent Box, to obtaining patent protection.

## How do I obtain a patent?

Provide Dolleymores with details of the invention that you propose to protect along with any drawings that illustrate the invention. **Any dealings with us are in the strictest confidence.**

We will assess your invention and prepare a specification containing a detailed description of

your invention, any drawings referred to, an abstract and a series of claims. We will then provide you with a draft specification for your comments and approval. Once you are happy with the specification we will file an application at the IPO along with a request for search.

We will act on your behalf and liaise with you during the entire application process from filing to grant with a view to obtaining the very best protection for your invention.

## **How long does this entire process take?**

The application process can take up to four and a half years, and sometimes longer. This is dependent on the length of the examination stage.

Once a patent application has been filed you may discuss your invention (to the extent disclosed in the patent specification). Every patent application is published approximately 18 months after the filing date. Publication of the application does confer some rights to you, for example, if someone infringes the claims both as published and as subsequently granted, then at the time of grant you may take legal action against the infringer and potentially claim damages for any infringing act carried out in the period between publication and grant.

Any further developments or modifications made to your invention after filing your application that you think may be novel or inventive should be discussed with us first to decide whether a further patent application should be lodged before you disclose them.

## **How long does my patent last?**

Once granted, a patent lasts for 20 years from the date the application is filed, provided annual renewal fees are paid (see below).

## **What do I need to do to keep it in force?**

In order to keep a patent in force it is necessary to pay annual renewal fees. These are payable in the three month period up to the anniversary of the date of filing the patent application. The first renewal fee is payable in respect of the fifth year following the filing of the application.

## **How do I let people know my invention is patented?**

Every patent application is given a unique application number by the IPO, it is advisable as soon as this number is known to label any material relating to your invention with this number. Once a patent is granted, the IPO will allocate a unique patent number which can then replace the application number on any material to which the patent relates.

## **What if I want to protect my invention overseas?**

Provided you have filed a British patent application, you may then in the following 12 months file one or more corresponding patent applications in other countries or regions, for example Europe, and these will be considered to have the same filing date as your initial British application.

We are able to offer advice in respect of protection of your invention using a variety of filing programmes. Please contact a member of our patents team who can provide tailored advice and help you devise the most appropriate and cost effective filing programme for your specific requirements.

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