

Apply for a patent

1. Overview

A UK patent may help if you want to take legal action against someone who uses your invention without your permission. For example, if they sell or manufacture your product in the UK.

This guide is also available [in Welsh \(Cymraeg\) \(/cyn-chi-ymgeisio\)](#).

Before applying for a patent, [check it is the right type of protection for your intellectual property \(/intellectual-property-an-overview/protect-your-intellectual-property\)](#).

A patent lasts up to 20 years. If you want it to stay in force, you must renew it every year.

What you can patent

Your invention must be:

- new - it must not have been made publicly available anywhere in the world, for example it must not be described in a publication
- inventive - for example, it cannot be an obvious change to something that already exists
- either something that can be made and used, a technical process, or a method of doing something

What you cannot patent

Things you cannot patent include:

- literary, dramatic, musical or artistic works
- a way of doing business, playing a game or thinking
- a method of medical treatment or diagnosis
- a discovery, scientific theory or mathematical method

- the way information is presented
- 'essentially biological' processes like cross-breeding animals or varieties of plants
- software that has a 'non-technical' purpose

Only software with a technical purpose can be granted a patent. For example software to control a driverless car could have a patent, while a chess playing app could not. If your invention is software, you may need professional advice whether it can be patented (for example, from a [patent attorney \(http://www.cipa.org.uk/find-a-patent-attorney/\)](http://www.cipa.org.uk/find-a-patent-attorney/)).

[Watch a short video about patents \(2 minutes\) \(https://www.youtube.com/watch?v=4sCMwbNuWqA\)](https://www.youtube.com/watch?v=4sCMwbNuWqA).

What it costs

You must pay fees to the Intellectual Property Office (IPO) when you file your application and for processing your application after you file. It will cost at least £310 if you complete the process.

To have the best chance of getting a patent granted you will usually also need to pay a patent attorney for help and advice. This can cost several thousand pounds.

The application process

Getting a patent is complicated - you are unlikely to get a patent without professional help and it can take several years.

If you're confident your invention is new and a patent meets your needs, you must:

- prepare detailed documents that describe your invention
- file these documents with the IPO

You must then ask the IPO to carry out their own check into whether your invention is new and inventive (a 'search').

Around 18 months after you apply the IPO will publish your application in full.

The IPO must then make a thorough check of your application to

decide if your invention can be patented (known as a 'substantive examination'). This could take place several years after you apply.

You may have to amend your application based on the IPO's recommendations. Your patent will only be granted if you can resolve all the issues raised by the examination.

[View a timeline of the process \(/government/publications/patent-fact-sheets\)](/government/publications/patent-fact-sheets).

Other ways to get a UK patent

Some international organisations can grant UK patents as well as patents for other countries. Read guidance on [protecting your intellectual property abroad \(/government/publications/protecting-your-uk-intellectual-property-abroad\)](/government/publications/protecting-your-uk-intellectual-property-abroad).

2. Before you apply

Only apply for a patent if:

- you've checked your invention does not already exist, for example by searching online for similar products to your invention
- you have the time and money for the process

Having a patent will not guarantee your invention will make money. Consider if a patent is worth the cost to you and your business before you apply.

Get professional help and advice

You can get free advice on whether a patent is right for you from:

- a [patent attorney \(http://www.cipa.org.uk/find-a-patent-attorney/\)](http://www.cipa.org.uk/find-a-patent-attorney/) or other professional advisor - many offer basic advice for free
- an [intellectual property \(IP\) clinic \(/government/publications/uk-patlib-network/uk-patlib-contact-information\)](/government/publications/uk-patlib-network/uk-patlib-contact-information)
- the [British Library Business and IP Centre \(http://www.bl.uk/bipc\)](http://www.bl.uk/bipc) in London

You will have to pay a patent attorney if you want help with the application process. Fees can be several thousand pounds but they

will give you a much better chance of being granted a patent.

A patent attorney can:

- help you prepare your application
- guide you through the process to getting your patent granted
- respond to the Intellectual Property Office (IPO) on your behalf

You may not be able to patent your invention if it becomes public knowledge. If you discuss your invention with anyone apart from a patent attorney, you may need a [non-disclosure agreement \(/government/publications/non-disclosure-agreements\)](https://www.gov.uk/government/publications/non-disclosure-agreements).

3. Prepare your application

A patent application must include:

- a description of your invention that allows others to see how it works and how it could be made
- legal statements that set out the technical features of your invention (that are to be protected (known as 'claims'))
- a summary of all the important technical aspects of your invention (known as the 'abstract')

There are rules on what these documents must include and how they must be presented. You may have to amend documents that are not prepared correctly.

[Find out how to prepare your description, claims and abstract \(/government/publications/patent-fact-sheets\)](https://www.gov.uk/government/publications/patent-fact-sheets).

You can also include any drawings you need to illustrate your description.

You cannot change your invention once you file your initial application, for example by adding completely new features.

If you make a mistake or miss something out your application could be rejected and you may not be able to apply for the same invention again.

A patent attorney can help you prepare your documents.

4. File your initial application

You must have [prepared your documents \(/patent-your-invention/prepare-your-application\)](https://www.gov.uk/patent-your-invention/prepare-your-application) before applying.

Your initial application must include:

- your description
- any drawings you want to include

It is possible to add your claims and abstract later, but sending everything together may avoid delays and mistakes (for example, your claims not matching your description).

You can pay filing fees when you send your initial application or later - but you must pay before your application will progress further.

You can also request and pay for your 'search' when you file your initial application. This may help make the process quicker.

When you apply, the Intellectual Property Office (IPO) will publish your name and the fact you've applied for a patent in their journal.

File online

If you cannot file online

You can [fill in a form \(https://www.gov.uk/government/publications/request-for-grant-of-a-patent\)](https://www.gov.uk/government/publications/request-for-grant-of-a-patent) and email or post it to the IPO.

Filing and processing fees

You must pay fees to the IPO for:

- the initial processing of your application
- carrying out the search and 'substantive examination' of your application after you apply

IPO fees do not include any professional help or advice. If you use a patent attorney or other professional advisor you will have to

pay them separately.

Stage	Apply online	Apply by post or email
Filing an application (if you pay when you apply)	£60	£90
Filing an application (if you pay later)	£75	£112.50
Search	£150 (plus £20 for each claim over 25 claims)	£180 (plus £20 for each claim over 25 claims)
Substantive examination	£100 (plus £10 for each page of description over 35 pages)	£130 (plus £10 for each page of description over 35 pages)

Get your patent granted more quickly

You may be able to get your application processed quicker if, for example:

- your invention has an environmental benefit (green channel)
- you've got a good business reason for needing a patent more quickly, for example you may miss out on investment in your business

Read guidance on [how to get a patent application processed more quickly \(/government/publications/patents-fast-grant\)](https://www.gov.uk/government/publications/patents-fast-grant).

5. After you apply

Once you've filed an application you'll get a receipt with your application number and filing date (the date your application is received).

The Intellectual Property Office (IPO) will do a basic check that your application is complete and your documents are in the right format.

'Patent pending'

You can add that you have a 'UK patent pending' or 'UK patent applied for' on your invention itself, or on your packaging or marketing materials.

You can either show the application number or give a web address where details of your invention and patent application number are clearly displayed.

! If you stop your application or it is terminated you must remove any information that suggests your invention has a patent pending.

If you did not file all your documents or you did not pay when you applied

If you did not file all the documents for your application or pay filing fees when you applied, the IPO will let you know when you must send them by.

[Add forms and documents \(/file-documents-pending-patent\)](/file-documents-pending-patent) to your patent application.

If your application is terminated

Your application will be terminated if you do not send the right documents, forms or payments on time. You'll be told if your application has stopped and why.

You may be able to restart your application for a fee. You'll be told what you must do and how long you have to restart your application if this is the case.

6. Search, publication and 'substantive examination'

Before your patent can be granted the Intellectual Property Office (IPO) must:

- carry out a search to confirm your invention is new and inventive

- publish your application
- carry out a 'substantive examination' of your application

If you did not request your search and your substantive examination when you applied

Usually you must request:

- your search within 12 months of your filing date
- your examination within 6 months of publication

You may have more or less time depending on your circumstances. The IPO will let you know your exact deadlines for requesting these.

If you do not request and pay for these on time your application could be terminated.

[Apply for a search and examination](#)

If you cannot apply online, download and fill in:

- [search request form \(/government/publications/request-for-search\)](/government/publications/request-for-search)
- [substantive examination request form \(/government/publications/request-for-a-substantive-examination\)](/government/publications/request-for-a-substantive-examination)

Once completed send your form to the postal address on the form.

Patent search

The patent search checks if there are any existing documents that indicate your invention is not new and inventive, based on your 'claims'.

It will usually take place within 6 months of you requesting it, which you can do at the same time as you file your initial application.

The IPO will send you a report with the findings from the search. [Read the search report factsheet \(/government/publications/patent-fact-sheets\)](/government/publications/patent-fact-sheets) for more details.

Publication

If your application is complete the IPO will publish it - usually 18 months after your filing date.

Publication does not mean your patent has been granted.

Your full application, including your name and address, will be available publicly online.

The IPO cannot stop details of your application being shared or reproduced, for example if third party websites also publish information about you and your invention.

Substantive examination

The substantive examination is a thorough check of whether your invention is new and inventive. The examination also checks if there is any other reason the IPO cannot grant a patent, for example if your documents do not describe your invention in enough detail.

You must ask the IPO to carry out a substantive examination - it will not happen automatically.

The substantive examination could take place within 6 months of your application if you request it when you file your initial application. If you request it later, it may be several years before it's done.

Once your patent is examined

If your application does not meet the requirements the IPO will tell you why.

You can either:

- amend your application and have it examined again
- stop your application

There is no limit on the number of times you can amend your application to try to meet the requirements. If you meet the requirements, your [patent will be granted \(/patent-your-invention/when-patent-granted\)](https://www.gov.uk/patent-your-invention/when-patent-granted).

7. When a patent is granted

If your patent is granted:

- your application will be published in its final form
- you'll be sent a certificate

You'll be responsible for [renewing your patent \(/renew-patent\)](/renew-patent) and [defending your intellectual property if it is copied or stolen \(/defend-your-intellectual-property\)](/defend-your-intellectual-property).



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