



INNOVATION FILE

PATENT APPLICATION PROCESS

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Seeking for Patent Protection

The first step is to file an application with the National Patent Office. The application must include an invention disclosure, a request for the grant of a patent, patent claim(s), an abstract and drawings (where applicable). The application will be subject to the payment of the prescribed fees.

Procedure for Grant of a Patent

Formal Examination: Once the application is received, it would be formally examined by a Registrar. This is to ensure that all the necessary documentation and requirements needed to accord the application a filing date have been met. If these conditions are satisfied, the application would be given an application number and a filing date.

In the event that a required information or document has not been provided at the time of filing, the inventor would be issued with a notice of amendment, requesting him / her to provide the missing information within a stipulated period. The application would not be given an application date and a filing number under this circumstance. It will only be given a filing date and an application number upon submission of the requested information.

Substantive Examination: The application would be further examined to determine whether it satisfies the criteria for patenting and does not fall into any of the categories of the non patentable inventions.

Notice of Decision: A notice of preliminary rejection, citing the reason(s) for rejection is issued where the examiner finds cause to reject an application. In this case, the inventor would be given an opportunity to submit a response to the rejected application within a time frame specified by the examiner. The inventor is required to respond to this.

Where the examiner establishes that the argument offered in response is without merit and the basis for initial rejection has not been overcome, he / she will issue a notice of final rejection of the application.

However, where there is no basis for rejecting an application, a final decision on the application would be given. Usually, this is given not later than two years or whenever possible following the commencement of the substantive examination.

Publication: All patents granted in Ghana are published in the Industrial and Commercial Gazette.

ORID and the Patent Application Process

The Office of Research, Innovation and Development (ORID) will facilitate the patent application process for faculty, staff and students during their period of employment or matriculation at the University of Ghana.

ORID will receive all invention disclosures, evaluate these to determine marketability, industrial relevance, competitive technologies, amongst others. This is necessary in order to establish the commercial potential of the invention and the best form of protection for the invention.

Following the outcome of an evaluation report, ORID will file for patent protection at the National Patent Office. Together with the inventor, we will identify companies with the resources and expertise to put the invention (technology) onto the market. This may be existing companies or spin offs. The technology will then be licensed either to the established firm or spin-off. In some cases, we may consider a joint venture-ship, an assignment (selling) of the Intellectual property right or a donation of the technology.

It is worth noting that we will work closely with the inventor in order to agree on a plan to develop and commercialise the technology, amongst others. Inventors are expected to cooperate fully with ORID throughout these processes. This is key in order to protect the technology so that the inventor and University can derive maximum benefits.

Once the technology is commercialized, all ensuing net revenues or royalties will be distributed between the inventor and the University in accordance with the provision of the University's Intellectual Property Policy.

Term of a Patent

Per international standards, a patent offers protection for a period of twenty years from the date on which the application was filed.

The patent owner has the right to commercial use of the technology during this period of protection. Upon expiration of the patent right, the technology enters the public domain. This means the public can freely use it for their own good.

Who Grants Patents?

Patents are granted by a National Patent Office. They can also be granted by regional offices, who perform examination for a group of countries. Examples of such regional offices include the Africa Regional Intellectual Property Office and the European Patent Office.

In Ghana, a patent is granted by the Registrar General's Department of the Ministry of Justice and Attorney General.

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