

Title:

What You Should Know About Patent Registration

Word Count:

730

Summary:

There is one kind of home business that is very different to any other: that of the inventor. If you've invented something, the chances are that you don't have the resources to mass-produce it yourself - you'll be needing to send the plans and designs off to someone else to make in their factory. When you do this, though, how can you protect your idea against theft by them, or anyone else who might see it? The answer is patent registration.

Keywords:

patent

Article Body:

There is one kind of home business that is very different to any other: that of the inventor. If you've invented something, the chances are that you don't have the resources to mass-produce it yourself - you'll be needing to send the plans and designs off to someone else to make in their factory. When you do this, though, how can you protect your idea against theft by them, or anyone else who might see it? The answer is patent registration.

What is a Patent?

A patent is when your government gives you the exclusive right to profit from an invention for a set number of years. If anyone else tries to sell something that is covered by your patent, then you will have the legal right to make them either pay you a licence fee or stop.

Each patent has a patent number - you might have seen 'Pat No' printed on some things, followed by this number. You may also have seen 'patent pending', which means that the patent has been applied for but not yet granted.

Your Invention Must Qualify.

Not all inventions can be covered by patents. Check that your invention meets these two requirements:

Is it new and secret? You can't have showed your invention publicly before you

apply for a patent. Whatever you do, don't take your invention round and demonstrate it to people before you think about patents - you might make it impossible to get one.

Is it non-obvious? Your invention must not be something that would be obvious to experience in your chosen industry. This is to stop people rushing to patent things that anyone could figure out, and then charging high fees for their use.

In addition, you cannot apply for a patent for any of the following: a scientific or mathematical theory or method, a work of art (books, plays, etc. - computer programs are included), a way of doing things (eg. a new business method). Many of these things are, instead, covered by copyright. Patents are intended for actual, physical inventions.

Where Do I Get One?

Wherever you live, the chances are that it has a government agency called a 'patent office', or similar. There are also patent agencies for larger areas, such as the European Patent Office or, ultimately, the WIPO (World Intellectual Property Organisation).

To begin with, you should apply for a patent at the patent office for your country - it's best to get a lawyer to guide you through this, and make them sign an NDA (non-disclosure agreement, a contract saying they won't tell anyone else about your invention). Depending on your country, this can either be absurdly cheap or really expensive.

Once you've done that, you generally have only one year to file for any patents you might want in the rest of the world. You used to have to apply individually in every country where you wanted a patent (this got very painful and expensive very quickly). Now, though, you can now take advantage of the PCT (Patent Co-operation Treaty), which allows you to apply once and eventually receive protection in all of the 126 countries that have signed up to the treaty.

You can apply for a PCT patent either through your own country's patent office, or through the WIPO's office in Geneva. It is again important to stress that you should really get a lawyer if you plan to go through this process, as international patent law isn't especially intuitive or easy.

You should note that if your patent application is refused at any stage, you won't be getting your fees back - although you can usually apply again, if you want to pay again.

What if I Don't Get a Patent?

If you've looked at the prices, you might be wondering: what's the worst thing that could possibly happen to me if I didn't get a patent? The only answer I can give is that anyone you happen to explain the idea to can steal it, and you won't be able to do a thing. What's more, once your invention does come on the market, success will attract many imitators, and they'll probably be able to produce your invention cheaper by sacrificing quality.

Essentially, a patent gives you protection against competition - but if you think you could do perfectly well in the market no matter how many imitators you had, then maybe patents aren't for you.