

Title:

First to Invent vs. First to Patent

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Summary:

In this article I would like to clarify the difference between two very important Patent rules - First to Invent and First to Patent. Understanding these rules is extremely important and every novice inventor should know the difference between them.

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Article Body:

First to Invent vs. First to Patent

Introduction:

In this article I would like to clarify the difference between two very important Patent rules - First to Invent and First to Patent. Understanding these rules is extremely important and every novice inventor should know the difference between them.

First to Invent Rule

First to Invent Rule states that the Unites States Patent Office (USPTO) will grant patent on an invention to an inventor who first invented the product. Please notice the word 'first' - and this is crucial because the original inventor might not be the first who submitted his invention to Patent Office! First To Invent Rule, which is obeyed in Canada and United States, helps in determining who is the rightful owner of an invention and rewards an inventor with proper patent.

First to Patent Rule

First to Patent Rule, on the other hand, grants patent to people who submitted Patent paperwork first! The rule is recognized by most European countries and is not very friendly to an inventor because the first person to publish an invention might not be an original inventor! First to Patent Rule encourages

people to 'borrow' ideas from others and rewards them with new and shiny patents.

What can one submit as a proof that he is the original and rightful owner of the patent? Two excellent choices are Provisional Patent Application and Inventor Journal.

Provisional Patent Application

Provisional Patent Application may be the only source of proof that you are the original inventor and entitled to reaping the benefits of the patent. It is very possible that since the time you have submitted your Provisional Patent Application, someone else filled out paperwork for regular patent. The only thing that might substantiate your claim that you are the rightful owner of the invention is your Provisional Patent Application. One note of caution - Provisional Application is good for one year only and cannot be renewed. In fact, these applications were meant to be temporary solution until the inventor submits regular Patent Application Paperwork.

Inventor Journal

Inventor Notes or Journal is another popular method of keeping records regarding the time-line of your invention. In your journal you should write down every important date related to your invention with detailed explanation of your invention. Be as detailed as possible because the Journal might be the only proof that you are the original owner of an invention. It is a good idea to date every page and include diagrams and graphs that are pertinent to your invention. Ask your friends to read your Journal (your friends may not be as technical as you are, so be patient and explain your invention to them in plain language staying away from technical jargon). Ask your friends to date and sign your Notes - again, your friends are your witnesses and Patent Office will consider them.

Summary

As one can see, United States and Canada abides the First to Invent Rule and protects original owners of invention. Inventor Journal and USPTO Disclosure Documents are two excellent methods of documenting your invention and serve as a stepping stone towards filing Patent Application.

If you are interesting in reading more, please visit IdeaJets website that is dedicated in bringing quality information to the inventors all over the

globe!

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