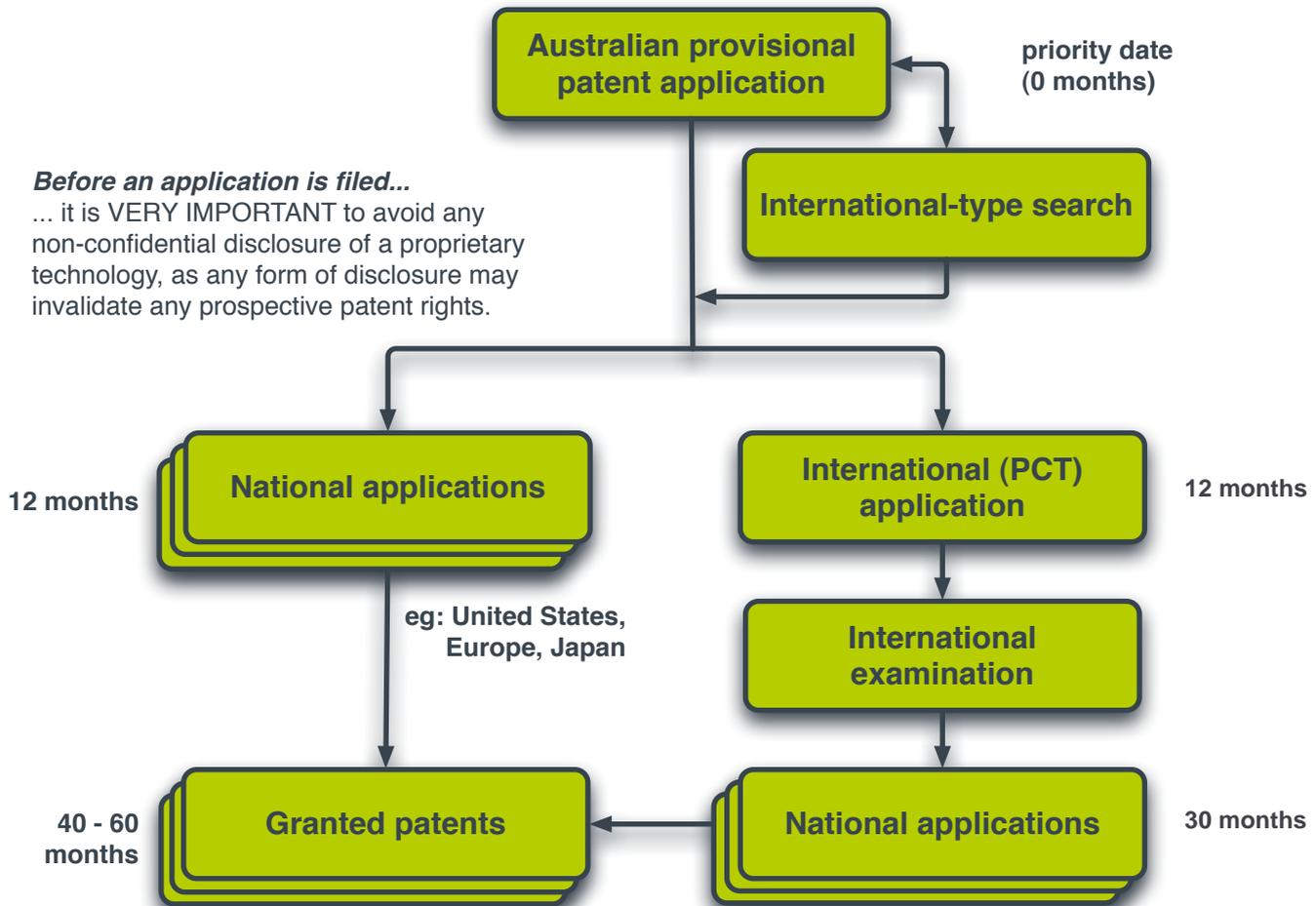


NUTS & BOLTS OF THE PATENTING PROCESS



Ownership

Establishing clear ownership of a proprietary technology is essential, and may require an assignment deed executed by the inventors and the prospective patent applicant, which will be the future patent owner.

Patentability

Patents are awarded for inventions that are both new and inventive. This means, for example, that a similar invention cannot have been published or used before the initial filing, otherwise known as the priority date.

Pre-filing searching

A pre-filing search may be advisable. The quality of a pre-filing search depends strongly on the time spent searching, and consequently the cost of the search. Consequently, it may be preferred to file an initial application without a pre-filing search.

Post-filing search

A post-filing "international-type" search is strongly recommended, especially if an international application is contemplated. A search indicates the scope of patent protection that is likely to be available.

International mutual recognition

By international agreement (Paris Convention), priority dates are recognized between countries. There is a 12 month "Convention deadline" for foreign recognition of an initial filing date.

Publication

A patent application is typically published shortly after 18 months from initial filing. Publication can be avoided only by withdrawing the application before publication.

International application

An international application procedure is available, one advantage of which is to delay the requirement to file national applications. The cost and selection of national applications can be deferred by 18 months beyond the 12 month Convention deadline.

National applications

National applications proceed on a country-by-country basis. National applications can be filed without filing an international application, and this route may be preferred if it is certain which countries are sought.

Examination, grant and term

National applications are examined and are typically amended to some extent after correspondence with the national examiner. Once granted a patent may be in force for up to 20 years.

Commercialisation

The initial 12-month period is key for establishing the commercial or strategic use of the patent-pending technology, and the hence the importance and direction of the patenting process.