



pure ideas

# Patent Basics

## What is a patent?

A granted monopoly which covers ideas and inventions.

They are concerned with

- How things work
- How they are made
- What they are made of

Patents must be (criteria)

- Novel (new)
- Inventive (non-obvious)
- Industrially applicable (useful)
- Sufficiently described

Confidentiality prior to filing is essential

## Registered and 'Unregistered' Rights

### Registered Rights

- A formally granted right issued by a specific country's patent office
- Must meet the criteria identified
- A recognised monopoly for a set number of years
- Technology publicly disclosed (published)

### 'Unregistered' Rights

- Known as a trade secret
- Trade secrets can cover more than ideas and inventions
- Must follow strict protocol to ensure confidentiality
- Must have a financial benefit
- Technology on a need to know basis
- Knowledge kept within the company

## What is patentable?

Anything which makes a technical contribution provided it meets the criteria

Can cover a **Product or Process**

- Product : covers the end result – what is produced
- Process: covers how the end result is made

Can have one patent which includes both product and process, can have two separate patents, one for product and one for process or only a patent covering one of the elements

- They can be owned by different people

Examples of what is **NOT** patentable

- Scientific or mathematical discoveries, theories or methods
- A literary, dramatic, musical or artistic work
- Schemes, rules or methods for performing a mental act
- Methods of medical treatment or diagnosis
- A way of playing a game
- A business method unless it involves a technical innovation
- An animal or plant variety
- Against public policy or morality

## Why Apply for a Patent

- Recognised and formally granted right
- Easier to enforce than trade secrets/unregistered right
- Easier to commercialise (license, sell)
- Defensive
- Tax benefits (patent box, R&D credit)

## How long will it last

20 years from filing for most countries provided the renewals fees due are paid.

Renewals are generally due annually on the anniversary of the filing date. A notable exception is the US where patent renewals fees are due at 3.5, 7.5 and 11.5 years.

## General Patent Timeline



\* In some countries renewals are payable before grant while the application is pending



**If you would like to find out more about  
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