Chapter Three

Patent

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- Conditions of Patentability
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What is Patent

A Patent *:-* *is* an exclusive right granted by government for giving an inventor the right, for a limited period:

- To prohibit others from making, using or selling an invention without permission.
- In retune for the disclosure of his inventor is given a monopoly in the use of it for a period of **twenty years** offer which time it passes into the public domain.
- Period of Patents - 20 Years.
- A right to exclude others from: making, using, offering for sale, selling or importing the patented invention.

Basic patent Law

- Patents are granted by national patent offices after publication and substantial examination of the applications
- A patent is a right provided by the government that allows an inventor to stop anymore from making selling or using an invention. Patents are for inventions.

Cont...

- **An invention:-** is a product that is new or improved, or a process that can be used in industry.
- **Patents generally cover:-**

- Innovations
- Products or
- Processes that include new functional or technical aspects.

Cont..

Patent laws encourage private investment in new technologies by granting to artists the right to forbid all others to produce and distribute technological information that is new, useful, and no obvious.

Cont..

- The legal requirements for patent protection are more **inflexible** than those for copyright protection. Furthermore, because patent protection for commercial products or processes can give a tremendous market advantage to businesses, those seeking patents often find opposition to their applications.

Cont..

- Generally only new, useful and no obvious processes or products will be approved for patent protection.

WHAT CAN BE PATENTED?

Inventions is in all fields of technology, whether products or processes, if they meet the criteria of :-

- Novelty :- It must be the first of its kind.
- Usefulness :- It must be useful.
- Not Obvious :- It must not be obvious to others of ordinary skill in the field to which the patent pertains.
- Industrial application (utility).
- Statutory(legal)

Cont..

Things which can be patented:

- ☺ Process or Method
- ☺ Machine or Apparatus
- ☺ Article of Manufacture
- ☺ Composition of Matter
  - ♠ Chemical Compounds
  - ♠ Physical Mixtures
- ☺ Improvements of Any of the Above

Conditions of Patentability

To be Patentable your invention must :-

- ✓ **Be New :-** Never been made public in any way, anywhere in the world, before the date on which the application for a patent is filed.

Cont...

Involve an inventive step :- If when compared with what is already known, it would not be obvious to someone with good knowledge and experience of the subject.

Be capable of industrial application:- An invention must be capable of being made or used in some kind of industry. This means that the invention must take the practical form of an apparatus or device, a product such as some new material or an industrial process or method of operation.

Patent system

The basic purpose of the patent system :-

- To encourage new inventions by recognizing the inventor.
- To allow the patentee to benefit from commercial exploitation of the invention (by making, selling, using or importing).
- Patents play a very important role in increasing the intellectual value of the knowledge in society.
- To allow a patent to be awarded, the patentee has to fulfill his or her obligation by specifying in detail the full specifications of the invention.

What is not patented?

An invention is not patentable if it is :-

- Naturally occurring articles
- Scientific principles
- Mental steps (thought processes)
- Methods for doing business
- Abstract ideas
  - Example: A method of doing business…
- Natural phenomena
  - Example: Weather
- Laws of nature
  - Example: Gravity

Procedures for obtaining Patents

- ✓ Prepare and file application
- ✓ Conduct searches to determine novelty
- ✓ Examination
- ✓ Deal with official objections
- ✓ Grant
- ✓ Pay renewal fees each year

What are the Parts of a Patent application?

The parts or Layout of a patent include:-

- Abstract
- Background of the Invention
- Summary of the Invention
- Figures with brief descriptions
- Detailed description or “specification”
  - ✓ Fully discloses what the invention is
  - ✓ How it is made?
  - ✓ How it can be used?
- Claim(s): sets the legal boundaries of protection
  - ✓ Independent
  - ✓ Dependent

Reasons to Get a Patent

- To protect your product from competition
- To license your product or method to others
- To avoid having someone else patent what you are doing
- To trade IP with other patent holders
  - Helpful in infringement situations.
- To build IP “Equity”

Types of patents

There are three types of patents:-

1. A utility patents:- are granted for any "new and useful process, article of manufacture, compositions of matters (can be a mixture of ingredients or a chemical compound).

- Changing color, size, etc. is usually an insufficient improvement for obtaining a patent.

Cont..

2. Design patents :- are granted for “new, original, and ornamental design for an article of manufacture.”(has to do with the appearance of an item).

3. A Plant patents :- are granted “to anyone who invents or discovers and asexually reproduces any distinct and new variety of plants.”(Distinct and new variety of plant).

Patents for Software

- **Software or computer software :-** is the collection of computer programs and related data that provide the instructions; telling a computer what to do. We can also say **software** refers to one or more computer programs, procedures and associated documents or data (flowcharts, manuals, etc.) held in the storage of the computer that are related to the effective operations of a computer system for some purposes.

Cont...

- **Program software :-** performs the function of the program it implements, either by directly providing instructions to the computer hardware or by serving as input to another piece of software.
- **hardware :-** meaning physical devices. In contrast to hardware
- **software** :- is intangible, meaning it "cannot be touched". **Software** is also sometimes used in a more narrow sense, meaning application software only.

Cont..

Here are some relevant facts:

1. Unauthorized copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects inventors.
2. Unauthorized copying of software by individuals can harm the entire academic community. If unauthorized copying proliferates on a campus, the institution may incur a legal problem. Also, the institution may find it more difficult to negotiate agreements that would make software more widely and less expensively available to members of the academic community.

Cont..

3. Unauthorized copying of software can deprive developers of a fair return for their work, increase prices, reduce the level of future support and enhancement, and inhibit the development of new software products.

Patents for Software cont'd..

Important issues concerning software patents include:

- Where the boundary between patentable and non-patentable software should lie.
- Whether the inventive step and non-obviousness requirement is applied too loosely to software and
- Whether patents covering software discourage, rather than encourage, innovation.

Course book materials

- A **textbook** or **course book:-** is a manual of instruction in any branch of study.
- **Textbooks** are produced according to the demands of educational institutions. Although most textbooks are only published in printed format, many are now available as **online electronic books** and in scanned format on file sharing networks.

Patent Guidelines

Patents are granted after examination by the Patent Office and confer 20 years of monopoly rights in works that have the characteristics of **utility**, **novelty**, and **non obviousness**.

- Copyrights arise upon embodiment of works of authorship in a tangible medium and now last for much longer than previously; today, in most cases, they endure for the life of the author plus seventy years. Registration, though desirable, is not essential.
- The most common use of patents related to the internet is for **software**.

Cont..

Patents can provide more complete coverage than copyrights for qualifying software. Companies who develop software should consider carefully patent protection, should evaluate costs, advantages and disadvantages of software patents, and should consider maintaining a software patent portfolio as a company asset.

End of this lesson!

Thank you for your Attention!

Quiz

Time given 15’

Department of Information Science 5%

Name_____ ID_____

Give the answers for the following questions:

1. What is a patent right mean? (1.5)

2. To be patentable your inventions should involve some criterias what are these features? (1)

3. Define the difference between a patent and copyright? (1.5)