

How to find patents

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Index

Introduction	5
1. What are patents?	7
2. What can be patented?	8
3. Who awards the patents?	9
4. How can patents be found?	10
Self-evaluation	13
Answer key	14
Bibliography	15

Introduction

Patents are a source of information that can prove useful for consultations as they contain valuable information on inventions made around the world. This information is often not found anywhere else, as this tends to be the only place where inventions created under the private company framework tend to be published. The following, therefore, may be useful:

- 1) To view an invention in detail (financed with public or private funds)
- 2) To discover what has already been patented
- 3) To find out in which fields a company or organisation works
- 4) To know which experts are working on this subject

1. What are patents?

According to the Spanish Patents and Trademarks Office, patents are titles which recognise the right of exclusive use of the patented invention, preventing others from manufacturing, selling or using it without the consent of the owner. It is valid for around 20 years and only protects the invention in the country where application for the patent has been filed.

Families of patents are groups of patents for which applications have been made in different countries for the same invention.

Patents also help make inventions available to the public, who can use them to generate new inventions and knowledge.

In addition, it is one of the most widely accepted mechanisms for measuring the scientific productivity of a group or institution, i.e. it is an indicator of technology transfer. (Martínez-Méndez, 2010)

A patent includes the details about the invention, a detailed technical description of the invention, graphics and also the terms of the patents licence used. We should also stress that the applicant is often a legal person (university, company, etc.), rather than the inventor.

2. What can be patented?

A new procedure, device or product, or improvements to these, and everything that is likely to have an industrial application can be patented. To be considered patentable, it must have the following characteristics:

- Be an original idea
- Not be obvious to an expert in the field
- Have a practical application
- Be fully developed

3. Who awards the patents?

In Spain, they are regulated by the Patents Law 11/1986, of 20 March 1986. According to this law, a patent is valid for 20 years as of when the application is made. Patent holders must pay annual taxes.

The Spanish Patents and Trademarks Office is responsible for assessing whether the patent is accepted and ensuring that it is used correctly.

At European level, we have the European Patent Office which offers a single procedure that allows patents to be awarded simultaneously in 40 European countries, in accordance with the international Patent Cooperation Treaty.

Assessment of whether a patent can be awarded or not is based on the European Patent Convention.

At the international level, there is the World Intellectual Property Organization (WIPO) which regulates patents. By adhering to the Patent Cooperation Treaty it awards patents using a single procedure: however, there is no one single patent that can be applied worldwide. Therefore, it is the owner of the invention who has to decide in which countries they wish to protect it and, therefore, which office they should approach to make an application for a patent or patents.

In 2001, the World Trade Organization (WTO) drew up the Agreement on Trade-Related Aspects of Intellectual Property Rights which sets out the guidelines at international level for assessing whether an invention is patentable or not and under what terms.

Among its many activities, the Science Commons movement works to achieve the application of less restrictive licences to patents. We should stress that if an invention has been made public in any shape or form (website, article, etc.), it can no longer be patented.

As well as free search engines, patents are available from paying databases, such as Westlaw International or Derwent Innovations Index, included in the ISI Web of Knowledge package (you can access them through UOC Library).

Self-evaluation

1. Find the Esp@cenet patents search engine and complete the following information:

Patent name	Country*	Inventor	Applicant
	JP	Hasegawa Takao; Manabe Katsunori	
		Llavita Nadal Javier; Batres González Susana	Bimbo, SA
Pencil Sharpener	EU		Acco Brands Corp
	JP	Kin Jin Young; Park Kyung Chan; Jung Seong Yun	LG Electronics Inc
Sweet box			COM Chocolates LaCasa, SA
	ES	Torras Vilalta Salvador	

* Consult codes table.

Answer key

Self-evaluation

1.

Patent name	Country*	Inventor	Applicant
Stapling apparatus	JP	Hasegawa Takao; Manabe Katsunori	Max Co. Ltd.
Bag for a whole range of products	ES	Llavita Nadal Javier; Batres González Susana	Bimbo, SA
Pencil Sharpener	EU	Magid Jason B; Cunningham Christopher H; Liu Rong; Parrish Michael	Acco Brands Corp
High-Density Dual-Layer Optical Disc	JP	Kin Jin Young; Park Kyung Chan; Jung Seong Yun	LG Electronics Inc
Sweet box	ES	Lacasa Echeverria Mariano	COM Chocolates LaCasa, SA
Device for opening and closing hidden cubes	ES	Torras Vilalta Salvador	Torras Vilalta Salvador

* Consult codes table.

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