How to find patents

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**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.
4. How can patents be found?

Patents are usually found openly on the web. The search engine used will depend on the geographical area you are looking for:

- Industrial property official newsletter. Newsletter which publishes all patents accepted in Spain.

- INVENES. Search engine made available by the Spanish Patents and Trademarks Office. It allows you to search for Spanish patents and also search Interpat (European) and Latipat (Latin American) for patents.

- Esp@cenet. The search engine of the European Patent Office, which includes European patents, and also up to 70 different countries including the United States. The oldest date from 1920.

- PatentScope. WIPO search engine which searches for international patents accepted since 1978.

- Free Patents Online. Search engine for international patents, including the United States, Europe, Japan and WIPO. The oldest date from 1836.

- Patent Lens. Search engine for international patents from the United States, Europe, Australia and WIPO.


A collection of free search engines is also available from the European Patent Office.
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 thought UOC Library).
Self-evaluation

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

<table>
<thead>
<tr>
<th>Patent name</th>
<th>Country*</th>
<th>Inventor</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>JP</td>
<td>Hosogawa Takuo, Marohe Katsuori</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Uribarri Nadej Javier, Stahm González Susana</td>
<td>Benbo, SA</td>
</tr>
<tr>
<td>Pencil Sharpener</td>
<td>EU</td>
<td>Aico Brands Corp</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>JP</td>
<td>Kim Jin Young, Park Kyung Chan, Jung Baeng Yoon</td>
<td>LG Electronics Inc</td>
</tr>
<tr>
<td>Sweet box</td>
<td>ES</td>
<td>CCM Chocolates LeCrea, SA</td>
<td></td>
</tr>
</tbody>
</table>

* Consult codes table.
# Answer key

## Self-evaluation

1.

<table>
<thead>
<tr>
<th>Patent name</th>
<th>Country*</th>
<th>Inventor</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stoping apparatus</td>
<td>JP</td>
<td>Hasegawa Takao, Marasha Kazumori</td>
<td>Max Co. Ltd.</td>
</tr>
<tr>
<td>Bag for a whole range of products</td>
<td>ES</td>
<td>Landa Rodel Javier, Bettes Gonzalez Susana</td>
<td>Bimbo, SA</td>
</tr>
<tr>
<td>Pencil Sharpener</td>
<td>EU</td>
<td>Megid Jason B., Cunningham Christopher H., Liu Rong, Perrish Michael</td>
<td>Ace Brands Corp</td>
</tr>
<tr>
<td>Sweet box</td>
<td>ES</td>
<td>Lariosa Echeveria Mariano</td>
<td>COM Chocolates LaCasa, SA</td>
</tr>
<tr>
<td>Device for opening and closing hidden</td>
<td>ES</td>
<td>Torres Villa Salvador</td>
<td>Torres Villa Salvador</td>
</tr>
</tbody>
</table>

* Consult codes table.
Bibliography


