

Patent specifications

What is a patent specification?

A patent specification is a legal document which describes how to make and use an invention. Patent specifications are published by the national patent office and can be accessed through the patent search portal on their website.

The key principle of patents is that the inventor discloses their invention to the public, and in return the state grants the inventor a limited term monopoly over the invention. To satisfy the disclosure requirement, the specification includes a description of the invention. The actual monopoly right granted to the inventor is set out in the claims.

Therefore the patent specification is essentially a contract between the inventor and state.

Patent specifications are intended to be read and understood by a person with a good technical understanding of the field of the invention - a “person of skill in the art”. This “person” has a good understanding of the technical background of the invention and would understand key terminology and practices used in the field.

Patent specifications are split into the following parts:

Background

Outlines the field of technology into which the invention falls and describes the state of the art before the patent filing date. This body of knowledge and literature is referred to as the “prior art”. Typically the background also notes the limitations or problems with current technologies. This sets the scene for the invention to solve the problem.

Summary of the invention

Includes statements which set out the key features of the invention which the inventor believes are novel and inventive over the prior art. Each different embodiment (example) of the invention should be identified in this section. If the invention is a combination of steps of a method, or features in a particular configuration, these should be specifically defined.

The statements in this section typically mirror the wording of the claims. The language must be clear and any ambiguous terms should be clearly defined.

a patent specification is a written description of an invention that includes details of how to make and use the invention



Detailed description of the invention

This section includes details of the features of the invention and how it is made and used. Typically, the description states how the invention solves the problems outlined in the Background, or lists benefits of the invention over the prior art.

It is important to describe alternatives and variations of features here so that a broader claim scope can be justified. This means that competitors will find it harder to work around the patent by making small changes to the technology.

Working examples of the invention are also typically included within the description. Examples demonstrate to the reader that the invention has been made and works as promised. Patent examiners may only grant a patent if scientific evidence supporting the invention is presented in the description.

Claims

The claims of a patent application define the scope of the monopoly that the inventor seeks. The claims of a granted patent define the scope of monopoly granted by the state to the patent owner. They define exactly what a person must do to infringe the patent.

The claims are a list of numbered statements found after the description. They consist of a preamble and one or more features which outline the novel and inventive features of the invention. To be allowable, the claims must be novel and inventive over the prior art.

Figures

The figures show graphical representations of the invention (or parts of it), or data which supports the invention (e.g. graphs or modelling data).

It is important to note that the figures only show examples of the invention and should not be relied on to assess the scope of protection. It is the claims that define the extent of the monopoly.

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Contact us

Understanding patent specifications is an important skill for any researcher or technology manager. This briefing gives a basic overview of a complex and constantly evolving topic to enable you to read and make sense of patent specifications relevant to your field of technology.

If you have any questions on this topic, please contact your IP Advisor at UniServices.

the claims are key to determining whether you infringe patent rights in a particular country, i.e. whether you have “freedom to operate”

