

Protecting Your Idea

Obtaining a Patent for your Idea

In order for an idea or invention to be patentable it must be new (novel) and inventive. This means that the idea must not be:

- disclosed or used before filing a patent application,
- an obvious variation on existing products or publications.

Thus if two or more existing products or publications can be combined to come up with your device/idea, then it is likely obvious.

A patent application is usually filed with a “provisional” specification describing the invention in detail. This application establishes a date, after which publication of the idea or invention or release of a product will not generally result in loss of patent rights.

It is crucial that there is no disclosure (including any publication, poster, oral presentation or the like), sale or use of the idea or invention before a patent application is filed.

Patent Searching

The first stage in obtaining patent protection is usually to perform a search to find out what has already been done. As it is only possible to

patent new and inventive ideas, a search helps to establish what scope of protection may be available.

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Planning future research or investigating the patentability of a new development requires effective searching of the scientific and technical literature. The patent literature should be included as part of the scientific and technical literature. The patent literature is a valuable and increasingly accessible resource for researchers and managers alike.

Why Search?

As well as searching to establish if an invention is novel, searching the patent literature can be used to:

- Identify patents that may be infringed,
- Monitor developments in a field of technology,
- Identify technologies that may be adopted,
- Monitor competitors, and/or
- Identify possible collaborators/strategic alliances.

In all these cases it may be necessary to seek the advice of a patent attorney to determine the significance of the patent specifications identified.

Access to the Patent Literature

The following websites offer access to patent collections:

- Google Patent Search - <https://patents.google.com/>
- Esp@cenet - <http://ep.espacenet.com/>
- FreePatentsOnline - <http://www.freepatentsonline.com/>

Additionally, a broader search can be conducted of publications and patents on Google Scholar - <http://scholar.google.co.nz/>.

Search Documentation

For a search to have any value to others it must be well documented. This requires the search strategy (combinations of keywords, class, owner, inventor etc. were searched) and the search coverage (types of documents and periods searched) to be recorded. This allows others to assess the comprehensiveness of the search and to verify or extend the search if required.