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RSP 99499

## **WHAT IS A PATENT AND WHAT DOES IT PROTECT?**

A patent is a monopoly granted by the government for an invention that works or functions differently from other inventions. It is necessary for the invention to be 'new' and 'inventive' compared to what has been done before. This means your invention must have novel features which contribute to its working.

A patent will protect the intellectual property you have created in making the invention. It can be considered as an incentive to be inventive and conduct research and development. By obtaining patent protection for your invention, you can have a monopoly to exploit your invention for up to 20 years.

## **WHY DO I NEED A PATENT?**

Put simply, because it grants you a statutory monopoly to exploit your invention. A patent will enable you to prevent others from making, selling or importing your invention in the country where you have obtained a granted patent.

## **WHEN SHOULD I APPLY FOR A PATENT?**

You must apply for a patent before disclosing your invention to anyone. If you disclose the invention or sell it prior to filing a patent application, you will probably invalidate a subsequent application.

## **WHAT ARE THE STEPS IN OBTAINING A PATENT?**

The first step in obtaining a patent is the lodgement of a provisional specification at the Patent Office. The provisional specification contains a general description of your invention and sketches to show the parts which enable it to work. The provisional application gives you an initial 12 months protection during which you may sell, disclose and generally get the invention into the market place.

If you are considering overseas applications we suggest that a novelty search be done. Filing overseas is considerably more expensive than in Australia and it is best to get an early indication of the prospects of patent protection.

Before the end of the 12 months, it is necessary to lodge a second document called a complete specification. Generally the complete specification would take into account any changes made to the invention over the course of the 12 months. The complete specification would often also contain a more detailed description and drawings of your invention. It also contains a series of statements, called claims, which define the monopoly you are seeking. At this stage, any corresponding overseas applications should also be made.



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Later on, generally after one to two years, there is an examination phase. The patent office will compare your invention to previously known inventions. The examiner will often say that your invention is similar to some previous inventions. Depending on the degree of similarity, it may still be possible to obtain patent protection.

A patent is like a piece of property; it can be sold and traded (or even licensed) at any stage, even while it is pending.

*If you have questions about any of the above matters, or you would like more information, please do not hesitate to contact us.*