



OFFICE FREYLINGER
PATENT AND TRADEMARK ATTORNEYS



PATENTS

PATENTS

As main route to protecting technological innovations, the patent protects many of the products we use and consume every day. The patent guarantees a strategic competitive advantage and constitutes part of a company's intangible assets.

INTEGRATING INTELLECTUAL PROPERTY IN THE STRATEGY OF YOUR COMPANY

Innovation is essential to the viability and success of the modern economy.

Globalisation has expanded the economic space in which businesses operate. While new markets are opened, competition increases and companies face a complex, restricting and constantly changing environment. The risks of imitation and counterfeiting are increasing.

The patent is the legal tool to strengthen and enhance the value of a company's innovative effort.

In economic terms, companies with expertise and selling branded and patented products or processes find themselves in a better competitive position to maintain existing or acquire new market share.

THE EFFECTS OF A PATENT

The patent is an industrial property right that provides its proprietor with an exclusive right to exploit the protected invention for a maximum period of 20 years on a given territory.

This exclusive right may prevent others (competitors) to manufacture, sell, use or import a patented product or system, or to use a patented process.

The patent proprietor may pursue counterfeiters before the competent courts. The patent also reveals itself as an effective deterrent, and its existence is often enough to avoid litigation.

WHAT CAN BE PROTECTED?

The patent provides protection for technological innovations on products and processes.

To be patentable, an invention must, in Europe, belong to a technical field and meet three criteria laid down by law. The invention must be:

- new,
- involve an inventive step, and
- be susceptible of industrial application.

Also, the invention must not belong to a field excluded from patentability.

WHAT ARE THE REQUIREMENTS FOR FILING A PATENT APPLICATION?

The filing of a patent application requires the preparation of a legal and technical document, which includes a description of the invention, drawings, claims and an abstract.

The description explains the invention while emphasising the differences with respect to prior art solutions and showing how these differences solve shortcomings in the state of the art.

The claims are the heart of the patent; they define the scope of protection sought.

PROTECTION STRATEGIES

The patent produces its effect in the State in or for which it is granted. Through international conventions, the applicant may extend its rights to other States within a period of 12 months following the initial filing.

In Europe, the European patent allows obtaining protection in about 40 countries through a centralised filing and examination process controlled by the European Patent Office.

The typical approach is to file a first national application and then extend protection by filing an international application under the PCT (Patent Cooperation Treaty). The international application provides an option on about 140 countries for 30 months from the first filing. This gives the applicant time to evaluate the patentability and commercial potential of the invention. At the end of the 30-month period, the applicant chooses in which countries he actually wants to obtain a patent (Europe, USA, China, Japan, etc...).

OFFICE FREYLINGER PROPOSES TO:

- draft patent applications for your inventions, in all technical fields (in English, German or French);
- evaluate the patentability of your inventions;
- file your patent applications on national, regional or international level, and assist you in the granting procedure;
- carry out prior art searches and monitoring;
- file oppositions against third party patents;
- provide advice on counterfeiting;
- draft your contracts linked to the commercialisation of your patents (licenses, assignments).

Please contact us for additional information or documentation.