

Are you protected?

The best way you can stop others from using your technology is by applying for a patent.

To be worth anything at all, you should file a Patent Application before you tell anyone about any innovation you have made. The only possible exception to that is where you tell people about your invention, or demonstrate it, after they have signed an NDA (Non-Disclosure Agreement).

What can I get a patent for?

In general, a patent can cover two types of “thing”- processes and products. Often both a product and the way of making it can be covered by a single patent.

For a patent to be granted, the invention must be NEW (for example not contained in any written publication, not previously disclosed to the public) and INVENTIVE (not an obvious development of a known product or process).

What is necessary?

A patent is a bargain between the inventor (or in Europe, his employer) and the State. In exchange for a description of HOW to perform the invention, the State gives him the right to prevent others from doing so. As a result a patent needs to set out, in considerable detail, how to perform the invention. For example, the description of a new product needs to be as complete as possible, sufficient for someone to be able to create the product.

The process

At some point an Official Search will be carried out to see whether your invention is, in fact, new. The search will also identify other material that allows a Patent Examiner (normally a government employee) to assess whether the invention is obvious.

Professional representation

It is often advisable to have a professional Representative help you draft your patent application. We at Kilburn & Strode, are Patent and Trade Mark attorneys whose job is to be such representatives. Our Patent Staff are professional engineers or scientists, and as members of CIPA (Chartered Institute of Patent Attorneys), we have a professional code that means you can talk about your invention to us in strict confidence.

You should choose a Patent Attorney carefully. You need – in our view – to have someone you can get along with, someone who is responsive to your questions and your needs, and someone who can understand your particular invention.

How can I find out more?

Many firms of Patent Attorneys will give you a free initial consultation. In this they will discuss your invention with you, go through the process with you and explain costs, and what will be involved. We at Kilburn & Strode will be happy to do this. Just contact us at ks@kstrode.co.uk to arrange a consultation or if you have any questions.