

Patents

Patent protection is invention protection, i.e., protection of an innovation in the field of technology. This innovation can be, for example, a device, a switch, a computer program that influences a single technical process, a chemical bond or a material, a process-technological, chemical or biological process. The prerequisite is that the invention is new, based on an inventive performance and commercially applicable.

The criteria for innovation is fulfilled if the invention does not yet belong to the so-called “state of technology”. This includes all knowledge which has become public either in writing or orally, through use or in any other way prior to the registration of the invention with the patent office. These conditions are to be strictly complied with; i.e., even publications by the inventor him or herself can result in ruling out effective patent protection.

The second protection criterion is the inventive performance or, as formulated by the patent law, the “inventive activity”. What is meant is that an invention cannot be patented if a specialist active in the affected field would have come up with the corresponding solution anyway.

The duration of a patent lasts for up to 20 years and begins on the day of registration. The protective effects of the patent do not however begin simultaneously with the registration, but rather initially upon granting of the patent. Before the Patent Office decides to grant a patent, it first conducts an inspection process within the context of which the above-mentioned protection criteria of innovation and inventive performance are examined, among others. Following a positive conclusion of this inspection process, the patent is then granted.

A protest against the granting of a patent is possible for third parties. This signifies a type of continuation of the inspection process under consideration of the objections specified in the protest against the patent qualification. A protest is however only permissible when it is founded in detail by the party lodging the protest.

Patent protection is also available in most countries throughout the world. A decision regarding such should be reached within one year from the date of the first patent registration. A relatively simple instrument for safeguarding of an invention over the whole of the territory is the European Patent. This provides protection for a number of European nations.

An additional possibility for territorial expansion of the patent protection is the submission of a so-called International Patent Registration (PCT registration). This provides an option for a large number of countries for the registering party, including all of the significant industrial nations.