



General Information Concerning

Patents For Inventions



OIFIG NA bPAITINNÍ
IRISH PATENTS OFFICE

CONTENTS

INTRODUCTION	3
1. What is a patent?	4
2. How long does a patent last?	4
3. Why patent inventions?	4
4. What is patentable?	5
5. Excluded subject matter and exceptions to patentability	5
6. Types of Patents	6
7. Supplementary Protection Certificate	8
8. Who may apply for a patent?	8
9. How to apply for a patent	8
10. Minimum requirement for a filing date	9
11. Patent Agents	9
12. Format of a patent application	10
13. The Specification	10
14. The Title	11
15. The Description	11
16. The Claims	11
17. The Drawings	13
18. The Abstract	13
19. Scope of patent application	14
20. Priority	14
21. Claim to priority	15
22. Examination	15
23. Divisional patent application	15
24. Patent pending	15
25. Search Report/Evidence of Novelty	16
26. Publication of a patent	17
27. The Patents Office Journal	17
28. Protection of Patents Abroad	18
29. European Patent Convention (EPC)	18
30. Patent Co-operation Treaty (PCT)	20
31. Application to other countries, made to the relevant National Patent Office or Industrial Property Office	21
32. Patent Searching	21
33. Patent Costs	23
34. Enterprise Ireland Inventions Assistance Scheme	23
35. Patents Office contact details	24



INTRODUCTION

The information available in this booklet is not intended to be fully comprehensive, it is a general guide; it is not a legal interpretation of the law relating to Patents. Some information may have changed since publication.

It summarises certain important provisions and requirements of the Patents Act 1992, the Patents (Amendment) Act 2009, the Patents Rules 1992 and the Patents (Amendment) Rules 2009 in relation to obtaining of patents and briefly to European and International applications for patents.

It does not analyse every aspect of the patenting process or address particular legal provisions, which may affect a particular application. As with all guides it, of necessity, includes a number of generalisations and simplifications and should not be regarded as a substitute for the legislation itself.

The Patents Office cannot undertake to prepare a patent application on behalf of an applicant.

Patents Office staff cannot offer opinions or advice on such issues as the commercial value of inventions, nor can the Office give any financial assistance to inventors in the patenting or development of inventions.

Inventors should be aware that any public disclosure of an invention before an application for patent has been made might prejudice the obtaining of a valid patent.

1. What is a patent?

A patent confers upon its holder, for a limited period, the right to exclude others from exploiting (making, using, selling, importing) the patented invention, except with the consent of the owner of the patent.

A patent is a form of 'industrial property', which can be assigned, transferred, licensed or used by the owner.

Patents are territorial in effect e.g.. an Irish patent is only valid in Ireland.

2. How long does a patent last?

Irish patents, in common with most jurisdictions, have a maximum life span of twenty years. Ireland also offers a "short-term" patent, valid for a maximum of ten years. To maintain a patent in force, annual renewal fees must be paid each year, beginning on the third year.

3. Why patent inventions?

Since a patent confers legal rights concerning the exploitation of an invention, it allows the owner the best opportunity to profit from the invention by preventing others from copying it. An inventor does not need a patent in order to exploit an invention; but without a patent the inventor would not be able to prevent others from copying the invention.

Inventors are often not in a position to produce or market their invention from their own resources. Patents, being a form of commercial property, provide a basis for owners to negotiate with potential investors or other business partners while preserving their intellectual property rights.

The prospect of gaining profits from this special form of protection serves to promote research activity and to give an incentive for new investment.



4. What is patentable?

In order to be eligible for the grant of a valid patent the invention must be new, involve an inventive step and be capable of industrial application.

- **Novelty:** An invention is considered new if it does not form part of the state of the art. The state of the art comprises everything made available to the public in any way, anywhere in the world, before the date of filing of the patent application.
- **Inventive step:** An invention is considered as involving an inventive step if it is not obvious to a person skilled in that area of technology, having regard to the state of the art.
- **Industrial applicability:** The invention must be capable of being made or used in some kind of industry, including agriculture.

5. Excluded Subject Matter and exceptions to patentability

Not all inventions qualify for the grant of a patent. The Patents Act specifically excludes the following subjects from patentability:

(i) **Discoveries and aesthetic creations:**

- (a) a discovery, a scientific theory or a mathematical method;
- (b) an aesthetic creation;
- (c) a scheme, rule or method for performing a mental act, playing a game or doing business, or a computer program; or
- (d) the presentation of information.

Although such subject-matter or activities are not patentable their use or application may be patentable. For example, a scheme or method for playing a game is not patentable, but it is possible to obtain patent protection for a novel apparatus for playing a game. Also, the exclusion from patentability of computer programs does not prevent the granting of patents for inventions involving the use of such programs, as long as a technical effect is achieved by its implementation.

Software

While it is not possible to obtain a patent on software per se, patents may be granted for inventions requiring the use of software to achieve their purpose. This, however, is conditional on the software having a “technical effect” when the programme is run. Such effect may, for example, be found in the control of an industrial process or in the internal functioning of the computer itself.

(ii) Methods of medical and veterinary treatments:

Methods of treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body are not patentable.

This exclusion does not apply to products, substances or compositions for use in any of these methods, i.e. medicines or surgical instruments.

(iii) Plant and animal varieties or essentially biological processes for their production.

Plant varieties may be protected by other means, such as through the Office of the Controller of Plant Breeders Rights¹. However if the invention concerns plants and animals and if the technical feasibility of the invention is not confined to a particular plant or animal variety, the invention may be patentable.

(iv) Inventions the publication or exploitation of which would be contrary to public order or morality.

This exclusion is subject to the proviso that the exploitation of such inventions is not deemed to be so contrary merely because it is prohibited in law.

6. Types of Patents

There are two types of Irish patents available

(1) Full-term patents

These patents allow the inventor/applicant protection for up to 20 years. For a full-term patent to be granted, the applicant must provide evidence of the invention's novelty. This can be done by requesting a "Search Report" from the Office, or by submitting evidence of novelty. (explained in more detail later in this booklet)

¹ Office of the Controller of Plant Breeders Rights, Department of Agriculture, Food and Rural Development, Backweston, Leixlip, Co. Kildare. Tel: 353 1 6280608



(2) Short-term patents:

Short-term patents are designed to assist smaller inventors. These patents can also suit inventions where a shorter market life is expected, or inventions that are not technologically complex.

These patents last for a maximum of ten years, and the applicant does not need to provide evidence of the invention's novelty. This effectively reduces the costs and length of time involved in getting an invention patented.

Because procedures are generally simpler, short-term patents can be granted reasonably quickly and well within 12 months from the filing date if requirements are complied with promptly. If applications are made for both a short-term patent and a full-term patent in respect of the same invention, the short-term patent will become void when the full-term patent is granted.

With some exceptions, the provisions relating to full-term patent applications and patents also apply to short-term patent applications and short-term patents. The main exceptions are:

- (i)** The specification of a short-term patent application must not include more than five claims. The requirements of novelty and industrial applicability apply but instead of non-obviousness, it is sufficient that the invention be "not clearly lacking an inventive step". Neither a Search Report nor evidence of novelty in the form of a foreign patent specification as discussed in paragraph (25) is required in order that a short-term patent be granted.
- (ii)** The filing fee, grant fee and renewal fees are only 50% of those for a full-term patent; and generally the procedures are simpler. This will be of particular interest to small enterprises and single inventors.
- (iii)** Infringement proceedings can be brought in the Circuit Court (or in the High Court, as is required for full-term patents) irrespective of the amount of a claim.
- (iv)** Before taking an action for infringement the owner of the short-term patent must either (a) request the Controller to have a Search Report prepared and send a copy of the report to the alleged infringer or (b) if a foreign Search Report or patent specification (as discussed in paragraph 25) is available, furnish copies of such reports to the Controller as well as to the alleged infringer. The reports referred to at (a) or (b) are published by the Controller.

- (v) A person other than the owner of the short-term patent whose legitimate business interests require a novelty search and who can show grounds for suspecting that the invention lacks novelty or is clearly lacking in inventive step may also request the Controller to have a Search Report prepared. Such a search report is published by the controller

7. Supplementary Protection Certificate

A supplementary protection certificate (SPC) may be obtained in relation to individual medicinal and plant protection products disclosed in a patent. The certificate can extend the protection conferred by the patent beyond its 20-year term for a period of up to five years.

Medicinal products, and many agricultural chemicals, require market authorisation before they can be sold commercially. Though this process is independent of the patent granting procedure, the owner of such inventions may find that though they have a patent for their product, they may still have to wait for a number of years before they obtain the necessary authorisation to market it. SPCs compensate the patentee for this loss of time, by extending the patent protection for specific products by up to five years.

An SPC does not extend the duration of the patent itself, but only the protection for the specific product subject to market authorisation.

8. Who may apply for a patent

Any person may make an application for a patent; the right to a patent belongs to the inventor or the inventors' successor in title. However, if an employee makes an invention in the course of his/her employment the right to the patent may belong to the employer. An application may be filed by joint applicants.

9. How to apply for a patent

A patent application consists of:

- a request for the grant of a patent (completing the application Form No.1 is sufficient to comply with this requirement).
- a specification containing a description of the invention, one or more claims (a maximum of five claims can be filed in respect of a short-term patent) defining the matter for which protection is sought and any drawings needed for the disclosure.



- an abstract containing a summary of the matter contained in the specification.

The application fee must be paid within one month of the date of filing.

10. Minimum requirement for a filing date

It is possible to secure a filing date without a fully completed patent application, as long as each of the following is submitted:

- An indication that a patent is sought
- Information identifying the applicant
- A description of the invention

An application made in this manner will have to be followed by a formally completed application as indicated in paragraph 9 above and no additional subject matter can be added to the application beyond that contained in the original filing.

If a patent application does not comply with a requirement of the Act or the Rules the applicant is given an opportunity to meet that requirement within certain time limits e.g. a period of 12 months from the date of filing (or if priority has been claimed, from the date of priority) is prescribed for the filing of the claims and abstract.

The consequence of non-compliance with time limits is that the application may be refused or deemed withdrawn. Please note that certain time limits are absolute.

11. Patent Agents

To be registered in the register of patent agents maintained by the Controller a person must possess the prescribed educational and professional qualifications and satisfy certain other conditions. The Patents Office cannot advise applicants as to choice of agent, but the Office does recommend the use of a patent agent. A list of registered patent agents is available on the Patents Office website (www.patentsoffice.ie) or on application from the Office.

Patent law and practice, and the drafting of the specification describing an invention, are complex matters for which the help of a patent agent is very advisable unless the applicant has had specialised training in this field. The contents of the specification determine whether a patent can be granted as well as the scope and validity of the granted patent. The patent agent can also arrange to file patent applications abroad and can provide advice on matters relating to the commercial exploitation of an

invention. The invention can be discussed freely with the patent agent because the disclosure will be in confidence.

Applicants and persons involved in proceedings before the Controller having neither their residence nor principal place of business in the EEA are currently obliged to appoint a patent agent to act on their behalf. All applicants whether resident in the EEA or not are required to use the services of an agent in certain matters (following establishment of search reports or submission of evidence of novelty).

Where a patent agent is appointed by an applicant, all enquiries should be directed to that agent and all official communications from the Patents Office are with the appointed agent.

12. Format of a patent application

A patent application comprises a completed form entitled "Request for the Grant of a Patent" (Form No. 1) and a specification. Form No. 1 is available to download from Patents Office website (www.patentsoffice.ie).

The Office has produced a "Patent Application Guide", which gives detailed information on how to complete a patent application. The guide is available to view and download from our website or can be issued by post on request.

13. The Specification

The specification should be in conformity with the requirements of the Patents Act 1992 (as amended) and Patent Rules 1992 (as amended), typed or printed on single sided A4 pages with margins of 2 to 3 centimetres. These margins should be blank, and each page should be numbered. Two copies of the specification must be submitted.

The specification provides the technical information about the invention, and provides its legal definition. It has four components, presented in the order in which they should occur in an application:

- (1) the title,
- (2) a description of the invention,
- (3) claims, and
- (4) drawings, if relevant to the application.



Before a patent application is made to the Patent Office, the applicant must ensure that it satisfies the criteria in relation to the actual physical layout for a specification. Any applications that do not meet the criteria may be rejected. There are strict rules (prescribed in law) relating to the paper size, page layout, line numbering, etc. Consult the “Patent Application Guide” available in print and on our website to ensure that all the components of the application are presented according to the rules.

14. The Title

This comes first in the specification. It should be brief, but must clearly indicate the matter to which the invention relates. The same title should appear both on the specification and the request for grant form.

15. The Description

The description immediately follows the title. It is a detailed explanation of the invention. It should include all relevant information. It must be sufficiently clear and complete to be understood by others, such as to allow a person reasonably skilled in the same art to be able to fully replicate the invention without needing further details.

The description should set out the background of the invention and also explain any particular problem that the invention solves its essential feature and what it does.

Please note that improvements, modifications or any other additional material may not be added to the application after the date of filing. Ensure that all technical features of the invention are included on the date of filing.

A filing date cannot be secured in the absence of a description of the invention which is the subject of the request for grant of a patent.

16. The Claims

The claims are the most important section of your specification as the scope of the monopoly given by a patent is legally determined by the claims, not the description. In other words, the actual protection that you will receive for your invention is determined by what is contained in these claims.

The claims must define the matter for which protection is sought in terms of its technical features. They must be clear and concise and be supported by the description.

There are two kinds of claim, independent and dependent.

An independent claim is one that contains the minimum technical features needed for the invention to function. If the claim is for a product, then you must include all of the essential components needed for it to work. If the claim is for a process, you must include all the essential steps for the process to be completed successfully.

In one set of claims it is possible to have more than one independent claim. For instance, you can have an independent claim for a product, an independent claim for a process of manufacture of the product and an independent claim for an apparatus designed to carry out that process of manufacture.

A dependent claim is one that contains all of the features of a preceding claim, but with at least one extra feature that is not part of the essential technical components. The dependent claim must contain a reference to which preceding claim it is based on. This preceding claim may be an independent or a previous dependent claim.

Claims must not speculate on the perceived advantages of the invention, but restrict themselves to embodiments and technical features. The advantages of the invention may be outlined in the description.

The specification may contain independent claims in different categories, e.g. for each of a product, the process for making that product, and specially adapted apparatus used in that process. However, all the independent claims must relate to the same basic inventive concept to ensure unity of invention.

A 10-year patent (short term) may contain a maximum of five claims, a 20-year (full term) may contain as many as the applicant wishes.

If there are several claims, they should be numbered consecutively.

If the claims are not filed with the application they must be filed within 12 months of the filing date or, if priority has been claimed, within 12 months of the priority date.



17. The Drawings

Drawings are not obligatory. However, a good drawing (or set of drawings) is often of great value in clarifying the nature of an invention. Therefore, drawings may accompany the specification. Where they do they must be mentioned in the text of the description. They must be clear and legible with no extraneous text. Drawings should be filed at the same time as the rest of the specification. Late filing of drawings has implications for the filing date of the application. Please note chemical formulae and tables are normally included within the description.

Specific features can be shown in the drawings using reference numbers or letters. These references will then be used in the description to further elaborate on the relevant features. Make sure that your reference numbers or letters are used consistently in the drawings and description. If you label a feature as (a) in figure 1, this feature should also be labelled (a) if it appears in figure 2. Any reference numeral marked in the drawings must be discussed in the description section.

18. The Abstract

In addition to the specification, an applicant must also supply an abstract. This is a concise summary of the invention. The abstract must begin with the title of the invention that appears in the specification and the request for grant form. It should include the essential features of the invention and should ideally be no longer than 150 words.

The abstract is used for search purposes. The searcher should quickly be able to get a sense of the nature of the invention so that they can decide whether they need to read the rest of the patent. The abstract should describe your invention and how it can be used, but should not go into the technical detail that will be seen in the Description and Claims section.

If the patent application contains drawings, the applicant must indicate the figure of the drawing they would like to accompany the abstract when it is published. The figure number of the selected drawing should be written directly under the abstract.

The abstract, like the claims, **must** be filed within 12 months of the application filing date (or priority date where claimed) if it has not been filed with the application.

19. Scope of patent application.

Once the application has been filed, the specification may not be amended in any way that extends the scope of the subject matter. While it is possible to edit a specification - perhaps in the interests of better expressing something that is present from the start, or removing subject matter which the applicant no longer wishes to be part of the protected invention - anything that adds in a substantive way to the original filing or its scope will be refused.

To assist applicants in the process of drafting their patent specification, copies of sample specifications and abstracts from a range of technical disciplines are available from the Patents Office website (www.patentsoffice.ie).

20. Priority

If an application in respect of the same invention was filed up to 12 months earlier in either Ireland, the European Patent Office or a country that is a party to the Paris Convention for the Protection of Industrial Property, the filing date of the earlier application becomes the “priority date” of the new application.

This period of 12 months allows an applicant for a patent, having established a filing date for their invention in one jurisdiction, time to assess its commercial potential market, continue the development of the invention and to decide in which countries protection is to be sought without losing their priority right. If there has been more than one earlier filing (e.g. if an application has been made in the UK and Germany in respect of the same invention) this can give rise to more than one priority date in respect of a subsequent Irish application; however, time limits which are started to run from the date of priority, run from the earliest of such priority dates.

The main effect of the priority right is that the filing date of the first application counts as the date from which the state of the art is assessed against the application and where 2 or more persons make an invention independently, the right to a patent belongs to the person whose filing date or claimed priority date is the earliest.



21. Claim to priority

Any priority claim must be made in the request for grant (Form No. 1) indicating the date of filing, the country and filing number of the previous application. A certified copy of the previous application must also be supplied within 16 months of the earliest priority date, if it was a foreign application. This certified copy should be obtained from the Office abroad where this earlier application was made.

Where the claim to priority is based on an earlier Irish application, the applicant may, instead of submitting a certified copy, request that such a copy be included with their application. In this case, the Patents Office will arrange for a copy of the earlier application to be associated with the new application, on payment of the prescribed fee.

22. Examination

If a patent application does not comply with a requirement of the Act or the Rules the applicant is given an opportunity to meet that requirement. When there are no outstanding requirements the applicant will be requested to pay the fee for the grant of a patent following which a certificate of grant is issued.

23. Divisional Patent Application

Applications disclosing more than one invention are said to lack “unity of invention”. Where this happens, the applicant must remove all the subject matter that does not relate to the first invention. However, such subject matter may be “divided out” into new patent applications for each such invention. These “divisional applications” keep the filing date of the original application, but are otherwise examined as applications in their own right.

24. Patent pending

This is a term often used on products to alert competitors that an application has been made to protect the invention.

25. Search Report / Evidence of Novelty

For a Full-term patent to be granted, the novelty and non-obviousness of the invention must be established. There are two ways of achieving this; by means of a Search Report, or the provision of Evidence of Novelty.

Search Report

A Search report has to be requested by the applicant to determine the novelty and non-obviousness of the invention of the patent application. An applicant must request it within twenty-one months of the application's filing date or the priority date, if priority was claimed. Otherwise, the application will be refused. The Controller, upon receipt of this request accompanied by the prescribed fee, will have a Search Report on the invention prepared.

A Search Report will list published documents considered relevant in assessing whether the claimed invention is new and not an obvious development or adaptation of what is already known. A copy of the search report will be issued to the applicant.

Unless the patent application is withdrawn within two months of issue of the Report to the applicant, the report is then published by the Controller; this means that anyone can view the search report. Withdrawal of the application might arise where the applicant, in the light of the Search Report, concluded that there was no point in taking the patent application further. If the patent application is not withdrawn the patent agent acting for the applicant will be required either to make amendments to the application based on the search report or provide a statement that no amendment is considered necessary. Failure to comply with these requirements may lead to the refusal of the application.

Evidence of Novelty

There is an alternative to requesting the preparation by the Controller of a Search Report. An applicant who has also applied for a patent for the same invention to the United Kingdom, German or European Patent Offices, or who has applied under the Patent Co-operation Treaty, can submit a statement to that effect; the statement must be submitted within the twenty-one months of the application's filing date or the priority date, claimed. In this situation, a copy of the Search Report prepared in respect of the foreign application, or a copy of the published specification of the patent granted by either the UK or German or the European Patent Office may be submitted to the Controller as evidence of Novelty and must be produced by the applicant within two months of the publication of the search report or grant of the patent, accompanied by the prescribed fee.



Evidence of Novelty will be published unless the application is withdrawn.

If the application is not withdrawn the applicant will be required either to amend the application in the light of the Search Report or the patent specification (whichever applies in the particular case) or to furnish a statement that no amendment is considered necessary. Failure to comply with this requirement may lead to the refusal of the application.

(The procedures relating to the search report/evidence of novelty do not apply to applications for short-term patents)

26. Publication of a patent

A patent application is published, i.e. certain documents relating to the application are open to public inspection, as soon as practicable after the expiry of a period of eighteen months from the filing date (or the priority date if there is one), unless it has been finally refused or withdrawn before the termination of the technical preparations for publication.

It may however be published earlier upon request by the applicant or if the patent is granted. The publication of an application is advertised in the Patents Office Journal.

Copies of published applications are available to anyone who wishes to inspect or purchase them.

27. The Patents Office Journal

The Office publishes the Patents Office Journal on a fortnightly basis, generally it's published on a Wednesday. The Journal is in two parts.

Part 1 concerns patents and designs and includes information under a number of headings, including,

- Patent applications filed
- Applications published
- Patents granted
- European Patents granted designating the State
- Applications lapsed
- Applications withdrawn, deemed withdrawn or refused.
- Patents expired
- Proceedings under the Patents Act, 1992
- Matters concerning Supplementary Protection Certificates.

Part 2 of the Journal contains information relating to trade marks.

The Office provides an interactive, on-line version of the Journal, including search facilities.

Journals may be viewed and downloaded online via the website or consulted on request at our office in Kilkenny.

28. Protection of Patents abroad

If patent protection is required beyond the Irish jurisdiction, the following options are available:

- Application under the "European Patent Convention".
- Application under the "Patent Convention Treaty"
- Application made to each National Patent Office or Industrial property office of the Country where protection is required.

29. European Patent Convention (EPC)

The European Patent Convention (EPC) was established in 1973 to strengthen co-operation between the States of Europe in respect of the protection of inventions, on the basis of the law established by the convention and the setting up of the European Patent Office in Munich for the grant of European patents in accordance with the law of the EPC.

Ireland became a member of the European patent organisation in August 1992 having acceded to the EPC

The EPO is not an institution of the European Union. It is a separate international organisation with its own administration and headquarters in Munich.

The main advantage and purpose of the EPC is that it allows patent rights to be obtained in any one or more of the EPC contracting states by making a single European patent application to the European Patent Office. This may be considerably cheaper than making a separate 'national' application in each EPC member.

On the basis of a single patent application the EPO grants, in effect, a "bundle" of national patents in respect of those contracting States, which the applicant designates. While the application is pending, renewal fees are payable to the EPO.



Once the patent is granted, renewal fees must be paid to the Patent Offices of each of the designated countries.

When granted, a European Patent has the effect of a national patent in each of the countries designated. A European Patent designating Ireland has the same effect as if it were a full-term patent granted by the Controller.

European patent applications may be filed either with the Patents Office in Ireland or direct to the European Patent Office.

The Patents Office transmits any application received to the EPO. It is not required to carry out any examination on the application before transmittal. The Office does not require payment of a transmittal fee. An applicant must transmit all relevant fees to the EPO directly.

A European application may claim the priority date of an Irish application filed up to twelve months earlier. The European application is published 18 months after the filing (or priority) date. The EPO carries out a novelty search and the search report is published either with the application or later on. The applicant then has the possibility to decide whether or not to pursue his/her application by requesting substantive examination. If the request for examination is filed the specification is examined in detail by an Examining Division in the EPO to see whether the application meets all the requirements. After this examination the European Patent is granted and the patent specification is published.

Within 9 months after the grant of the European Patent, any person may give notice to the EPO of opposition to the patent granted. The decision of the EPO whether the patent is to be maintained, amended or revoked holds good in all the countries designated.

When the European Patent designating Ireland is granted, the relevant particulars are transferred to the Patents Office by the EPO. The Controller is empowered to revoke a patent granted under the Patents Act if it appears to him that a European Patent designating Ireland has also been granted in respect of the same invention, if both applications have the same filing or priority date and were filed by the same applicant.

It is possible to file a European Patent application electronically with the EPO.

For further information, contact:

European Patent Office,
Erhardtstr. 27
80469 Munich
Germany
Website: www.epo.org

The following brochures are also available from either the EPO or the Patents Office:

"How to get a European Patent (Guide for applicants)"

"How to get a European Patent EURO-PCT (Guide for applicants)"

"National Law relating to the EPC"

30. Patent Co-operation Treaty (PCT)

The Patent Co-operation Treaty (PCT) was established in 1970. It is administered by the International Bureau of the World Intellectual Property Organisation (WIPO) in Geneva. Ireland ratified the Treaty in 1992.

The main objective of the Treaty is the streamlining of patent application filing and novelty search procedures for applicants wishing to obtain patent protection in a wide number of countries around the world.

The PCT provides a system whereby a single international application allows for the designation of some or all the contracting countries. The relevant national patent authority is normally the granter of a patent pursuant to an application filed under the treaty.

A PCT application requesting patent protection in Ireland is deemed to be an application for a European patent for Ireland and will be processed by the EPO in accordance with the EPC (European Patent Convention).

An application for an Irish patent under the Patents Acts, can be used as a basis for claiming 'priority' for applications filed under the PCT, provided that these filings are within 12 months of the date of filing of the earlier Irish application for the same invention.



The Patents Office acts as a receiving office for PCT applications of nationals or residents. The Office carries out an administrative formalities check before transmitting the application to the International Bureau. The Office accepts certain fees associated with an International PCT application for transmission to WIPO.

Additional information on the operation of the PCT is available from:

- WIPO website: www.wipo.int
- E-mail: pct.infoline@wipo.int
- World Intellectual Property Organisation,
34 Chemin des Colombettes,
CH-1211, Geneva 20
Switzerland.
- Tel: 0041 223388338

The following brochures are also available from either WIPO or the Patents Office:
"Basic Facts about the PCT"
"PCT Applicant's Guide"

31. Application to other countries, made to the relevant National Patent Office or Industrial Property Office.

There is no such thing as a "World-Wide Patent". To obtain patent protection in other countries it is necessary to pursue an application for a national patent in each country in which you require a patent unless the options offered by the EPC or the PCT routes are availed of.

The Office website provides links to many other Patent Offices and Industrial Property Office websites where you may obtain further information relating to the application procedures in these countries.

32. Patent Searching

The function of patents is twofold, to provide protection for inventions, and to ensure dissemination of technological information to the public. This dissemination of information is all the more important when it is considered that patent literature alone accounts for over 80% of all published technical knowledge.

(i) Patents Office online register and database search system.

In 2003 the Patents Office launched its online register and database search, which permits free and unlimited access to the Office's patent register and databases.

The system enables access to the Patent Register and Databases, which contain detailed information about specific published patents, and the Supplementary Protection Certificate (SPC) Database, which relates specifically to SPC applications.

The system allows users to find and browse particular entries with a minimum of effort. The online registers and databases are updated on a daily basis, and therefore enable web access to an extensive repository of data concerning patents. The search system also features navigational aids and help menus for user guidance.

The system also provides convenient links to various International IP offices such as the European Patent Office (EPO) and the World Intellectual Property Organisation (WIPO). These links facilitate free online access to over 90 million patent documents, the largest volume of patent documentation available on the Internet.

Whilst the Office has taken great care and pursued all reasonable steps to ensure the accuracy and integrity of the data contained in the search system, it should be born in mind that this facility is essentially for general information purposes only. It should therefore not be relied upon as a stand-alone tool or regarded as a complete and comprehensive search system. Users are advised that, business decisions should not be made on the basis of these searches alone.

(ii) ESPACENET

To further promote the free availability of patent information, the European Patent Office (EPO), the member states of the European Patent Organisation and the European Commission combined to launch the espacenet service in 1998. Espacenet is designed primarily for the general public and its main aim is to provide non-specialist users with a readily accessible source of free patent information published by patent offices around the world, in some cases dating back to 1920. Specifically, espacenet offers access to:

- Published patent applications of the EPO member states (including Ireland).
- EPO published patent applications.
- Published PCT (Patent Co-operation Treaty) applications from the World Intellectual Property Organisation (WIPO).
- "Worldwide" patent information (English language patent abstracts).
- Japanese patent documents.



It should be noted that a search carried out in the espacenet database cannot replace a professional search. The information furnished is indicative of published patents but is not exhaustive and the service cannot be considered as a complete and only source of patent information.

33. Patent Costs

Patenting costs can vary substantially. Factors such as the type of patent desired (e.g. a short-term patent or a full term patent) and whether protection in Ireland or abroad is sought, are relevant.

In addition to the statutory fees charged by national patent offices, applicants will need to bear in mind the costs of engaging the services of patent agents, which again can vary depending on the extent of the advice and assistance sought.

There can be other statutory fees payable depending on such factors as the need to amend applications or extensions of time requirements. In addition, annual patent renewal fees must be paid from the third year in order to keep a patent in force.

Details of the statutory fees are available on the website or from the Patents Office.

34. Enterprise Ireland

Enterprise Ireland provides advisory and financial support to high potential start up businesses and encourages all forms of entrepreneurship from people living in Ireland and from Irish people living abroad. General advice and information on the protection, technical development and commercialisation of inventions is available from Enterprise Ireland.

In appropriate cases, Enterprise Ireland can provide financial assistance.

For further information contact:

Enterprise Ireland Intellectual Property Unit
The Plaza
East Point Business Park
Dublin 3

Website: www.enterprise-ireland.com

Tel: 01- 7272000

35. Contact Details

The Patents Office may be contacted at:

Patents Office
Government Buildings
Hebron Road
Kilkenny

Tel.: 056 –7720111

Lo-call 1890-220223 (within Ireland)

Fax: 056 –7720100

Lo-call fax 1890-220120 (within Ireland)

E- mail: patlib@patentsoffice.ie

Patents Office website: www.patentsoffice.ie

The Patents Office is open to the Public from 9.30 am to 5.00 pm including lunchtime.