Nothing in this presentation nor any assistance given by the Library and Learning Commons on patent searching is to be taken as legal advice. We can’t tell you that your invention can, should, or would be patentable. We can help you do initial due diligence research. If you plan to apply for a patent and need assistance with the application process, you need to seek the help of a patent professional who specializes in patent applications.
What are you going to get out of this presentation?

- Basic understanding of what a patent is (and isn’t)
- Be able to identify several intellectual property organizations that present searchable patent databases online
- Learn the process for a simple patent search and where to go to get more help
The key to remember is that a patent is a bundle of rights that equates to property. For the length of time an invention is under patent protection the patent owner has the exclusive right to manufacture, sell or license the use of the invention. The patent owner may also sell patent to another person or entity like real property. Any sale of a patent does not extend the length of time patent protections exist for a given patent.

In the US patent applications are now published 18 months after they are submitted regardless of whether the patent is ultimately granted or not. This does not seem to be the case for the vast majority of countries at this time. The decision to publish all applications versus only granted patents is on a country by country basis.
The UAE does not have a stand alone patent office, but is a member of the GCC Patent Office. Patents granted by the GCC patent office are valid in all member states. The searchable database currently does not index the inventor country nor the patent owner’s country so there is no easy way to find out how many of the GCC patents are created by or owned by UAE citizens.

WIPO/PCT – is not a patent granting organization, but a patent cooperation treaty that created a standardized patent application process that has been ratified and adopted by 146 countries. The WIPO application is called a World Patent, but still requires the applicant to submit a national phase application for each country or to each regional patent organization in which they want patent protection.

Note that these are only some of the IP / Patent organizations in the world. The US and the WIPO are two of the largest organizations, but there are other regional patent organizations such as the European Patent Office, and the African Regional Industrial Property Organization.
Who can apply for a patent?

- USPTO – applications must be by or in the name of the actual inventor. The person or entity that owns the rights to the patent is the Assignee.

- Rest of the world – the person or entity that owns the rights to the patent

For the US, a corporate entity cannot be an inventor. Coca Cola did not invent anything, specific employees invented things. Coca Cola can own patents and be the Assignee.
Utility patents are what most people think of when they think of what a patent is.

Plant patents cover grafting and other horticulture techniques that produce plants that cannot be replicated via natural plant reproduction.

Design patents cover the look and feel of a product – think of Apple’s rounded corners patents.
Most patent organizations require a working model prototype of the patentable invention/item to be created prior to granting a patent, therefore ideas cannot be patented, no matter how great they might be.
Patent protection terms are not universal. Each country or regional agreement for patents confers its own rules, regulations, and benefits including patent terms when granting patents.

The GCC PO patent protection term is inferred from information available in the Patent Gazette. I was not able to find specific terms spelled out on the website.

How long do patent protections last?

- **USPTO** – Utility patents are good from the date of filing through 20 years no matter how long it took to be granted
  Design patents are good from the date of filing through 14 years
- **GCC Patents** – 16 years from the date granted*
If you want to apply for patent protection for an invention or technology, you should be fairly certain before you start the application process that the technology hasn’t already been patented. Since novelty (once a technology has been patented it cannot be patented again) is a requirement for success patent application, and the application process is long and can be expensive, it is in one’s best interest to have a high degree of certainty that your technology has never been patented before.

Since so many commercial technologies have been patented, if you want to know what has been done to date, the patent databases can show you in explicit detail the past and current innovation in a particular field.

What patents does Apple hold? In the US applications are published after 18 months regardless of the final decision to grant or not a patent. What was Apple working on 18 months ago that may be informing their upcoming new product releases? You can find these answers in the patent database and the patent application database. This information is of use not only to direct competitors, but to associated industries, such as third party accessory manufacturers who might want to know to put new designs in the pipeline for a curved LED screen cellphone case.

Why bother looking at Patents?
- Due diligence in a patent application
- Assess the state of a technology
- Business information
All patent systems assign some kind of unique number to granted patents. Some systems also assign unique numbers to patent applications, and these numbers may change when an application is granted a patent.

All patents note who owns the patent, and many note who invented the technology that has been patented. Not all patent databases have a name search function however.

Dates of application and patent granting are usually noted and often searchable.

Most patent systems have a form of classification – a way of organizing the patents into types or categories for further comparison and analysis. This is both for the patent examiner’s benefit, and for the patent applicant’s benefit because it makes it easier to determine if your technology has already been patented in a group of similar themed inventions.
With the search term hydrofracking we get 4 results which seems strange as this is a hot technology right now, at least in the US.
I clicked on the second patent in the list and scrolled down until I found this section. The number circled in red is the main current US classification for this patent. All other numbers following are additional places parts of this patent could be associated with. Note that the system also gives you numbers for the cooperation patent classification (CPC) and the Current International Classification numbers, which are helpful when you go to search for similar technologies in other patent databases.
We now have 28 patents with significant similarity to Treating waste stream with organic content. We could look at each patent in this list and look at their main classification identifier and search those classifications to see if there are more, or more relevant and similar technologies to the one we are look for.
Remember that Assignee in the USPTO is the patent owner.

For this example we will be using Apple, inc. It’s important to know what the company you want to search for is actually called. Sometimes large companies have subsidiary holding companies that hold the patents, not the parent company.

The first 3 patents listed have numbers that start with D, which is the design patent designation. Design patents cover the “look and feel” of a product rather than the way the product functions. Even so, novelty is still a requirement of a design patent, which is why Samsung if fighting Apple in the US courts over their design patent for rounded corners on a cell phone – Samsung contends that the patent was granted in error. Apple contends that Samsung violated their patent and should be disallowed to sell the Samsung Galaxy series of cellphones in the US. These patent fights are being waged in both the US courts and in Europe and in other countries where both companies sell a significant volume of cell phones. A win in one patent court does not guarantee a win in other patent courts.
Fashion designers fighting cheap imported knock-offs have taken to patenting their designs – while many of the clothing and accessory shapes cannot be patented because they are not novel or non-obvious, the decorative quality of the fabric they are made out of and the total look and feel of an article may meet the requirements for a design patent. Case in point, this handbag designed by Marc Jacobs for Louis Vuitton is patented. With the legal protection of a patent, Louis Vuitton can have imitations of his patented articles seized and destroyed by customs.
May work better for inventor/assignee (owner) searches of US patents

The Louis Vuitton AND handbag search made it easier to see the images of the handbags from the search results list, but the design I showed earlier didn't appear in the results for that search. So it’s a bit of a mixed bag. (ha ha).
Where can you get help with patent searching?

- Kate Holvoet (me)
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- Takamul program – Abu Dhabi
government program to assist the entrepreneur (and universities) from idea to application