



# PatWorld

Patent Intelligence Platform & Research Services



## Innovation Pack

The essential guide to dealing with  
intellectual property to protect your ideas.

# Introduction

It is very important for innovative companies and inventors to be aware of the do's and don'ts when it comes to protecting your ideas and the intellectual property (IP) available. This pack provides all you need to know to maximise the benefits of your IP.



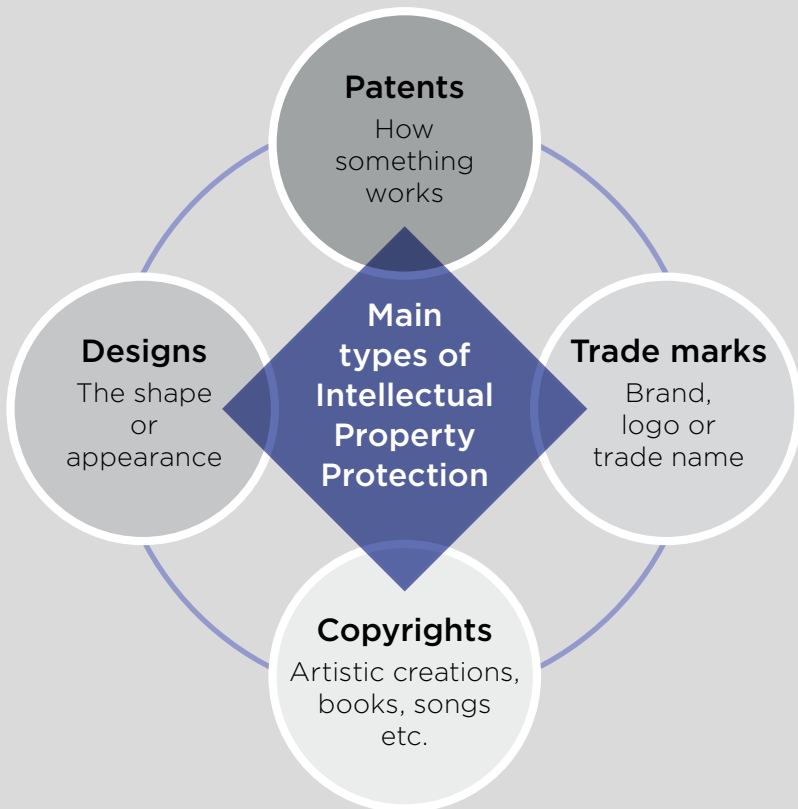


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# What is Intellectual Property (IP)

Intellectual property relates to protection for several aspects of inventions, there are four main areas, Patents, Registered Designs, Trade marks and Copyright.





- ◆ **Patents** protect the way an invention works. So, you may have come up with the idea of a time machine, but if you cannot show how it works then you will not be able to patent it. Your invention, and the way it works must be new and inventive to be protected. A real-world example would be a new electric bicycle, its construction, and how it works may be covered by several patents.



- ◆ **Registered Designs** protect the way something looks (shape or appearance). A good example is the “Coca-Cola” bottle shape with its distinctive design, this would be suitable for Design protection. The design must be new to be protected. If you do not make a design application there is still automatic limited protection called “design right”.



- ◆ **Trade marks** protect trade names or logos etc that are representative of a company or product, for example the trade name “Coca-Cola”. A trade mark does not have to be new as such but will need to be new for the type of company or type of product.



- ◆ **Copyright** is automatic in the UK and Europe (but can also be registered in some European countries) and protects creative works such as the way something is written e.g. a book, song, or screenplay etc. Publication with a defined date is a good way to make sure your protection is recognised.



## First steps when innovating – Keeping it secret!

When you first come up with an innovation (invention) the most important thing to consider is “Confidentiality”.

If you do not keep your invention secret and/or protected by a Non-Disclosure Agreement (NDA), then you may end up losing your rights over the invention. Making your invention public e.g. advertising it online, or discussing your invention with third parties, could end any hope of gaining patent or design protection<sup>1</sup>.

**Several examples are given below:**

1	A bicycle manufacturer invents a new type of braking system and advertises it online. If it is obvious how it works, and/or you sell any, you may not be able to protect the invention with a patent. This may allow anyone else to make and sell your braking system.
2	You come up with a great design for a wine glass and show this to a colleague. Your colleague then applies for a design application. If you cannot prove that you came up with this design first, you may have just lost your rights over it.
3	You come up with a catchy name for a new product and mention it to someone else in the industry. There may be nothing to stop that person taking the name and applying for a trade mark.
4	You write the lyrics for a song and show them to someone. Again, unless you can prove you came up with the lyrics you may lose your copyright over them.

<sup>1</sup> **Please Note:** Please consult a qualified patent attorney before disclosing your invention to anyone.





# What is a Non-Disclosure Agreement (NDA)?

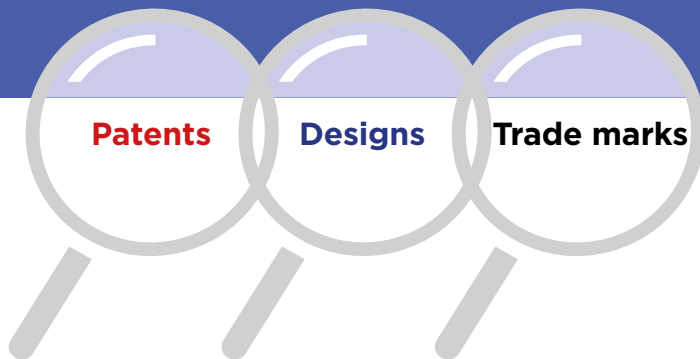
This is a written agreement with any third party e.g. an investor or potential business partner. It sets out a legal statement that they will not disclose, or use your invention or design etc, without your prior permission.

An attorney would be able to put one together for you, or they are available online, but this should at the very least be checked by an attorney. Alternatively, ask the third party to provide their NDA.

Remember signing NDAs is a standard practise in business. **If someone refuses to sign an NDA, walk away!**

# Main types of IP searches and what are they used for

The main focus for IP searching is to establish whether something is new or protected. IP searching can be for Patents, Designs, or Trade marks. These will be described below:



## Patent Searching

- ◆ **Prior Art** (or novelty or prior to filing) searching – Tries to determine if your invention is new and inventive “worldwide” before you make a patent application. It is an aid to answering the question: “Is it worth paying to draft and file a patent application?”.
- ◆ **Patent Monitoring** – Checking on a regular basis e.g. monthly, for new patents on a particular subject or new patent filings for a company or individual inventor.

- ◆ **State of The Art (SOA)** Searching – If you are a researcher or inventor and you are at the research and development stage of an invention, you may have several ideas on how to move forward. A SOA search will pull together all the different solutions other people have come up with and tried to protect with patents. Comparing your ideas to the results of this search can help you determine which of your ideas could be most fruitful.
- ◆ **Freedom To Operate (FTO)** Search – Before manufacturing, importing/exporting, or selling an invention, it's important to check that you won't infringe on other peoples' patent rights in the countries/territories in which you will be carrying out these activities. An FTO search will try to establish whether you are free to operate, therefore it is vital for start-up companies, and companies providing new products.

## Designs Searching

These are very similar to the patent searches mentioned previously and are available for State of the Art (SOA), Novelty, Freedom to Operate (FTO) and Monitoring.

## Trademark Searching

Checking for trade marks e.g. is a trade name already protected by a trade mark in the UK/Europe? Also, checking a company name to see what trade marks they own.

# What is so great about patents?

A patent is the strongest form of IP protection available.

The reason for this is that a patent covers the way something works not just how it looks or is written. It can be a valuable asset for any company. In addition to this, placing “patent pending” on a product can be enough to ward off anyone trying to copy your product.



# How to apply for a patent

You have your invention so what do you do next?

1	Have a look online to see if your invention has been done before. Is it new and inventive over other people's inventions? <b>See following section on carrying out your own prior art search.</b>
2	If you cannot find anything the next step is to get a professional prior art search carried out, asking the company to provide an NDA before you disclose any details of your invention.
3	Take the results of your search to a registered patent attorney. They will be able to assess the results to see if it is worth pursuing a patent application.
4	If going ahead, the patent attorney will be able to write/draft your patent application, and file it at a patent office.



search idea  
online



professional  
search



assess  
results



draft & file  
patent

# Carrying out your own prior art search

Doing your own search is a great way to familiarise yourself with prior art, helping you to understand what makes your invention unique and inventive.



If you do find something that is close to your idea, then you may have saved yourself valuable time and money. However, identifying prior art similar to your invention may not be the end of the road. The results from a search could be used to help draft your patent application, e.g. by a patent attorney, and help define the patent claims.

There are a number of free patent databases available that can help with a quick search by providing cursory results including Google Patent and FreePatentsOnline. You can also take advantage of the free patent search databases provided by the Intellectual Property Office in Europe for your initial search.

Limitations of free databases can be, a low number of keywords per string, inability to run more complex or powerful queries, and restricted territories or countries available to search. The risk therefore is the potential to miss results that could impact the patent filing process and lead to setbacks.

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Commercial databases are more robust and can handle more complex search queries as well as providing more comprehensive results. The better results allow for a more informed decision when contemplating next steps in the patent filing process. However, the trade-off can be that many commercial databases come with a hefty price tag and require a minimum commitment, usually one year. In addition, pricing is negotiated by a sales agent upon subscribing and upon renewal.

More recently developed commercial cloud-based platforms such as **PatWorld** are far more flexible, whereby you pay for as much access as you need (day, month, or year) with no commitment

To make sure you have all the most relevant prior art, you should seriously consider having a professional patent, and non-patent search carried out.

Contacting a patent attorney after having a professional search completed can streamline the process, and have you well informed of the prior art relating to your invention before going forward with your patent application/s.

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# Resources Available to Support Innovation

## UK Intellectual Property Resources

**The United Kingdom Intellectual Property Office (UKIPO)** is the official UK government body responsible for intellectual property (IP) rights including patents, designs, trade marks and copyright. It delivers intellectual property (IP) services in the UK and educates on how to use IP more effectively. Their main webpage provides education, tools and resources.

**The IP Health Check** online tool is free to use and allows businesses to identify and assess the IP they own. It provides a tailored confidential report based on answers provided from a series of questions. The report includes: a personalised list of actions to take; an explanation of why we have made each recommendation; guidance on how to put each course of action into practice; links to useful information, websites and other resources.

## The UK Patent Library Network

provides users with local access to patent, trade mark, designs and copyright information. They have qualified and experienced staff who offer practical assistance on a variety of Intellectual Property Rights.

**Innovate UK** is part of UK Research and Innovation, a non-departmental public body funded by a grant-in-aid from the UK government. They drive productivity and economic growth by supporting businesses to develop and realise the potential of new ideas, including those from the UK's world-class research base. They connect businesses to the partners, customers and investors that can help them turn ideas into commercially successful products and services and business growth and fund business and research collaborations to accelerate innovation and drive business investment into research and development.

The **Patent Box** is designed to encourage companies to keep and commercialise intellectual property in the UK. It allows companies to apply a lower rate of Corporation Tax to profits earned from its patented inventions.

**Research and Development Tax Reliefs** support companies that work on innovative projects in science and technology. It can be claimed by a range of companies that seek to research or develop and advance in their field. It can even be claimed on unsuccessful projects.

### **Business Support for SMEs**

This booklet provides an overview of many of the business support initiatives currently available to SMEs. These can be used in conjunction with professional IP advice to help businesses maximise the commercial value of their intangible assets, and build a thriving and innovative business model.

**The Business & IP Centre** supports entrepreneurs and innovators from that first spark of inspiration to successfully launching and growing a business. They provide a comprehensive collection of databases and publications plus a programme of practical workshops, one-to-one advice sessions and inspiring talks. Our users rate our intellectual property (IP) information as the most valuable part of our service and 99% of them would recommend the Centre to others. They frequently run webinars and past **webinars** can be viewed on their **YouTube channel**. Their **Innovating for Growth** programme offers £10,000 worth of free support for business owners looking to scale up. Specialised **start up support** is also available.



## European Intellectual Property Resources

The **European Patent Academy** is the external education and training arm of the European Patent Office. Its mandate reflects the need to improve intellectual property training and education structures in Europe.

The European Commission provides a **number of programmes** to support entrepreneurship and SMEs.

The European Patent Office **Learning page** has a number of resources and different materials, as well as offering training programmes and webinars.

## Other Resources

**The European Union Intellectual Property Office**

**153 Business incubators for UK for startups & entrepreneurs**

**Most prominent accelerator programmes in Europe**

**Unlocking the Secrets of Patent Searching: A Beginner's Guide**



## Your Intellectual Property Search Provider

### PatWorld Ltd

Innovation House, 6 Cedar Court,  
Hazell Drive,  
Newport, NP10 8FY  
United Kingdom

**Patent, Design & Trademark Search enquiries:** [mail@patworld.com](mailto:mail@patworld.com)

**Database enquiries:** [sales@patworld.com](mailto:sales@patworld.com)

Telephone: +44(0) 1633 816601

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