

THE ABC OF A PATENT

DESCRIPTION

The PATENT is a legal instrument that gives the author of an invention the temporary monopoly of exploitation of the invention itself, which is the right to exclude third parties from implementing the invention and to profit from it. The patent is a legal monopoly, albeit territorially and temporally limited. The monopoly is justified by the fact that the patent system is based on a form of exchange: the patent holder receives protection for his invention and in return is obliged to disclose and describe the invention. Patent applications and patents already granted are in fact published by patent offices around the world and this makes them a prime source of technical and scientific information. The patent system creates incentives to invest in research and development by offering protection for guaranteeing the company an immediate return for innovative ideas.

PATENTABLE INVENTIONS:

- industrial inventions;
- utility models;
- new plant varieties.

The monopoly lasts up to 20 years from the filing date for inventions, ten years for utility models and 5 up to 25 years for ornamental models. For new plant varieties nascent exclusive rights under the patent lasts 15 years from the grant of the patent (30 years in the case of vines, potatoes and trees). For topographies of semiconductor products' rights shall be in force for 10 years 10 years.

REQUIREMENTS FOR PATENTABILITY:

- NOVELTY: the invention must not be already included in the prior art. Everything that has been made available to the public, in Italy and abroad, before the filing date of the patent application, by written description, oral or any other means of disclosure (scientific documentation, articles of newspapers, conferences, scientific seminars, dissertations, doctoral theses ...) or use of the same is considered prior art;
- INVENTIVE STEP: the invention must not be so obvious from the prior art, ie must not be obvious to a person skilled in the art to which the invention relates;
- INDUSTRIAL APPLICABILITY: the invention must be capable of being manufactured and used in industrial applications;
- LAWFULNESS: the invention must not be contrary to public policy or morality;
- EXHAUSTIVE DESCRIPTION: the invention must be described in a sufficiently clear and complete manner for every skilled person to be carried out.

However, patents shall not be granted in respect of::

- Discoveries, scientific theories and mathematical methods, plans, principles and methods for intellectual acts, playing games or doing business, and programs for computers;
- Presentations of information, to the extent that the invention affects discoveries, theories, principles, methods and programs considered as such;
- Animal breeds and essentially biological processes for obtaining them, unless the claim is based on the microbiological processes or products obtained by these processes;
- Processes for the surgical or therapeutic treatment of the human or animal body and diagnostic methods for the human or animal body