

Nature Precedings : doi:10.1038/npre.2008.1974.1 : Posted 13 Jun 2008



abel
& imray
patent attorneys • trade mark attorneys

The Importance of Patents for Scientists

L O N D O N . C A R D I F F . B A T H . M U N I C H

What is IP – Intellectual Property?

- Products of the mind
- Products of research
- As with all other forms of property IP has VALUE and deserves to be protected
- Protection is provided by law

Types of IP

- Patents
- Trade Marks
- Registered and unregistered Designs
- Copyright
- Confidential Information/Trade Secrets



“ The US Government did what mattered most: protected intellectual property rights. The PC software industry never could have emerged from a country that tolerated the widespread theft of copyrighted material”

Bill Gates, The Guardian, London, 2.2.95

Coca-Cola®



Misconception No. 1



A patent gives you
the right to use
your invention

Wrong....
VERY wrong...

Key Facts (1): the most important thing you need to know about patents...

A patent does not give you the right to use your invention: it gives you the right to stop other people using your invention commercially

If you invent and patent the wheel, the inventor and patentee of the car cannot make cars without your permission.



Key Facts (2) : requirements for patentability

An invention is patentable if it is:



NEW!



**Is useful in
industry**



**Includes
an
inventive
step**



**Is not
excluded by
statute**

Provisions vary from country to country

Misconception No. 2



I can get a patent for my new idea

Wrong. Only products and processes can be patented.

Key Facts (3): US vs. Rest of World

- National laws differ from each other
- If in doubt, it is usually safe to assume:
 - all countries are roughly the same, except
 - the US may be different.

Key difference: first to invent vs. first to file

Key Facts (4): Duration of Patents

Potential lifetime around 21 years

Obtaining a patent can take many years

Renewal fees are payable to keep patents alive

Most patents live for much less than 21 years

Some patents in some countries can be extended

Key Facts (5): Enforcement of patents

Enforcement of patents is through the local courts – and is expensive.

Just because you have had a patent granted, it does not follow that it is valid.

It is possible for competitors to attack and destroy a patent during court proceedings.

Misconception No. 3

Patents and
publication are
incompatible



Wrong. Patents are
all about publication
(but the timing
is important)

The public interest “deal” on patents....

The state grants a monopoly over commercial use of the invention for a limited period of time....

...in return for a full disclosure of the invention to the public

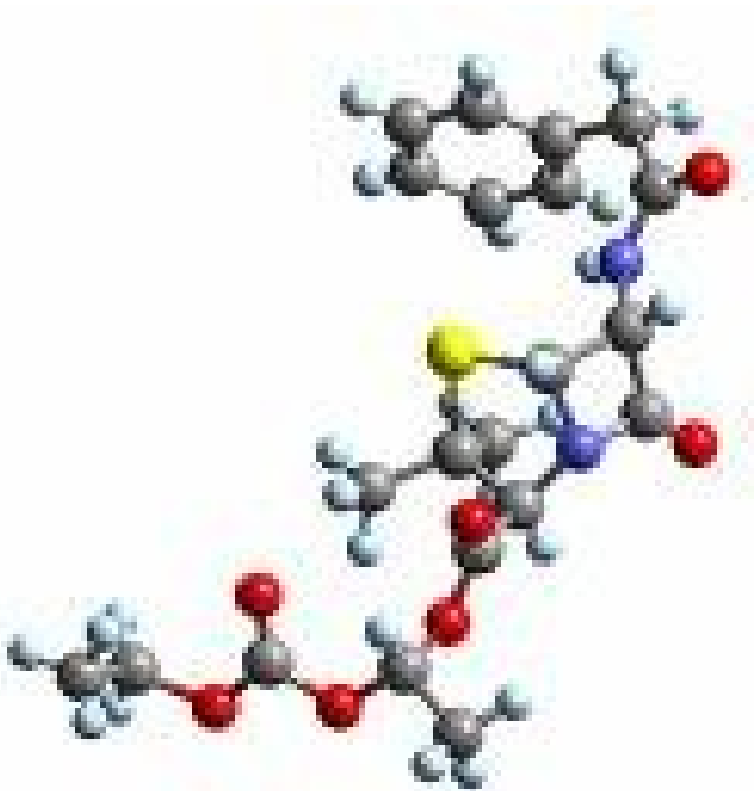
Publication of patents stimulates invention and hence economic growth

Why patent? - *millions* of reasons to obtain a patent...

Some notable damages payments for patent infringement:

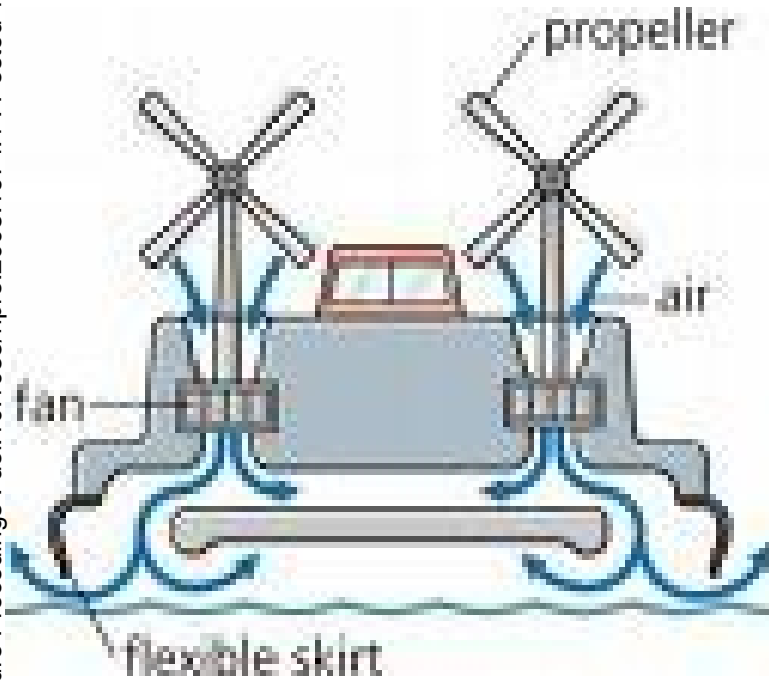
- \$900,000,000 – Polaroid vs. Kodak (instant cameras, US)
- \$500,000,000 – Eolas vs. Microsoft (ActiveX, US)
- £4,000,000 – Dyson vs. Hoover (vacuum cleaners, UK)

Why patent?



*Penicillin –
invented
Howard Florey,
Oxford, 1940s*

Why patent?



*Hovercraft – invented
Christopher Cockerell,
1950s*

Spotting winners...

“ The phonograph...is not of any commercial value” *Thomas Edison, c1880*

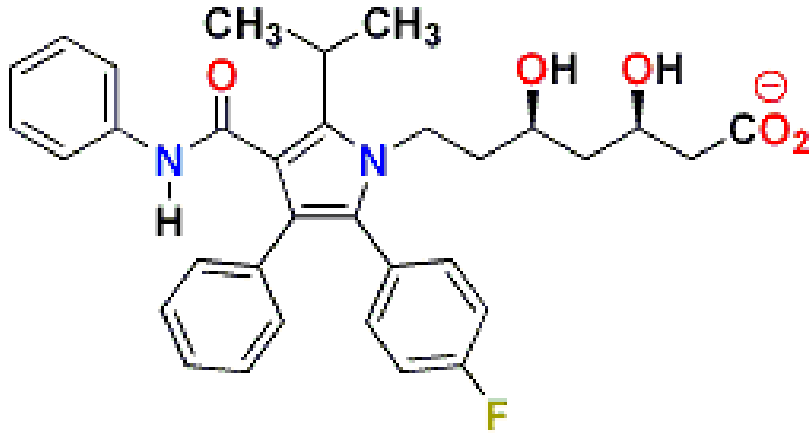
“ Heavier-than-air flying machines are impossible” *Professor Lord Kelvin, c1895*

“ I think there is a world market for about five computers” *Tom Watson, IBM, 1943*

“ There is no reason for any individual to have a computer in their home”

Ken Olson, DEC, 1977

Why patent?



Ca⁺²

2

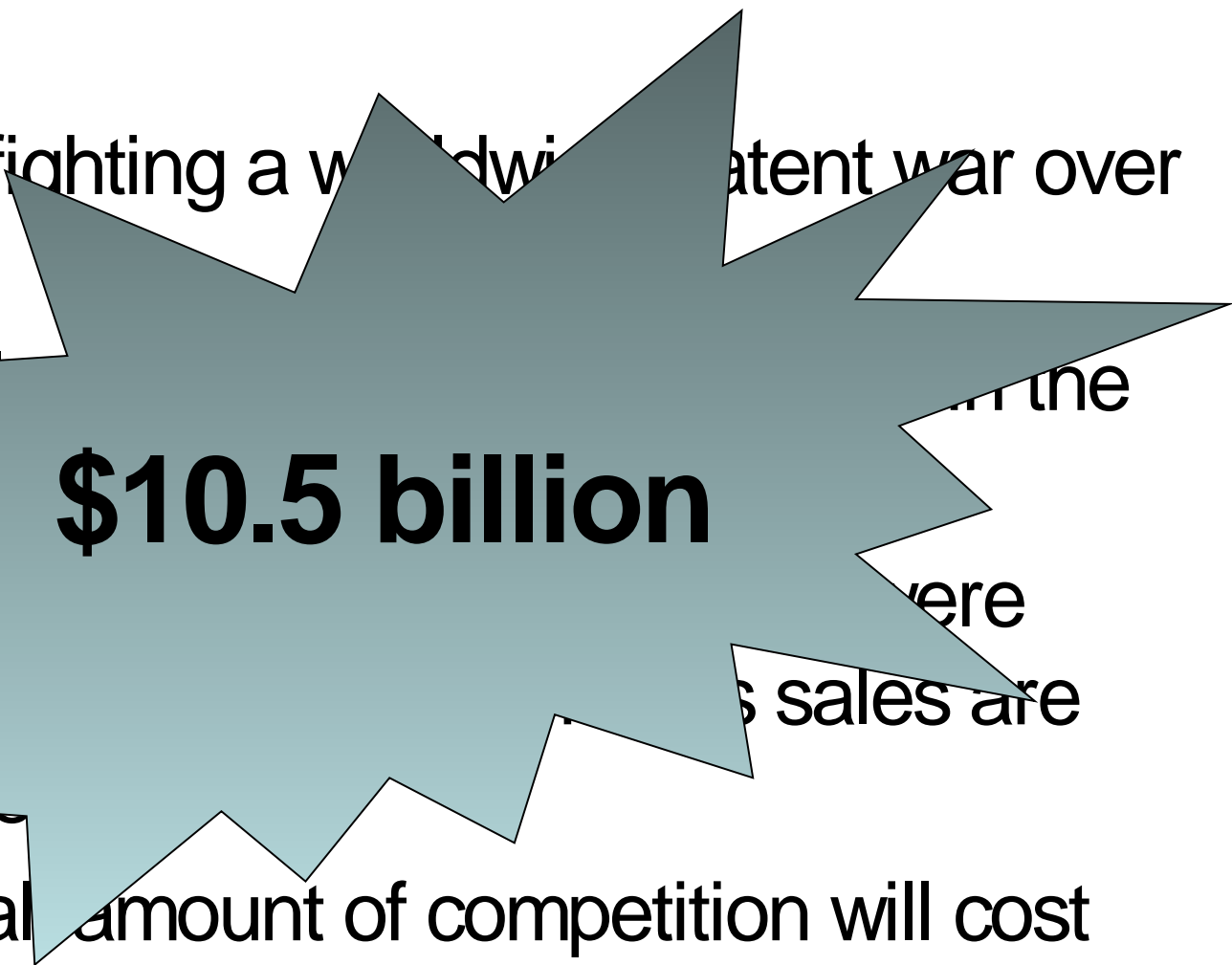
Lipitor® – the world's best selling drug, invented 1980s.

Why patent?

- Pfizer are fighting a worldwide patent war over Lipitor ®.
- They may lose 15 months of patent life in the US. Does this matter?
- Sales of Lipitor® in the US Q3 2006 were \$2.1bn. On this basis, 15 months sales are worth

Why patent?

- Pfizer are fighting a worldwide patent war over Lipitor ®.
- They want to keep their market share in the US. Do you think they should?
- Sales of Lipitor were \$2.1bn. in 2007. Pfizer's sales are worth \$10.5 billion.
- Only a small amount of competition will cost Pfizer a lot of money.



Tru Indigo (Sue Scott)

European Patent Attorney

Chartered Patent Attorney

sue.scott@patentable.co.uk

+ 44 20 7440 8240