

Title:

Patents For Inventors - Your Questions Answered

Word Count:

849

Summary:

Are you confused about what a patent is and whether you should get one?

This is a primer for beginning inventors that answers your most commonly asked questions.

Questions include what is a patent, what is patent pending, what protection does a patent provide?

A must-read for inventors at all experience levels.

Keywords:

patents, inventors, inventions, invent, patent pending, types of patents, design patents, utility patents

Article Body:

Are you confused about what a patent is and whether you should get one? This is a primer for

1) What is a patent?

A patent is a form of "intellectual property" which rewards persons whom invent a new and non-

- a) process or method;
- b) machine;
- c) article of manufacture; or
- d) composition of matter.

In return for completely disclosing the invention including how to practice the invention, a

That legal monopoly is the right for the inventor(s) to exclude other persons and businesses from

- a) making;
 - b) using;
 - c) offering for sale or selling; or
 - d) importing;
- the invention in the United States.

2) What is "patent pending"?

Once a patent application is prepared and filed and prior to issuance of a patent, the inventor

While these have no legal significance and grant the inventor(s) no legal rights, the designation

3) Are there different types of patents?

There are two types of patents that are typically of interest to inventors, "design patents" and

A design patent protects the "aesthetics" or the "appearance" of the invention and is a much more

Therefore, utility patents are desirable over design patents where possible, though an invention

4) How long do patents provide legal protection for the inventor?

The period of time for which the legal monopoly is granted for a utility patent is 20 years from

The period of time for which the legal monopoly is granted for a design patent is 14 years from

5) What are "maintenance fees"?

Utility patents require the payment of maintenance fees 3.5, 7.5, and 11.5 years following issue.

6) Should I keep my invention secret?

The inventor(s) should be careful to maintain their invention secret until the advice of a competent

That is because many foreign countries in which the inventor(s) might decide to seek patent protection

This means that if the invention is "publicly disclosed" (i.e. disclosed to people in a non-confidential

7) What is the "International Treaty", also called the "Paris Convention"?

Many countries are members of the "International Treaty", also called the "Paris Convention".

These countries allow inventor(s) to claim "foreign priority" based on the filing date of the

The United States is a member of the International Convention so as to grant such priority based on

8) Are there time limits in which to file a patent application at the U.S. Patent Office?

The inventor(s) MUST file a United States Patent Application within 1 year (if patent protection is

a) making an offer to sell the invention (even if the offer is not accepted and sometimes even if

b) use of the invention in public (e.g. using the invention at work or in public on the street)

c) or putting the invention in a printed publication which is circulated (e.g. a sales brochure)

These are called "statutory bars" and if the year period expires without filing the United States

Foreign priority (discussed above) or the priority of a provisional patent application (discussed

9) What is a "provisional patent application"?

A provisional patent application can be filed in the United States which provides a disclosure

Priority can be claimed for a utility patent application (but not a design patent application)

The bottom line, timely consult a competent "patent attorney" or "patent agent" to discuss the

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