

Patent information Adding certainty to your technical, legal and business decisions

The basics of patent information

- patent documents are public information
- they disclose how inventions work
- access to the information they contain is free of charge

What is a patent?

A patent is a legal title which protects a technical invention for a limited period. It gives the owner the right to prevent others from exploiting the invention in the countries for which it has been granted. All patents are published, so everyone can benefit from the information they contain. Patent applicants must disclose in detail how their invention functions. There are not many types of literature that describe technologies as precisely as patent documents do.

Patent documents consist of:

- a first page comprising basic information, such as the title of the invention and the name of the inventor
- a detailed description of the invention, indicating how it is constructed, how it is used, and what benefits it brings compared with what already exists
- claims containing a clear and concise definition of what the patent legally protects
- drawings

The basics of patent information

Patent information is vital to a broad range of professions, from technical developers and researchers to legal advisers and business strategy managers.

Patent information is the name given to the technical information you find in patent documents, plus any legal and business-relevant information about them. By looking at patent documents you add certainty to your business decisions.

Four good reasons to use patent information

- find out what already exists and build on it
- keep track of who's doing what
- avoid infringing other people's patent rights
- improve the quality of your patent application

You can use patent information to

-find out what already exists and build on it. If you are faced with a technical problem, there is no better way of finding out what solutions already exist than by looking at patents. The European Patent Office's databases provide free access to more than 60 million patent documents from all over the world.

-keep track of who's doing what. The technical details of research being carried out by your competitors may well appear first in a patent document, long before the product reaches the marketplace. By monitoring patent documents you can keep an eye on your business competitors, or even locate potential partners. You can also use patent information to identify patents that are no longer in force and can be freely used. Moreover, by watching patent publications, you can spot trends in technology or the market at an early stage.

-avoid infringing other people's patent rights Before you put a new product or service on the market, you need to make sure that you will not be infringing someone else's patent. Every patent application is published 18 months after the date on which it was filed, so a search in the EPO's patent databases will give you a pretty accurate picture of which areas are covered by patents.

-improve the quality of your patent applications. When you file an application, your patent office will carry out a search for inventions similar to yours. Doing your own search in patent databases before filing will help you to formulate your patent application more precisely and to avoid unpleasant surprises in the patent office's search report.

Patent information

falls into three categories:

- technical information
- legal information
- business information

Technical information

Anyone involved in research and development activities needs to be aware of patents. Even if you have not yet reached the stage of filing a patent application, the technology described in the EPO's free databases can be very valuable for you. The European Patent Office has been collecting patent documents from around the world for over 30 years. The amount of technical information in our patent documentation collection is phenomenal, with data from 1836 up to the present day. Our databases are probably the largest single source of information on technology in the world today.

Technical information products from the European Patent Office. With data on more than 60 million patent documents from around the globe, the esp@cenet internet service gives you access to one of the world's biggest technology databases. It is easy to use and free of charge and, with over 25 000 users a day, it is the EPO's most popular online product. For more complex searches, the powerful search engine on the ESPACE databases makes the perfect complement to esp@cenet. ESPACE products are also ideal for creating your own in-house patent archive. You do not need to be a software specialist or a search expert to use ESPACE products. The MIMOSA retrieval software is easy to use and its interface comes in ten different languages.

You can access all the technical information products mentioned above on the website: www.epo.org/patents/patent-information

Thomas Lætgaard Development manager "Active Tools" Denmark:

"Active Tools develops and sells pumps for car tyres. The pumps are produced in China. We try to make sure we are aware of developments in our field and one way we do this is to watch out for new patent applications. Each month some five to ten new patent documents appear in our field. Through this regular monitoring we noticed a Chinese patent application in February 2007 from a company that had produced pumps for us a year before. The document covered some technology we had been producing and selling for

the last five years. We are now in the process of contacting the Chinese authorities through a Chinese patent attorney to take the matter further.”

Legal information

Patent information has an important legal dimension. While the contents of the patent document itself tell you exactly what the invention is that is being legally protected, patent information goes further than that: it can show you where in the world a patent has been applied for, if a patent was in fact granted, if there is still time to challenge it, and whether or not the patent is still in force.

Legal information products from the European Patent Office Register Plus is an online service that allows you to track European patent applications through to grant, and gives you access to all the public documents in the file of a European patent application. The European Publication Server is the place to obtain official copies of European patent documents.

Legal status information for patents from 45 different countries is provided via the INPADOC legal status feature, which appears when you retrieve a document from the esp@cenet service.

Literature relating to the European patent system itself – including the European Patent Convention and the database of the decisions of the EPO boards of appeal – can be found on the EPO website. You can also search here for a European patent attorney. All these online services are free of charge.

You can access all the legal information products mentioned above on the website: www.epo.org/patents/patent-information

Guido Moradei Professional patent searcher President of the Italian Association of Patent Documentalists (AIDB)Italy

“In 2005, I was asked by a company to check whether a new product they wanted to launch on the market in Europe would infringe any existing patents.

Searching various databases on the internet, I found four patent documents that might pose problems. Luckily, by checking the legal status information provided by the EPO, I was able to establish that one patent application had been withdrawn, and another had been granted but had lapsed because the renewal fees had not been paid. The third case was a European patent application from a direct competitor. I used the EPO's online service to retrieve a copy of the claims as they were going to be granted, and my client was able to make minor amendments to the product so as to avoid infringement. The fourth document was a Japanese granted patent which actually covered the product, but the family information collected by the EPO showed me that no equivalent foreign patents had been filed. The company was given the green light to start selling their product, but they kept monitoring the patent databases for a period, in case any previously unpublished applications appeared.

Any company can use the publicly available patent databases to get relevant information on the patents in a particular field. Investing in the services of a patent information specialist will help you to avoid expensive conflicts with competitors.”

Business information

You can use patent information to underpin your business decisions. By looking at large sets of patent data as opposed to the detailed information contained in individual patents, you can get a better understanding of the “big picture” to help you take informed decisions. Analysing patents is also a key element of due diligence procedures in any merger or acquisition where technological companies are involved. Putting a value on patents and patent portfolios

Tools available on the market can help you get a feel for the value of patents and patent portfolios. This can be important for:

- Licensing - knowing the value of your patents puts you in a better position to negotiate licensing agreements
- Investment decisions - a detailed analysis of the patents held by a company may be a critical factor for investors in the company, or for obtaining public funding.
- Patent mapping. Awareness of the importance of patent information is growing among board members of companies around Europe. There are a range of commercial products on the market for analysing patent sets and presenting the results visually and in a meaningful way. The IP webguide on our website gives you links to companies offering this kind of products. For example, studying your competitors' patenting behaviour will help you spot technical trends in the markets you operate in.

The IP webguide is available at www.epo.org/topics/ip-webguide

Professor Ulrich Schmoch Fraunhofer Institute for Systems and Innovation Research Germany

"The managers of Evonik, a leading company in special chemistry, carry out regular analyses of their patent portfolio to identify their main fields of technical activity. By comparing their profile with those of their main competitors, they can identify their strengths and weaknesses and assess whether and where to take action. These portfolio analyses also enable them to identify patents which are not directly linked to any relevant business activity, thereby helping the company to save money.

For Evonik's management this strategic use of patent information has become indispensable. I have encountered many small and medium-sized enterprises for whom the intelligent extraction of information about their company and its competitors has proven to be crucial to their success."

No matter where you are, access to patent information is easy

All the patent information services are available via www.epo.org/patents/patent-information

Use the Patent Information Tour, an e-learning tool introducing you to patent information, to help you get started: www.epo.org/wbt/pi-tour

Access to patent information

Speak to the experts Individual customer care is provided by the EPO helpdesks in Vienna and Munich. Please feel free to contact them on Tel.: +49 (0)89 2399 4636 / info@epo.org

If you are looking for a patent information expert near you, the Europe-wide PATLIB network of over 300 patent information centres may well be able to help: www.epo.org/patents/patent-information/patlib

Patent information from East Asia The European Patent Office has experts in the Japanese, Chinese and Korean patent systems who can answer your queries. They can also perform searches on your behalf, and can help with the translation of patent documents.

You can find more information about our East Asian services at www.epo.org/patents/patent-information/east-asian