

Infosheet – Patents

Commercially successful technical inventions are often copied by competitors. A patent can prevent such course of events for a maximum of 20 years. Additionally, a patent can also bring direct profits through licensing or sale.

Patents are generally granted for any inventions in all fields of technology, provided that they are new, involve an inventive step and are susceptible of industrial application.

An invention in a field of technology is a technical teaching that can relate to products such as e.g. machinery, equipment, chemicals and pharmaceuticals, or methods such as e.g. manufacturing methods and working methods.

Novelty is recognized if the invention was not made available to the public in any form prior to the date of the patent application or, to put it plainly, was not known already on that date. Inventive step is recognized if on the filing date a person skilled in the art starting from the existing state of the art would not have arrived at the invention in an obvious way. For recognition of industrial application it is sufficient if the invention can be used in any kind of industry, including agriculture.

A patent application must be first made in order to later obtain a patent. Before filing of application documents the invention must be described and its claims formulated. This formulation will have a decisive influence on the course of the examination proceedings and the future scope of patent protection. The Patent Office examines if the invention meets the patentability requirements based on the filed application documents and, if so, grants a patent.

A number of claims can be asserted against the infringer of a granted patent including injunctive relief, destruction of infringing products, right to information, rendering the accounts and damages. These claims can be asserted either judicially or extra-judicially.

After grant third parties may challenge a patent for not complying with patentability requirements in the course of opposition or revocation proceedings. Accordingly, a granted patent may be retroactively annulled at any time.