



patent plan

patent service

**The minimal cost, personalised service offering patent assistance to inventors and small companies**

Guiding you through the complex process of innovation with practical patent advice based on experience to protect your idea

## Why is a patent needed?

A patent is a monopoly granted to an Inventor to prevent another person copying his or her idea. This monopoly is granted for a number of years in return for the inventor making the workings of an invention known to the public. Filing an application for and eventually being granted a patent for an invention is not a right to make money out of an invention, but only the first step in a challenging path to the successful commercial development of an idea. patent plan seeks to assist in the initial filing of a patent application.

## The procedure for getting patents in the UK and overseas: a brief summary

The procedure for applying for UK and/or overseas patents is a long and complicated one. The following is not an exhaustive guide for obtaining a patent, but in our experience is usually the most practical plan for Inventors and Small Companies.

### Step 1

A description, with any drawing(s) necessary, is lodged at the UK IPO (formerly The Patent Office) with an appropriate form (the description is best drafted by someone with experience). The UK IPO gives you a patent application number and a date of filing. The date these documents are lodged is the date of the Patent Application, often referred to as the "Priority Date". These documents sit at the UK IPO for a period of twelve months - they are secret at this stage and no person is allowed to look at their content.

N.B. You should not disclose your invention to any persons until you have filed your Patent Application as this may invalidate it. However, once your Patent Application has been filed, you are protected for what has been disclosed therein and can then talk about it to anyone or to any companies, and indeed license or market it at this stage.

### Step 2

To continue with your Patent Application in the UK, before the end of a twelve month period from the date of filing your patent, you must ask the UK IPO to carry out a search by filing a form, a fee, and further documents ("claims" and "abstract"). A search is done to see if anything has been published before of a similar nature. About 6 months later (18 months from the original filing date), the results of the search are published with your patent description. This is the first time your Patent Application is open for the public to read.

(It is also possible to apply for the search to be done at the outset when filing the Patent Application at Step 1 and in some cases this may be advantageous if one requires an early indication of the breadth of protection, if any, one is likely to get.)

### Step 3

Within 6 months of publication, you must file a request for examination, and a further fee. During this stage, inter alia, it may be necessary to argue that your invention is new and involves an inventive step over any prior published documents found in the search. Providing you are successful in this, and subject to various other aspects of the Patents Act, you get your Patent.

### Step 4 Overseas Patents

Most countries in the world are party to an international agreement whereby any Patent Applications filed in foreign countries can "claim priority" from your UK Patent Application (i.e. effectively be back dated to the date you originally filed your UK Patent Application), provided each is filed within 12 months of the UK application date. Each foreign country has its own patent law, but often you have to go through a similar process as Steps 2 & 3 in each country.

It is also possible to file a single, so-called European Patent Application covering much of Europe. Furthermore one can also file a so-called International Patent Application covering many countries including USA, Japan, much of Europe, Russia, Canada and Australia. Again with both of these, you often have to go through a similar process as Steps 2 & 3.

*The cost of Steps 2, 3 and especially Step 4, is expensive and can be relatively complicated.*

## A practical plan of action

There is normally little point in getting a patent unless one is going to make some money out of one's invention. Information from the UK IPO indicates that of the large number Patent Applications filed each year by inventors and small companies, only a relatively small number of these proceed to Steps 2, 3 or 4, largely because of lack of commercial promise.

For many inventors and small companies therefore, the most practical approach is to file a patent application in the UK (i.e. perform Step 1), and then spend the first twelve months trying to assess the commercial prospects for the invention. If at the end of twelve months it is considered that the invention is going to have no commercial value, then it may be best to cut one's losses at this point to prevent further costs being incurred and abandon the patent application. If, however, the commercial prospects are good, then consideration should be given to continuing with the UK Patent Application and/or the filing of foreign Patent Applications i.e. proceed with Steps 2, 3, & 4.

## The service patent plan offers

patent plan prepares descriptions and (when not supplied) drawing(s) for Inventors or Small Companies to file as their initial patent application and protect themselves for the first 12 month period - usually the time when costs are required to be kept as low as possible. i.e. We help you with Step 1.

Your first move is to telephone us for a free and personal discussion about your idea and your objectives for commercialising it. If matters are to proceed, we will then put you in touch with one of our specialist Patent Drafters who will discuss your invention with you, either at a meeting or on the telephone. A fixed fee will be agreed with you which we ask you to pay in advance (usually between £500 - £800). We will normally prepare the description and any drawings within 14 days and return it to you with the required official form. You simply sign the form and then forward it to the UK IPO with the appropriate fee, and the description and any drawings in duplicate. The UK IPO will normally send you your filing number and date within 14 days. Your invention can then be designated "patent pending".

**All information submitted to patent plan, either verbally or in writing, will be reviewed on a strictly confidential basis.**

Lodging at the outset a document, as supplied by patent plan, fully complying with the formal requirements of the UK IPO can also significantly reduce costs if it is decided to carry on to Steps 2,3, or 4. In addition to drafting a document acceptable for filing at the UK IPO, we also realise that this same document may also be used as a "marketing tool" to promote your invention. We endeavour to make the document easily readable and to enhance the commercial merits of the invention.

We can also point you in the right direction as far as planning exploitation of your invention, including licensing or selling your idea to a company, raising finance and marketing.

We are not a firm of Patent Agents (although many of our drafters are Qualified Patent Agents) simply because we do not become your "agent". This enables us to keep costs to a minimum to assist with Step 1. If at the end of twelve months it is decided to pursue any of steps 2 to 4 mentioned above, we can also provide this service at competitive rates through the Patent Agency practice of one of our drafters. In addition to helping with UK patents and Overseas Patents (including in particular USA, Europe and Japan), we can also help with Copyright, Registered Designs and Trade Marks, and Licence Agreements.

## Who uses patent plan?

The service is designed for small companies, Universities and private inventors who generally have limited funds and who are unsure of the commercial value of their idea. Apart from personal recommendations, clients are referred to us from a number of sources including DTI Businesslink, Enterprise Agents, Innovation Centres, Universities, and larger firms of Patent Agents.

## The Team



Kit Grundy

patent plan was founded by Kit Grundy in 1993. Kit spent seven years working for a leading London firm of Patent Agents and European Patent Attorneys. He then founded a unique service in 1982 to help inventors and small companies license their ideas to industry in the UK and overseas. He is Managing Director of Patent Plan including PEDC (*see below*). His interest in promoting UK innovation has led him to start these services.

Our ability to reduce costs is largely because we do not have large premises and staff to support. Our Patent Drafters are all experienced in preparing patent applications. Some are Patent Agents currently in private practice or Patent Agents or persons who have worked in firms of Patent Agents, and others have experience working in patent departments of companies. Many of our Patent Drafters work from home on a freelance basis, and hence work at reduced hourly rates. All share an interest in supporting UK innovation.

Certain drafters have specialist knowledge of various technical areas and we can thus handle mechanical, electrical, electronic and chemical inventions. We have assisted clients with inventions in the following fields:

DIY, Gardening, Catering, Toys & Games, Packaging, Automotive, Communications,  
Construction, Marine, Agriculture, Computing, Medical and Security.

See also 'Case Histories' on our website

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## Our Prototype Service

The value of an invention is dramatically enhanced if it has been developed to a stage which can be seen to be manufacturable and, more importantly, works. The engineering skill and effort in taking a simple product idea on paper to a working product is vastly underestimated. Often the strength of the invention lies in this process and not in the product idea itself.

Our Prototype Service helps develop prototypes, and also helps design new products and produce engineering drawings at modest cost. We can design in metal, plastics and wood, and can produce electronic circuits and software.

Contact us for a brochure on our Prototype Service at the address below.

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