
Use of Patent Information in Research

IP TRAINING ; UNIVERSITY OF NAIROBI

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Patent System

- Objective
 - “ promote technological and economic development by encouraging innovation
 - “ Designed to promote the dissemination of new technologies by publishing full details of new invention
- Mechanism
 - “ patent rights for inventions
- Balance
 - “ between patentees rights (protected inventions) and the public interest (public domain)

What is Patent?

“ A legal title granting an inventor the right to exclude others from making, using or selling the claimed invention.

Nature of Patents

- A grant by the State (to an inventor)
- Of exclusive rights
- Of limited duration
- Over specified subject matter (invention)
- Constituting a particular type of advance
- **In return for disclosure of the advance to the public**

Nature of Patents Contq

Two functions

- legal aspect-Protection of rights (Monopoly)
- Technical aspect – Information
 - A patent describes an invention for which the inventor claims exclusive right.
 - Invention is “a solution to a specific problem in the field of technology.” s21

Limitation to the rights

- “ Term of protection - 20 years. S60
- “ Annual fees. s61.
- “ Rights extend to **commercial exploitation** only and not to acts done for scientific research. S58.
- “ Prior user not affected by patent. s56
- “ patent granted for a specific territory (country).

Inventions

Inventions

- “ rarely the result of an accidental or an instantaneous stroke of genius.
- “ usually the result of methodical research

Contents of Patent documents

- “ Patent documents worldwide have a fairly uniform presentation, with respect to their layout.
- “ This facilitates comprehension of the documents.

Contents of Patent documents Cont'

- “ Patent number.
- “ Filing & publication dates.
- “ Title of the invention.
- “ Name and address of the applicant and the inventor.

Contents of Patent documents Cont'

“ Abstract.

- . The abstract is a concise summary of the technical content of the patent document.
- . It enables the reader, to quickly assess the essence of the subject matter of the invention

Contents of Patent documents Cont'

“ Description of the invention

- . Background to the invention (prior art)
- . Definition of the invention
- . Detailed description of invention and drawings
- . Mode of operation of the invention, with examples
- . Drawings (where necessary).

Contents of Patent documents Cont'

Claims.

- “ give the essence of what is new.
- “ define the matter for which protection is sought

Value of Patent documents

- “ Each year around 2.0million patent documents are published in the world.
- “ describing around 500,000 new inventions.
- “ 60 million patent documents published to-date.
- “ 71% content never available from other sources.

Value of Patent documents

on average

- 2 years in advance of articles in technical journals.
- 5 to 10 years ahead of books.
- records most recent advances in a technical field.
- provide a historical overview of evolution of that field.

Value of Patent documents

Many significant inventions have been disclosed in patents well before they were made available through other sorts of publications:

| | Patent | other forms |
|---------------|---------------|--------------------|
| Punched cards | 1889 | 1914 |
| Television | 1923 | 1928 |
| Jet engine | 1936 | 1946 |

Benefits of using Patent information

- “ Access to Technology
- “ Licensing Rights
- “ Freedom to Operate
- “ Competitors watch
- “ Technology Trends
- “ Solving technical problems
- “ Developing new products/process

Available patent information

- “ All granted patents of any country
 - . Assessable in internet
 - . Not assessable in internet
 - . Electronic/non-electronic database
- “ All published patent application

Need Licensing Rights for;

- “ Patents
- “ Know- how
- “ Trademark
- “ Copyright (Software, marketing materials, manuals)
- “ Industrial Designs

Freedom to Operate

- “ i.e. to manufacture, market
- “ Ask the question;
 - . ±will I be infringing if I manufacture the product or market the product or use the process to make a product?

Freedom to Operate contq

- “ Analyze the IP Right of proposed product or process
- “ Find out if IP Right are protected in country of manufacture or market (country of your interest)
- “ Analyze patent/design documents which rights are still subsisting and compare against intended product or process

Freedom to Operate contq

- “ If no infringement - is free to operate
- “ If infringement - Abandon the process or negotiate for licence

Competitor watch

- “ Patent search;
 - . Gives information on technology development, R&D activities of competitor
 - . Who are the inventors

Technology Trends

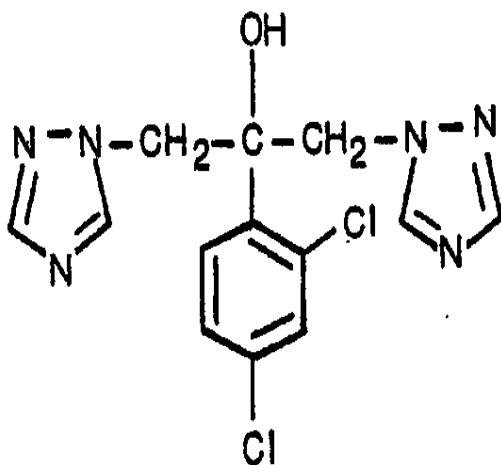
- “ Global trends
- “ Specific technology areas
 - . Growth/decline
 - . Players in the specific field of technology
- “ Collaboration with players

Solving technical problem

- “ Search for technology
 - . Identical
 - . Related field
- “ Adapt technology
- “ Do not ~~re~~reinvent the wheel+

Example 1

Molecule structure

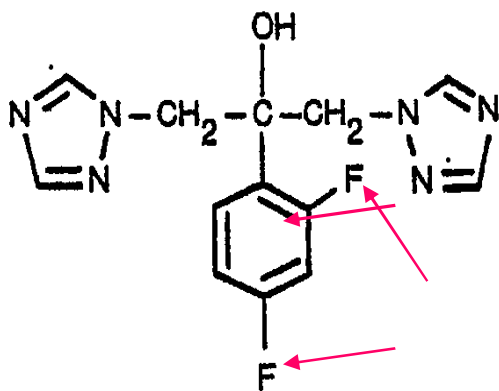


ICI

- " Filed 2/6/1980.
- " Disclosed by EP 44605.
- " Fungicide, plant growth regulator, fungal diseases in humans

Example 1

structure



1998 & 1999 world-wide sales
of US\$ 1B (Ksh 72B)

Pfizer

- “ ICI invention had side effects.
- “ Filed 22/4/1982.
- “ EP 69442 (KE P3771).
- “ Anti-fungal in animals , including humans.

FLUCONAZOLE

Example 2

Azithromycin: best-selling antibiotic

- “ Patented by Pliva in 1980 (US 4474768).
- “ Pfizer's scientists found Pliva's patent in 1981 while searching through patent documents.

Example 2 Cont'

- “ patent licensed to Pfizer, marketed as Zithromaxi .
- “ 75 percent of profit for Pliva in 1999 from Azithromycin.
- “ Expansion in other countries.
- “ Sales of Zithromaxi exceed US\$1 billion per year

exercise

” Search for: %smokeless charcoal stove+

conclusion

Patent documents

- . are considered as one of the richest sources of scientific and technological information.

With the **use of patent information**, it is possible to:

- . Avoid expensive duplication of research.
- . Start research from a higher or new level of knowledge.
- . Confront a new problem with an old solution to generate new ideas.

websites

- “ www.wipo.int
- “ www.uspto.gov
- “ www.ipaustralia.gov.au
- “ Espacenet (<http://www.epo.org>)
- “ Google patents
(<https://patents.google.com>)

THANK YOU