



Europäisches Patentamt
European Patent Office
Office européen des brevets

The European patent system



Presenter: Dominique Winne Examiner (ICT) 7 November 2017

Contents

§ EPC

§ PCT

§ Granting procedure at the European Patent Office

Optional

The patent system yesterday and today

§ Senate of Venice, 1474

"Any person in this city who makes any new and ingenious contrivance, **not made heretofore in our dominion**, shall, as soon as it is perfected so that it can be used and exercised, give notice of the same to our State Judicial Office, it being **forbidden up to 10 years** for any other person in any territory of ours to make a contrivance in the form and resemblance thereof".



Today:

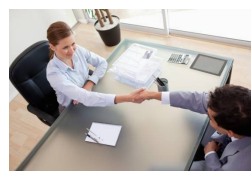
- New to the world
- Up to 20 years of protection
- Publication
- Incentive to innovate and to share knowledge

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The role of the patent system

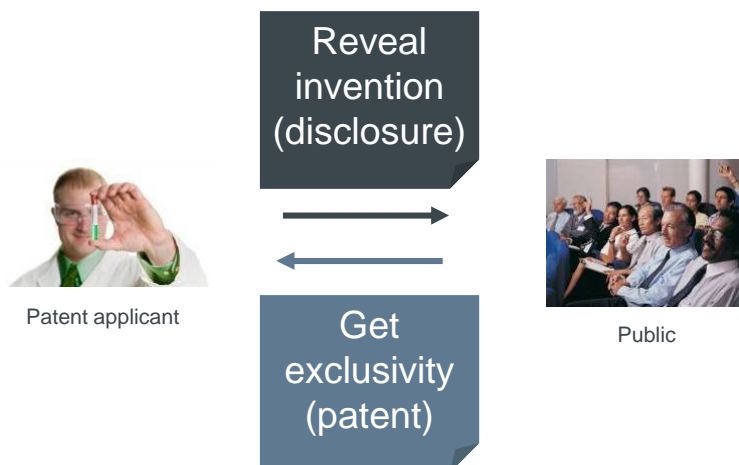
- § To encourage technological innovation
- § To promote competition and investment
- § To provide information on the latest technical developments
- § To promote technology transfer



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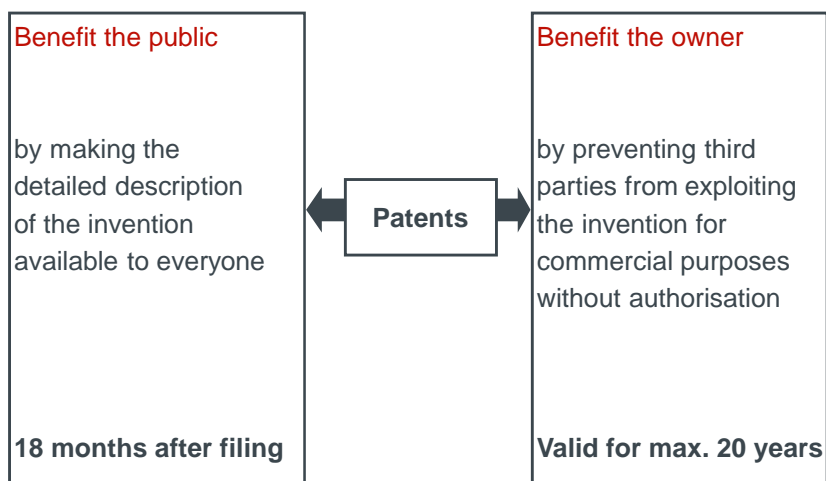
Patents as a social contract



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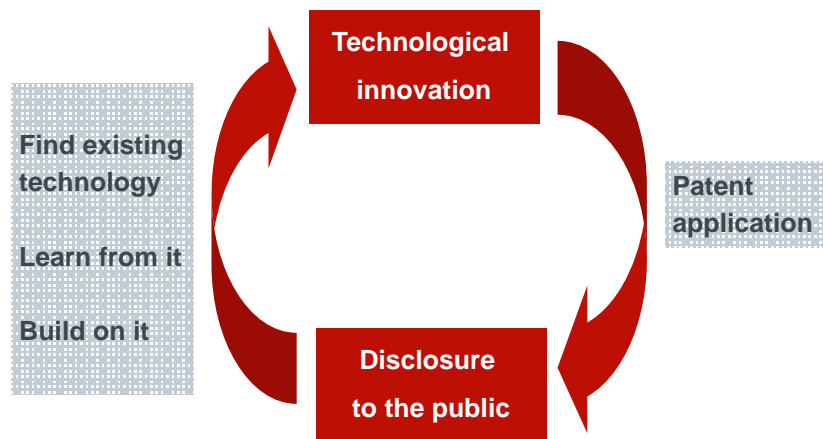
The basic principle of the patent system



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A fair system driving knowledge transfer and innovation



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What is a patent?

§ Does a patent give you the right to exploit an invention?

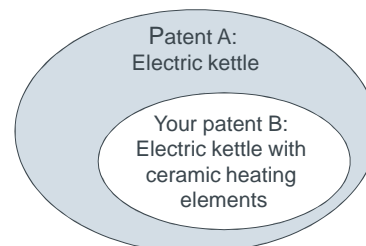
- NO!

§ A patent is a negative right.

It gives you the right to prevent others from exploiting the invention.
It is not an enabling right.

§ Patents owned by others may overlap or encompass your own patent.
-> Seek a licence before commercialising

For example:



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Patentability

Patents are granted for inventions in all fields of technology



To be patentable, inventions must

§ be **new**

§ involve an **inventive step**

§ be **industrially applicable**

They must relate to a product, process, apparatus or use.

Excluded from patentability under the EPC¹⁾

- § Discoveries
- § Scientific theories
- § Mathematical methods
- § Computer programs
- § Aesthetic creations
- § Business methods
- § Methods for playing games
- § Methods for performing mental acts
- § Presentations of information



If claimed
"as such"



¹⁾ See Article 52 EPC and the case law of the boards of appeal.

Exceptions to patentability as defined by the EPC¹⁾

§ Plant or animal varieties



§ Inventions whose commercial exploitation would be **contrary to "ordre public" or morality** (e.g. processes for cloning of human beings)

§ **Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods**

¹⁾ See Article 53 and Rule 28 EPC.

Patents and other IP rights

Legal right	What for?	How?
Patents	New inventions	Application and examination
Copyright	Original creative or artistic forms (literary texts, music)	Exists automatically
Trade marks	Distinctive identification of products and services	Use and/or registration
Registered designs	External appearance	Registration
Trade secrets	Valuable information not known to the public	Reasonable efforts to keep secret



One product = multiple patents and other IP rights



1 500 to 2 000
patents

Data-processing methods,
semiconductor circuits,
chemical compounds, etc.

+

Registered
design

Shape of phone

Registered trade
marks

Brand name, start-up tone

Copyright

Software, ringtones and
images

Contents

§ EPC

§ PCT

§ Granting procedure at the European Patent Office

Patents – territorial rights

§ A patent provides protection in the country where it was granted

- One application to be filed in every country where protection is sought



MANY DIFFERENT PATENT SYSTEMS!
MANY DIFFERENT LANGUAGES!

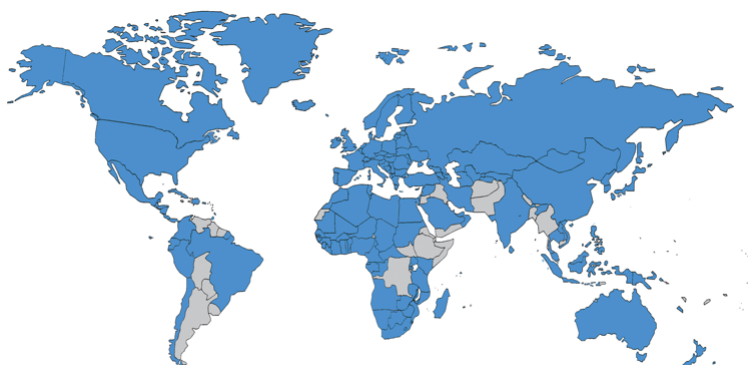
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Patent Cooperation Treaty (PCT)

Offers an (almost) worldwide centralised procedure to obtain an **international preliminary examination report (IPER)**

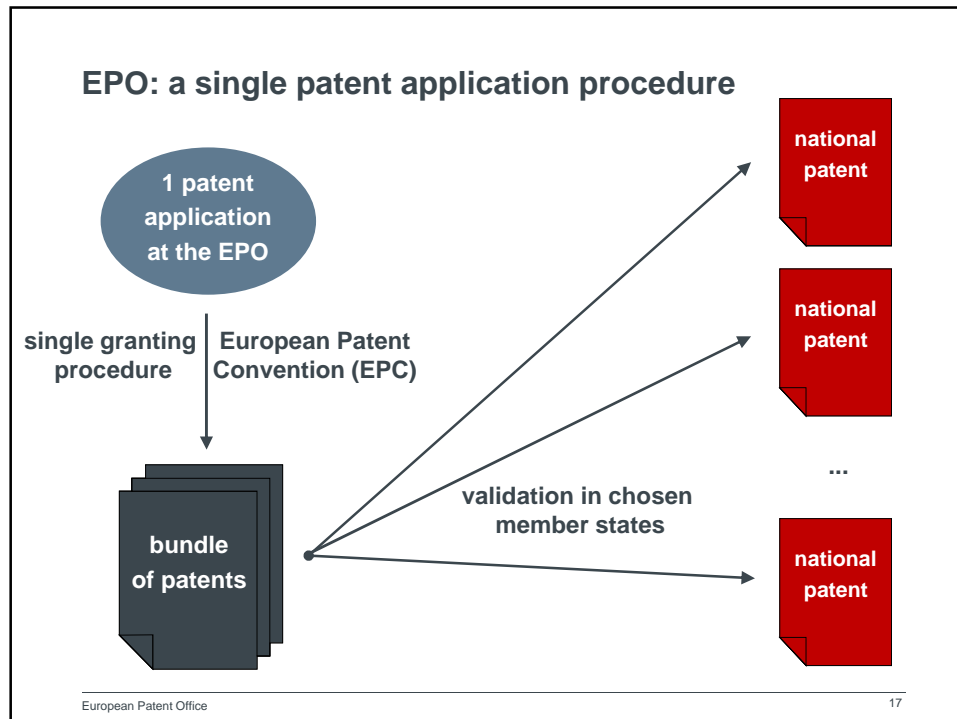
- IPER is the basis for a national/regional application



[source: WIPO]

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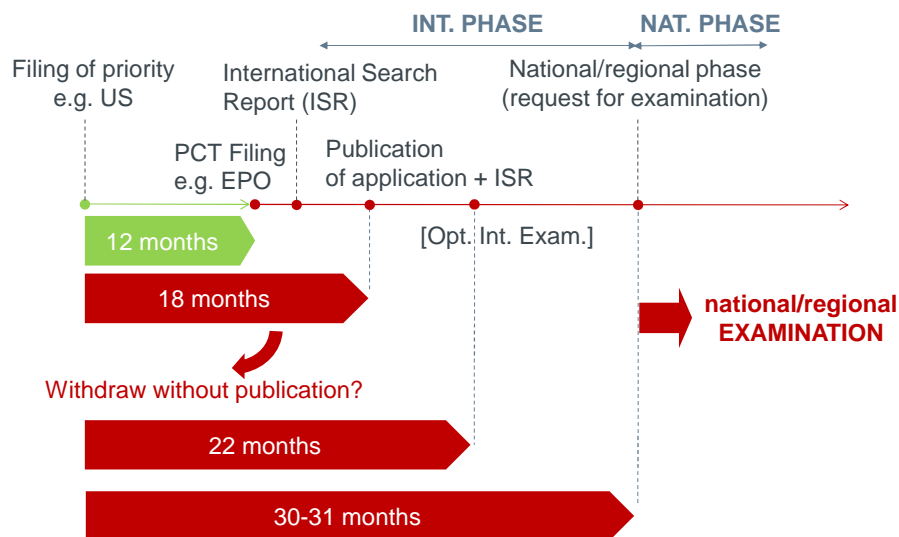
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Patent Cooperation Treaty (PCT)

- § International treaty which provides a unified procedure for more than 140 countries
- § Search/examination is carried out by national/regional offices acting as **International Search/Examination Authority (ISA/IPEA)**
- § Result of the procedure is not a patent, but an **International Preliminary Examination Report (IPER)**
- § IPER is the starting point for a further national/regional application

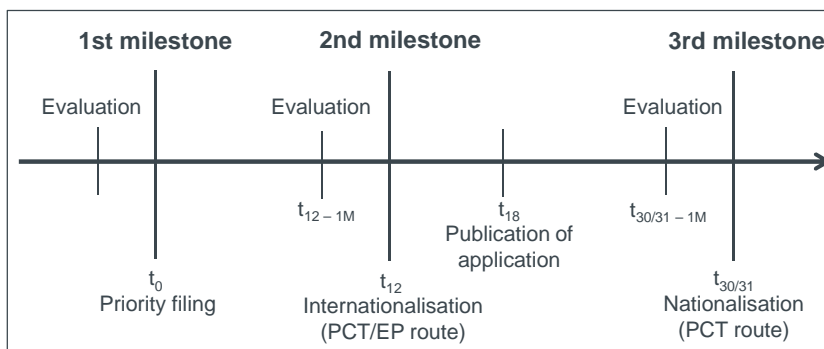
PCT application procedure



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IP evaluation process



t_0 Patent priority filing: start of priority year

t_{12} Deadline for internationalisation: 12 months after t_0

$t_{30/31}$ Deadline for nationalisation: 30/31 months after t_0 (PCT route)

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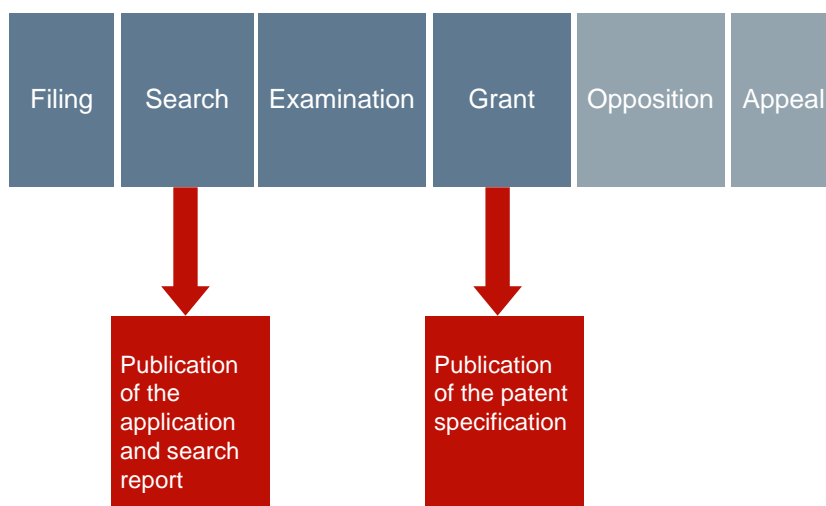
Contents

§ EPC

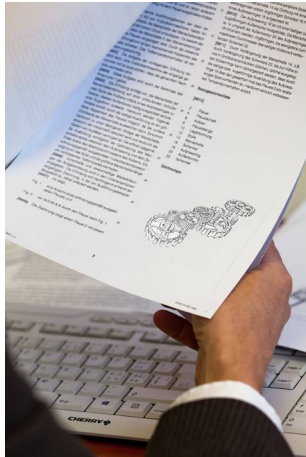
§ PCT

§ Granting procedure at the European Patent Office

Basic steps in the European grant procedure



Filing



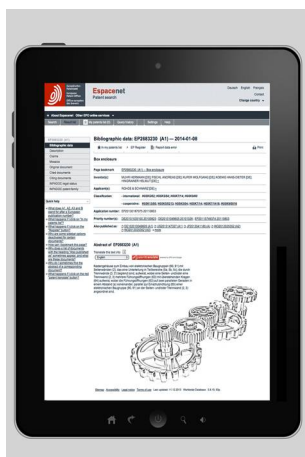
- § The applicant prepares a **description** of the invention, one or more **claims** and (optional) **drawings**.
- § The application is filed **online**, by **fax** or by **post**.
- § The patent office checks the documentation for compliance.
- § A **date of filing** is allocated.

Search



- § Examiners search for the state of the art at the date of filing.
- § They search in databases containing **millions of patent and non-patent documents**.
- § They use the results of the search to determine whether an invention is **new** and **involves an inventive step**.
- § They then issue a **search report** and a **preliminary opinion on patentability**.

Publication



§ Patent applications are published on Espacenet, **18 months after the date of filing** (or earliest priority date).

§ The **search report** is also published.

§ Third parties can **submit observations** at any time prior to grant.

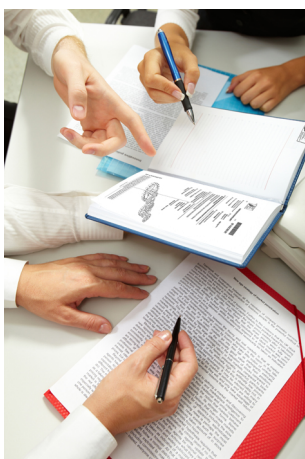


Over 90 million patent documents accessible to the public on epo.org/espacenet

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Examination



§ Applications are examined by a panel of **three expert examiners**.

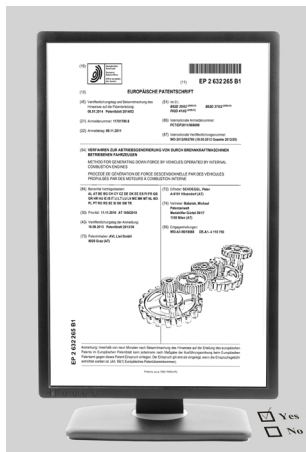
§ The examiners check that the scope of protection is limited to **what is actually patentable**.

§ They take into account the search report and the **requirements for patentability** of the EPC.

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Outcome



§ If the requirements of the EPC are met, the patent is granted.

§ If not, the application is refused (with the possibility of appeal).

§ All granted European patents are published.



For information on the legal status of applications go to epo.org/register

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Opposition



§ Any person may **oppose a European patent** within nine months of its publication.

§ In **70% of opposition decisions**, the **patent is upheld** either as granted or in amended form.

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Appeal

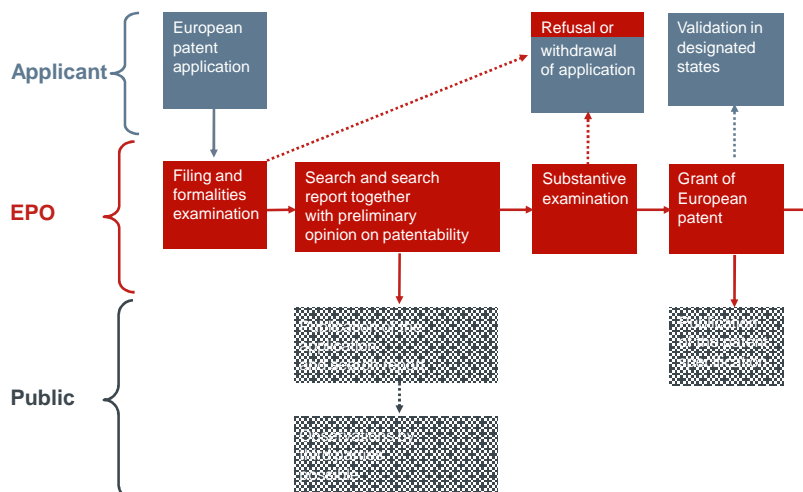


§ Appeals against decisions taken during grant and opposition proceedings are decided on by the EPO's independent boards of appeal.

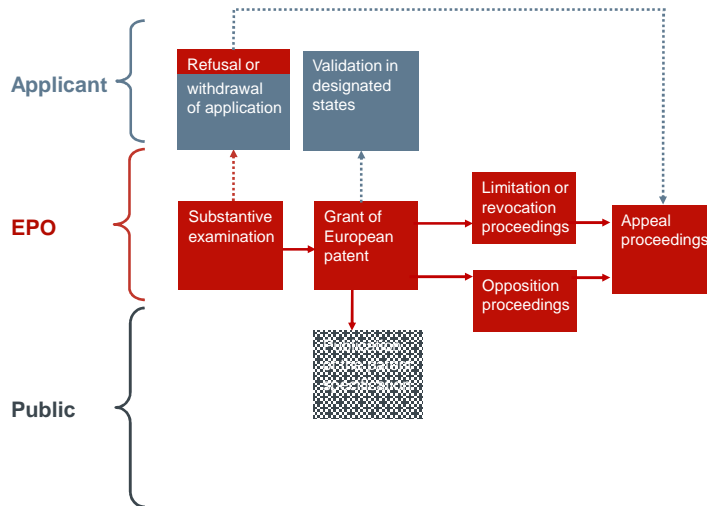
§ They can be filed **within two months** after the date of notification of the decision.

§ The **grounds for appeal** must be provided **within four months** of that date.

The European grant procedure in more detail (1)



The European grant procedure in more detail (2)



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Parts of a patent - example

Title →
Inventor →
Proprietor →
Date of filing →

Abstract

United States Patent [19]
Jackson et al.

[11] Patent Number: 5,255,452

[45] Date of Patent: Oct. 26, 1993

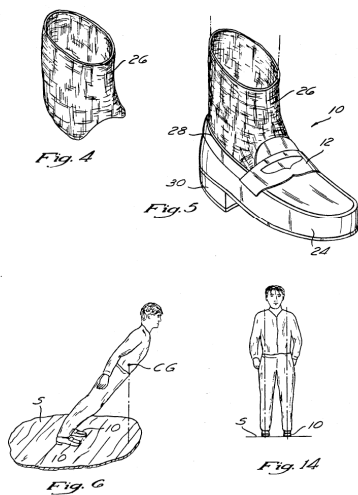
[54] METHOD AND MEANS FOR CREATING ANTI-GRAVITY ILLUSIONS.
[55] Inventors: Michael J. Jackson, Los Angeles; Michael L. Bush, Dennis Tompkins, both of Hollywood, Calif.
[73] Assignee: Triumph International, Inc., Los Angeles, Calif.
[21] Appl. No.: 905,479

[23] Filed: Jun. 29, 1992
[21] Int. Cl.: A43B 5/00; A43B 3/00
[52] U.S. Cl.: 36/113; 36/11
[56] Field of Search: 36/113; 36/112; 36/114; 36/115; 36/116; 36/117; 36/118; 36/119; 36/120; 36/121; 36/122; 36/123; 36/124; 36/125; 36/126; 36/127; 36/128; 36/129; 36/130; 36/131; 36/132; 36/133; 36/134; 36/135; 36/136; 36/137; 36/138; 36/139; 36/140; 36/141; 36/142; 36/143; 36/144; 36/145; 36/146; 36/147; 36/148; 36/149; 36/150; 36/151; 36/152; 36/153; 36/154; 36/155; 36/156; 36/157; 36/158; 36/159; 36/160; 36/161; 36/162; 36/163; 36/164; 36/165; 36/166; 36/167; 36/168; 36/169; 36/170; 36/171; 36/172; 36/173; 36/174; 36/175; 36/176; 36/177; 36/178; 36/179; 36/180; 36/181; 36/182; 36/183; 36/184; 36/185; 36/186; 36/187; 36/188; 36/189; 36/190; 36/191; 36/192; 36/193; 36/194; 36/195; 36/196; 36/197; 36/198; 36/199; 36/200; 36/201; 36/202; 36/203; 36/204; 36/205; 36/206; 36/207; 36/208; 36/209; 36/210; 36/211; 36/212; 36/213; 36/214; 36/215; 36/216; 36/217; 36/218; 36/219; 36/220; 36/221; 36/222; 36/223; 36/224; 36/225; 36/226; 36/227; 36/228; 36/229; 36/230; 36/231; 36/232; 36/233; 36/234; 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Parts of a patent - example

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DRAWINGS



Parts of a patent - example

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1
METHOD AND MEANS FOR CREATING ANTI-GRAVITY ILLUSION

2
 The invention provides a new design for shoes which will allow his or her performing artist, by engaging the shoes onto an upstanding post positioned to project upwardly from a stage at a predetermined time, to lean forwardly to put his or her center of gravity beyond the front or rear of his shoes, thereby creating the desired gravity defying interesting visual effect.

3
 The invention provides a system for engaging footwear with a hitch or post means, comprising:

4
 shoes having a first engagement means; and

5
 a second engagement means being movably protrudable through a stable surface (usually a stage platform) between a first stable protruding position raised above the stable surface and a second retracted position lowered below, or flush with, the stable surface. The first engagement means is engageable with the said second engagement means when said second engagement means is in the first stable protruding position. The second retracted position is preferably flush with the stable surface so as not to impede the performer in any way in his movements and dance before and after the hitch or post is exposed in the first protruding position.

6
BRIEF DESCRIPTION OF THE DRAWINGS

7
 The invention is described below in greater detail with reference to the drawing:

8
 FIG. 1 is a front perspective view of specialized footwear, viz. a shoe of the invention with its fastening straps opened;

9
 FIG. 2 is a front perspective view of the shoe of FIG. 1, shown with its fastening straps closed;

10
 FIG. 3 is a rear perspective view of the shoe of FIG. 1 with its straps closed;

11
 FIG. 4 is a perspective front view of a sock covering section;

12
 FIG. 5 is a perspective front view of the shoe with the sock covering section of FIG. 4 in place;

13
 FIG. 6 is a side perspective view of a dancer wearing the shoes, shown leaning forward beyond his center of gravity;

14
 FIG. 7 is a bottom perspective view of the heel of the shoe;

15
 FIG. 8 is an exploded bottom view of the heel of the shoe;

16
 FIG. 9 is a partial front cross-sectional view of the heel of the shoe and the hitch, taken along lines 9-9 of FIG. 7;

17
 FIG. 10 is a transverse sectional view along lines 10-10 of FIG. 9;

18
 FIG. 11 is a perspective view, in partial cross-section of the hitches or posts attached to a plate, shown in alignment with holes in a stage surface;

19
 FIG. 12 is a perspective view of the hitch carrying plate of FIG. 11 and a stage engagement mechanism to secure the plate against the underside of the stage surface;

20
 FIG. 13 is a perspective view of a hitch carrying plate with three pairs of hitches or posts affixed thereto; and

21
 FIG. 14 is a front elevational view of a performing artist wearing the shoes of this invention, showing the optimum spacing of the pair of hitches relative to the shoulders of the performing artist.

22
DESCRIPTION OF THE PREFERRED EMBODIMENT

23
 Referring now to the drawings, there is illustrated, in FIG. 1, a front perspective view of the shoe 10 illustrated.

DESCRIPTION

Summary of prior art →

Problem solved →

At least a way to solve it

Parts of a patent - example

CLAIMS

Independent claim →

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Referring to FIG. 14, it has been found that the pair of latches 34 should ideally be spaced between the shoulder blades of a dancer, a width of approximately 14-20" apart. Such a spacing provides maximum stability during the leaning.

The drawings and the foregoing description are not intended to represent the only form of the invention in regard to the details of this construction and manner of operation. In fact, it will be evident to one skilled in the art that modifications and variations may be made without departing from the spirit and scope of the invention. Although specific terms have been employed, they are intended in a generic and descriptive sense only and not for the purpose of limitation, the scope of the invention being delineated in the following claims:

1. A system for engaging shoes with a hitch means to permit a person standing on a stage surface to lean forwardly beyond his or her center of gravity, comprising at least one shoe having a heel with a first engagement means, said first engagement means comprising a recess formed in a heel of said shoe covered with a heel slot plate having a slot formed therein with a relatively wide opening at a leading edge of said heel and a narrower terminal end rearward of said leading edge, said recess being larger in size above said terminal end of said slot than in said terminal end of said slot; and a second engagement means, detachably engagable with said first engagement means, comprising a hitch member having an enlarged head portion connected by a narrower shank portion to a means for raising and lowering said head of said hitch member above and substantially level with or below said stage surface, said head portion being larger in size than said terminal end of said slot and said shank portion being narrower than said terminal end of said slot, wherein said hitch member can be moved through apertures in said stage surface between a projecting position raised above said stage surface and a retracted position at or below the stage surface, and when said head portion of said hitch member is raised above said stage surface, said first engagement means can be detachably engaged with said projecting hitch member, thereby allowing a person wearing the shoes to lean forwardly with his or her normal center of gravity beyond a front region of said shoes, and maintain said forward lean.

2. The system of claim 1, wherein said slot in said heel slot plate is V-shaped, with the mouth of the V at the leading edge of said heel.

3. The system of 1, wherein said shoe has strapping means to secure the shoe to the wearer's feet.

4. The system of claim 1, wherein said shoe has lace means to secure the shoe to the wearer's feet.

5. The system of claim 1, wherein said shoe has extension means overlying the wearer's ankle, and is provided with covering means to conceal the said extension means of said shoe.

6. The system of claim 5, wherein said covering means comprises a sock-like covering.

7. A system for engaging shoes with a hitch means to permit a person standing on a stage surface to lean forwardly beyond his or her center of gravity in a stable manner, comprising:

at least one shoe having a heel with a first engagement means, said first engagement means comprising a recess having a relatively wide opening at a leading edge of said heel and a narrower terminal end rearward of said leading edge; and a second engagement means, detachably engagable with said first engagement means, comprising a hitch member having an enlarged head portion, connected to a means for raising and lowering said hitch member above and substantially level with or below said stage surface, wherein said hitch member can be moved through apertures in said stage surface between a projecting position raised above said stage surface and a retracted position at or below the stage surface, and when said hitch member is raised above said stage surface, said first engagement means is detachably engagable with said projecting hitch member, thereby allowing a person wearing the shoes to lean forwardly with his or her normal center of gravity beyond a front region of said shoes, and maintain said forward lean.

8. The system of claim 7, wherein said recess is covered with a heel slot plate located at a bottom region of said heel, said heel slot plate having a slot formed therein.

9. The system of claim 8, wherein said slot in said heel slot plate is V-shaped, with the mouth of the V at the leading edge of said heel.

10. The system of claim 7, wherein said shoe has strapping means to secure the shoe to the wearer's feet.

11. The system of claim 7, wherein said shoe has lace means to secure the shoe to the wearer's feet.

12. The system of claim 7, wherein said shoe has extension means overlying the wearer's ankle, and is provided with covering means to conceal the said extension means of said shoe.

13. The system of claim 12, wherein said covering means comprises a sock-like covering.

European Patent Office

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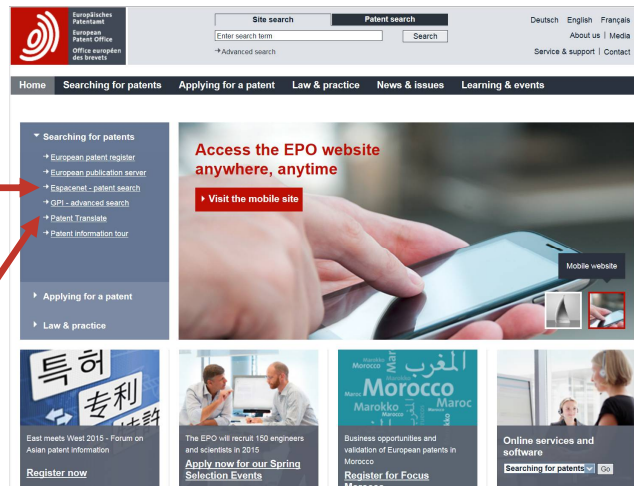
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Thank you for your attention!