

To obtain a patent in the United Kingdom, usually the first step is to file a basic application. This simply comprises a description of the invention (which should be set out in a special way) and, if appropriate, drawings illustrating a specific form of the invention. The filing of such an application establishes a 'priority date'.

A patent application must be filed before there is any public disclosure of the invention except in very limited circumstances.

No further steps need to be taken until the first anniversary of the priority date. This gives the applicant up to a year in which the market for the invention can be tested, or a licensee can be sought to exploit the invention, before any further costs need be incurred.

If, during this year, any significant changes are made to the invention or any significant further developments are produced, consideration should be given to filing a further patent application describing these changes or developments. The applications can then be combined at the next stage.

If the applicant wishes to proceed with the UK application, it is necessary to file additional documents within one year of the priority date. If the applicant wishes to include details of any changes or developments, a new application has to be filed instead. By claiming the benefit of the priority date, this new application can be effectively backdated to the date of filing of the original application (and any further application which has been filed).

The Patent Office then conducts a search, usually in earlier patent specifications, and issues a report listing any documents that are likely to be relevant to the novelty and patentability of the invention. The applicant may then study the search results and decide whether or not it is worth carrying on with the application and incurring further costs.

The application is published 18 months after the priority date. Not until then are the contents of the application made available to the public.

Within six months of publication of the application, the applicant may file a request for substantive examination. A Patent Office examiner then considers the patentability of the invention in the light of the disclosures in the documents found in the search and issues a report. If an objection is raised that the invention is not new or obvious in view of these disclosures, the applicant can argue against the objection or amend the application to highlight those features which distinguish the invention from the disclosures. When any such objections have been overcome, a patent is granted on the application.

The patent will last for a maximum of 20 years subject to the payment of annual renewal fees for the fifth and subsequent years.

If the applicant wishes to apply for patent protection abroad, however, a UK patent can be obtained by a different route. This is by designating the UK as one of a number of European countries covered by a European patent application or as one of a worldwide group of countries covered by an International (PCT) patent application. For further information, see our factsheet on 'Patenting Overseas'.