

Patents

- A patent is a right granted for any device, substance, method or process, which is new, inventive and useful.
- It is legally enforceable and gives the owner the exclusive right to commercially exploit the invention for the life of the patent. This is not automatic, you have to apply for a patent. All applications for patents are examined to ensure they meet the necessary legal requirements for granting a patent.
- Patents give effective protection if the owner has invented new technology that will lead to a product, composition or process with significant long-term commercial gain.
- A patent owner cannot patent artistic creations, mathematical models, plans, schemes or other purely mental processes.
- If an inventor demonstrates, sells or discusses their invention in public before an application for registration is filed, he or she cannot get a patent.
- Inventors can talk to employees, business partners or advisers about their invention but only on a confidential basis. Written confidentiality agreements with these people are advisable.
- A registered Australian standard patent lasts for 20 years. However, annual maintenance fees are payable from its fifth year. Applications for patents are filed with IP Australia. They will assess whether your invention is new and if it meets the legislative requirements.

Lawyers at DLS can:

- draft and negotiate confidentiality and non-compete agreements;
- arrange for IP searches through specialist patent attorneys;
- arrange for the registration of patents through specialist patent attorneys;
- draft and negotiate agreements for the licensing, sale or acquisition of IP rights; and
- act in relation to IP disputes.

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