



University of KwaZulu-Natal Libraries, Howard College

# PATENTS

Library guide

<http://library.ukzn.ac.za>

## ➤ WHAT ARE PATENTS?

A patent is a legal agreement between a country and an inventor which gives the inventor the right to exclude others from making, using or selling the Invention for a limited time in that country.

A patent, as a form of 'industrial property', can be bought and sold, licensed or used by the owner either in whole or in part. An inventor does not need a patent in order to make or use an invention; but without a patent the inventor would not be able to prevent others from copying the invention.

The function of patents is to protect inventions. To do this, they must be published and made available to the public. To qualify for a patent, an item must fulfill three basic requirements:

- It must be **novel**. The invention must be the first of its kind. It cannot be disclosed in the literature of any country prior to the date the application is submitted or the patent is issued.
- It must be **useful**. The invention to be patented must have a useful function. The major exceptions to this condition are plant patents, which are generally issued for color, size, or the shape of plants - aesthetic rather than useful qualities.
- It must be **non-obvious**. A simple change in size, shape, or material in an invention is not patentable unless it substantially affects the worth or utility of the item.

Three types of patents exist -

- **Utility Patents** for machines or processes. They may be either Chemical patents, including patents on pharmaceutical products and chemical processes; Mechanical patents; or Electrical patents.
- **Design Patents** are patents on the appearance of an invention and are only issued when the design is for part of or for an entire, useful, manufactured item.
- **Plant Patents** are granted for asexually produced plants.

Patents contain a wealth of technical information and can contribute to your research

➤ **SOUTH AFRICAN PATENTS**

ZA patents can be searched at the Espacenet site (*see below*) but the fulltext of these documents is not available online. The RSA Patent and Trade Marks Office publishes the "Patent journal" which provides current information (including abstracts) on SA patents. This publication is available in the EG Malherbe Library at J 350.0824 P1

➤ **INTERNATIONAL PATENTS**

There are 3 international patent offices - the Japanese, European, and US Patent & Trademark Offices:

**US Patent & Trademark Office [USPTO] – <http://www.uspto.gov>**

provides access to issued US Patents since 1790 and Patent Applications published since 15 March 2001. Patents issued from 1790-1975 are searchable only by patent number and current US classifications but from 1976 onwards the fulltext of patents is fully searchable. All fulltext and page images are saved as TIF images.

US patents may also be searched at the Espacenet site (*see below*) which provides the text of US patents for the period 1859-present in PDF files. Keyword and author searching of these older US patents is also supported at this site.

**European Patent Office [EPO] - <http://ep.espacenet.com>**

provides access to Europe's network of patent databases with much of the data dating back to 1970. Search results display bibliographic data, an English-language abstract and if available, drawings and the full text of the documents.

Images of documents are available back to 1920 for the most important countries.

This site also provides bibliographic searching of Worldwide (indexes ZA patents), World (WIPO) and Patent Abstracts of Japan (PAJ)

➤ **SUBJECT SEARCHING**

- Search by keyword and locate a relevant patent.  
Look at the class/subclass number listing for that patent and do a search of that class/subclass listing to find more patents on the same topic.
  
- Look up common terms to find their class and subclass number in the *Index to the US Patent Classification System* and use the class numbers to look up the classification of subjects related to your search terms in the *Manual of U.S. Patent Classification*.  
Then search by class/subclass listing.

**The 7 Step Strategy for searching US patents**

1. Brainstorm keywords related to the purpose, use and composition of the invention.
  
2. Look up the words in the Index to the U.S. Patent Classification to find potential class/subclasses
  
3. Verify the relevancy of the class/subclasses by using the Classification Schedule in the Manual of Classification
  
4. Read the Classification Definitions to verify the scope of the subclasses and refer to “see also” references.
  
5. Search the Issued Patents and the Published Applications databases by “Current US Classification” and access full-text patents and published applications.
  
6. Review the claims, specifications and drawings of documents retrieved for relevancy.
  
7. Check all references and note the “U.S. Cl.” and “Field of Search” areas for additional class/subclasses to search.

**<http://www.uspto.gov/go/ptdl/step7.htm>**

## **OTHER RESOURCES**

**Chemical Abstracts** indexes chemical patents from over 25 countries and patent organizations. CAS also issues a patent concordance, listing patent number by issuing country and the corresponding patent number in other countries. Search the print for the period 1914-2000 or online via WebSciFinder

**Burrell, Timothy.** 1986. South African patent law and practice, 2nd ed. Durban, Butterworths

**Knight, H Jackson.** 2001. Patent strategy : for researchers & research managers, 2nd ed. Chichester, Wiley.

**Maynard, John T.** 1991. Understanding chemical patents : a guide for the inventor, 2nd ed. Washington, DC., ACS

**Paterson, Gerald.** 1992. The European patent system... London, Sweet & Maxwell.