

Utility Patent Application

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The article is a brief understanding of
Utility Patent as IP rights.

630, 1st Floor
Dr Mukherjee Nagar,
Delhi 110009
Phone: +919205385276

52-160 City Road
London EC1V 2NX
Phone: +44 20 8123 0361

www.ipforstartup.com

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Utility Patent

The utility patent protects a new invention or improvements on existing inventions which are functional. Utility patents are issued for any functional new inventions or improvements on the machine, process, product or to the composition of matter.

Filing a provisional utility patent application is a somewhat-abbreviated and generally less-expensive alternative to a non-provisional “regular” utility patent application.

The main difference between a provisional and non-provisional application is that the provisional application generally does not have claims and it is not examined.

A provisional application is filed primarily to get a priority filing date and if the applicant follows the provisional application with a non-provisional application within a year’s time, the applicant can claim the provisional application’s filing date as the priority date (at least for that matter in the non-provisional that was also disclosed in the provisional).

Merits

Not only is it very advisable to at least file a provisional application before disclosing technological details, but a prudent investor will also want to see a startup take whatever steps available to protect its IP. In the long run, there isn’t much that is “cheap” about the patent process – perhaps only the \$65 micro entity provisional application filing fee. You should consult patent counsel in private to discuss your IP goals to get actionable advice.

To investors, this may be an attractive proposition because not only does the filed provisional patent application secure a priority date for your invention, it also provides

You the flexibility to incorporate further modifications and improvements to your invention into the “regular” patent application that has to be filed within the 12 month period.

Regards

Nass & Guild Team

for any queries please write to us on nass@ipforstartup.com