Patents

Characteristics, Subject Matter, Filing Options

Eng. Mohammad Diab
Senior IPR Specialist
m.diab@ipark.jo

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IPRs Characteristics

IP rights are territorial

IP rights are independent

IP rights are intangible

Term of protection varies

Limited protection

First-to-file

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Characteristics of Patents

- Priority right under Paris Convention (1883).
- Maintenance fees.
- Limited term of protection compared to copyright.

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Characteristics of Patents

- An “Invention” is a **new** product or process that solves a **technical problem**.
- Term of protection is 20 years from filing date, in some jurisdictions priority date.
- Patents could be granted to amendments on existing products or processes.
- Patentable subject matter differs according to jurisdiction.

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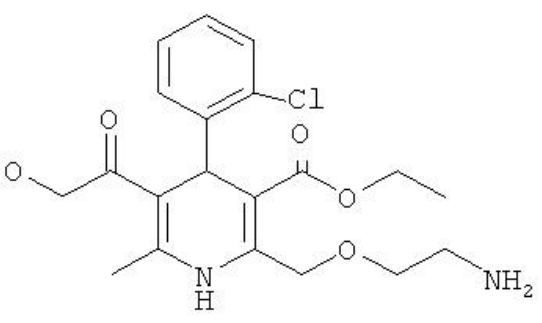
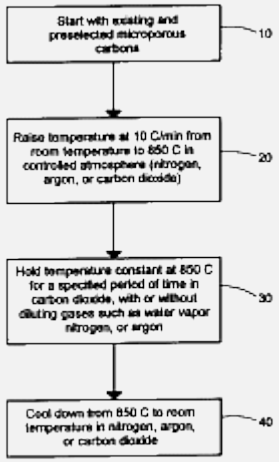
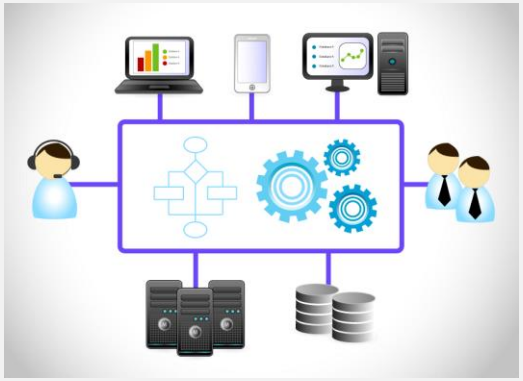
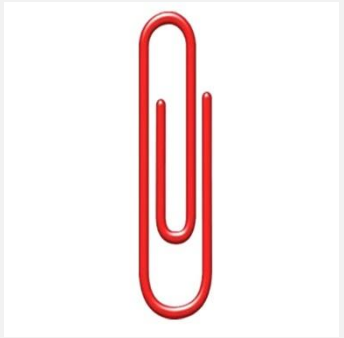
Examples on Patentable Subject Matter









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Exclusions from Patentability

المادة 4

لا تمنح البراءة في أي من الحالات التالية:

أ.1. الاختراعات التي يترتب على استغلالها إخلال بالآداب العامة او النظام العام.

2. الاختراعات التي يكون منع استغلالها تجارياً ضرورياً لحماية الحياة او الصحة البشرية او الحيوانية او النباتية او لتجنب الاضرار الشديد بالبيئة. ويشترط لتطبيق أحكام البندين (1) (2) من هذه الفقرة ان لا يكون منع الحماية مقرراً لمجرد النص على منع استغلال هذا الاختراع بموجب التشريعات الاخرى السارية المفعول .

ب. الاكتشافات والنظريات العلمية والطرق الرياضية.

ج. طرق التشخيص والعلاج والجراحة، اللازمة لمعالجة البشر او الحيوانات.

د. النباتات والحيوانات ، باستثناء الأحياء الدقيقة.

ه. الطرق البيولوجية لإنتاج النباتات والحيوانات فيما عدا الطرق غير البيولوجية والبيولوجية الدقيقة.

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Conditions for Patentability

Novel	Inventive	Industrially Applicable
• not disclosed in any way anywhere prior to filing.	• not obvious to a person with moderate experience in the field "person skilled in the art".	• can be applied in the industry (has some kind of utility).

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Novelty and Inventiveness

In order to assess novelty and inventiveness, a prior art search should be done prior to filing.

Prior art is anything disclosed anywhere in the word in form of publication, use, or oral disclosure.

Prior art search has two steps: General search and specialized patent search.

JO, US, and some other jurisdictions provide a grace period prior to filing.

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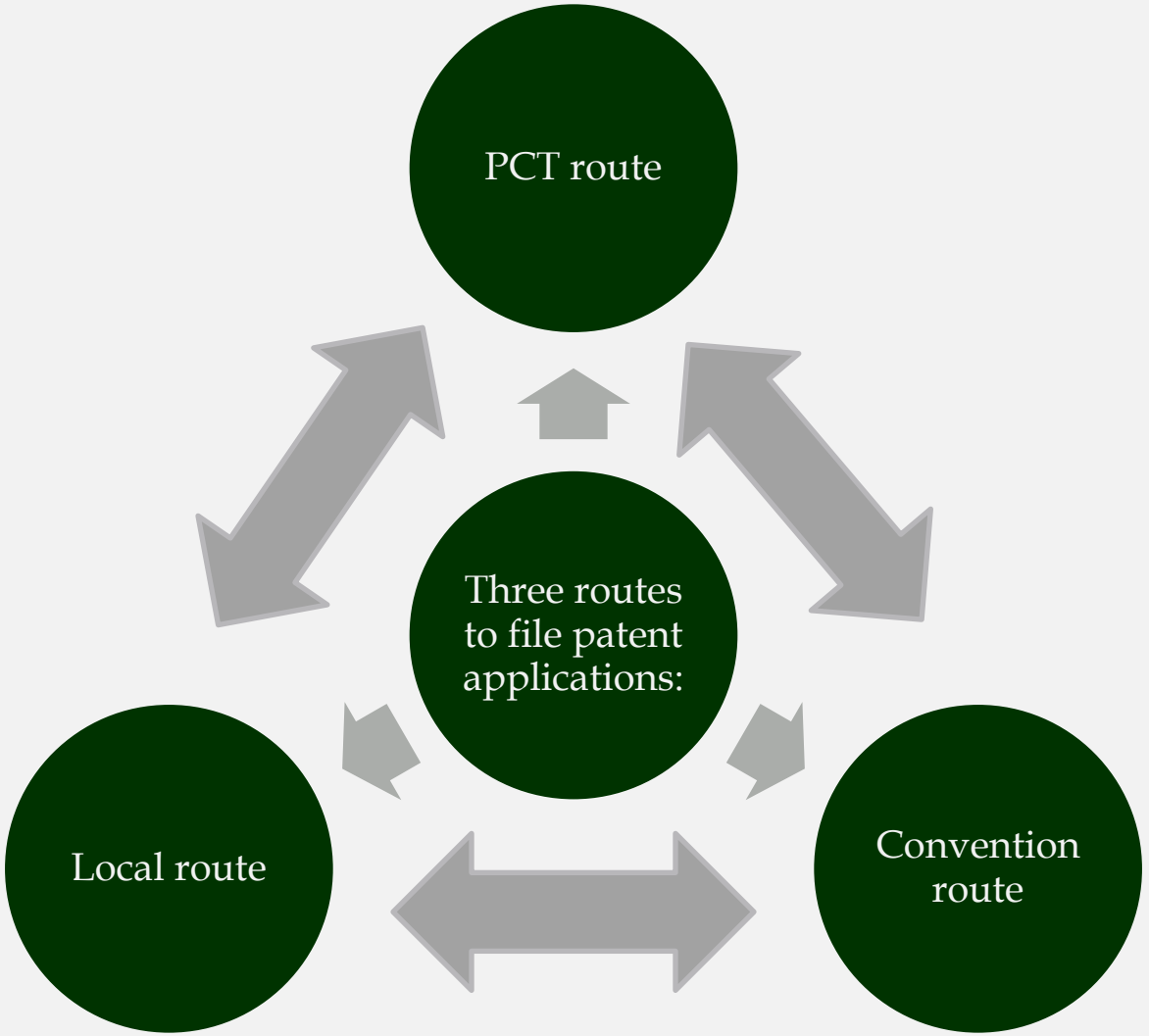
Patent Applications Filing Options



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Local Route

- Filing all patent applications in jurisdictions of interest prior to any publication.
- All costs are incurred at the early stages.
- Cost ineffective, as the applicant may lose interest in prosecuting any of the filed applications.

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Convention Route

- Filing a first application at a Paris Convention member states (176 countries).

  http://www.wipo.int/treaties/en/ShowResults.jsp?treaty_id=2

- Within 12 months after the first filing date, the filing is extended to other Paris Convention member states, **claiming the priority of the first filed application**.

- Term of protection for the invention may be extended up to 12 months.

- Majority of costs are deferred up to 12 months.

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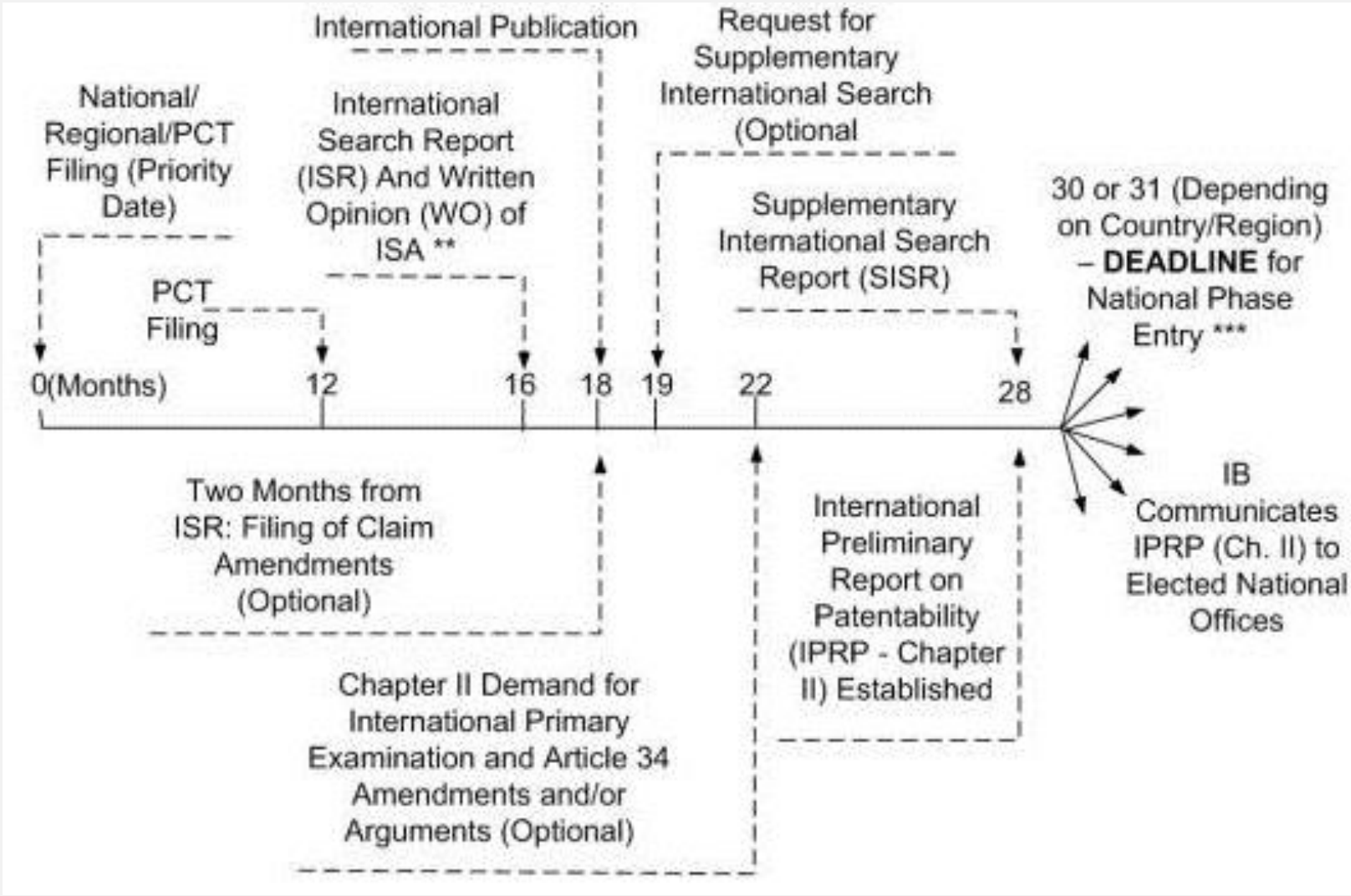
PCT route

- PCT refers to Patent Cooperation Treaty.
- 152 member states

http://www.wipo.int/pct/en/pct_contracting_states.html

- Jordan is the last member state bound the PCT.
- Filing system, not a patenting system.
- The applicant files an international **application** (international phase) that ends up with a bundle of national/regional applications/patents (national/regional phase).
- The applicant should be a resident or national of a PCT member state (Article 9/a).

PCT Timeline



PCT Characteristics

- The application is filed at a Receiving Office (RO).
- This receiving office may be either the International Bureau (IB) of the WIPO or the national patent office of the applicant's country.
- The applicant has the ability to choose the ISA and/or the IPEA.
- The selection is made from a list of ISAs designated for each RO (competent ISAs).

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PCT Benefits

- Majority of filing costs related to national filing is deferred up to 31 months.
- The applicant receives an International Search Report (ISR) and written opinion from International Searching Authority (ISA).
- However, the opinion of the ISA is not obligatory to other Patent Offices.
- The applicant can file an international application claiming priority of an earlier filed application.

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ISAs to PCT apps filed through the JPTO as RO

USPTO

CIPO

EPO

IP Australia

Austrian Patent Office

USPTO vs EPO??

USPTO	EPO
MOT is allowed	MOT is not allowed, USE is allowed
Filing, search, examination fees are about 800 USD for small entities	Filing, search, examination, designation fees are about 3000 Euros
Maintenance fees are due after grant	Maintenance fees are due even if the application is still pending
20 claims, 3 of which are independent are included in the filing fee	15 claims are included in the filing fees
No translation is required if the application is filed in English	Translation of claims to FR and DE if application is filed in English
National Office	Regional Office
Patents do not have to be validated	Patents have to be validated

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MOT vs. Use Claims

1. A method for treating anemia, comprising administering to a patient having anemia an effective amount of a compound which is {[5-(3-chlorophenyl)-3-hydroxypyridine-2-carbonyl]amino}acetic acid or a pharmaceutically acceptable salt, solvate, or hydrate thereof, wherein a daily dose comprises about 150 mg, about 300 mg, about 450 mg, about 600 mg, or about 750 mg of the compound.

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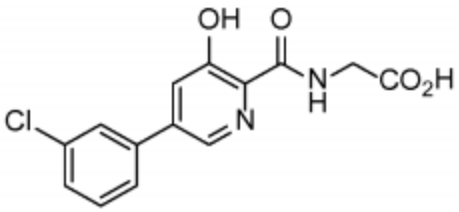
MOT vs. Use Claims

1. A compound for use in a method for treating anemia associated with or secondary to chronic kidney disease in a subject, wherein the compound is {[5-(3-chlorophenyl)-3-hydroxypyridine-2-carbonyl]amino}acetic acid, having the structure:



Compound 1

or a pharmaceutically acceptable salt thereof,

and wherein the compound is administered orally at a once daily dose of 150 mg to 750 mg.

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