



GRIFFITH HACK
SECURING PATENT RIGHTS

working with clever people

frequently asked questions

These are brief answers to questions frequently asked by inventors and patent applicants. Please contact us directly if you need advice on a specific matter.

Q: Why should I file a patent application?

A: You should file a patent application if protecting your invention is of sufficient value to justify the cost.

Q: What kinds of inventions can be patented in Australia and overseas?

A: Australia has liberal rules as to what can be patented provided the invention also passes the tests for novelty and inventiveness. In general, any product or process which is "industrially applicable", in the sense that it has a commercial use, can be patented in Australia. This includes things such as computer programs, methods of medical treatment, and living organisms, including transgenic plants and non-human mammals, which are not patentable in many foreign jurisdictions.

Q: Is there any kind of invention which is not patentable in Australia?

A: The following are not patentable:

- Discoveries or scientific principles with no stated application to a useful purpose;
- Mixtures of known components for use in food or medicine which have no synergistic effect
 - Working directions for use of a known apparatus or process;
- Inventions for which no lawful use can be stated.

Q: How do I know if my invention is inventive enough?

A: This is very difficult to judge as it depends on an assessment of whether a skilled person would think the invention obvious in light of what was known in the field. Therefore, it is also important to consider the extent to which the commercial value of the invention justifies seeking protection.

Q: What information is needed to prepare a patent application?

A: As much detail as possible about:

- The current state of the relevant field;
- The problem which the inventor has sought to solve, or the need which the inventor has sought to fulfil;
 - How this has been achieved;
- The absolutely critical features of the invention and those features that are merely preferred;

- Any variations which can be envisaged in the invention or in any of these features;
- Further developments in the invention that can be envisaged.

Q: Who should be named as inventors?

A: All people who have contributed to the inventive step or steps involved in the invention. It may be advisable to discuss the involvement of various people in the development of the invention with us.

Q: Who should be named as applicant?

A: The person named as applicant needs to have acquired rights from the actual inventor(s), for example by employment agreement or assignment.

Q: How much does it cost to prepare and file a first patent application in Australia?

A: Costs associated with preparing patent specifications vary depending on the technology and the time involved in the drafting process. There are fixed charges for filing the application. There may also be additional charges for other activities such as conducting searches and obtaining formal drawings prior to filing. There will be further costs as the matter progresses. It is advisable to contact us for specific advice on costs.

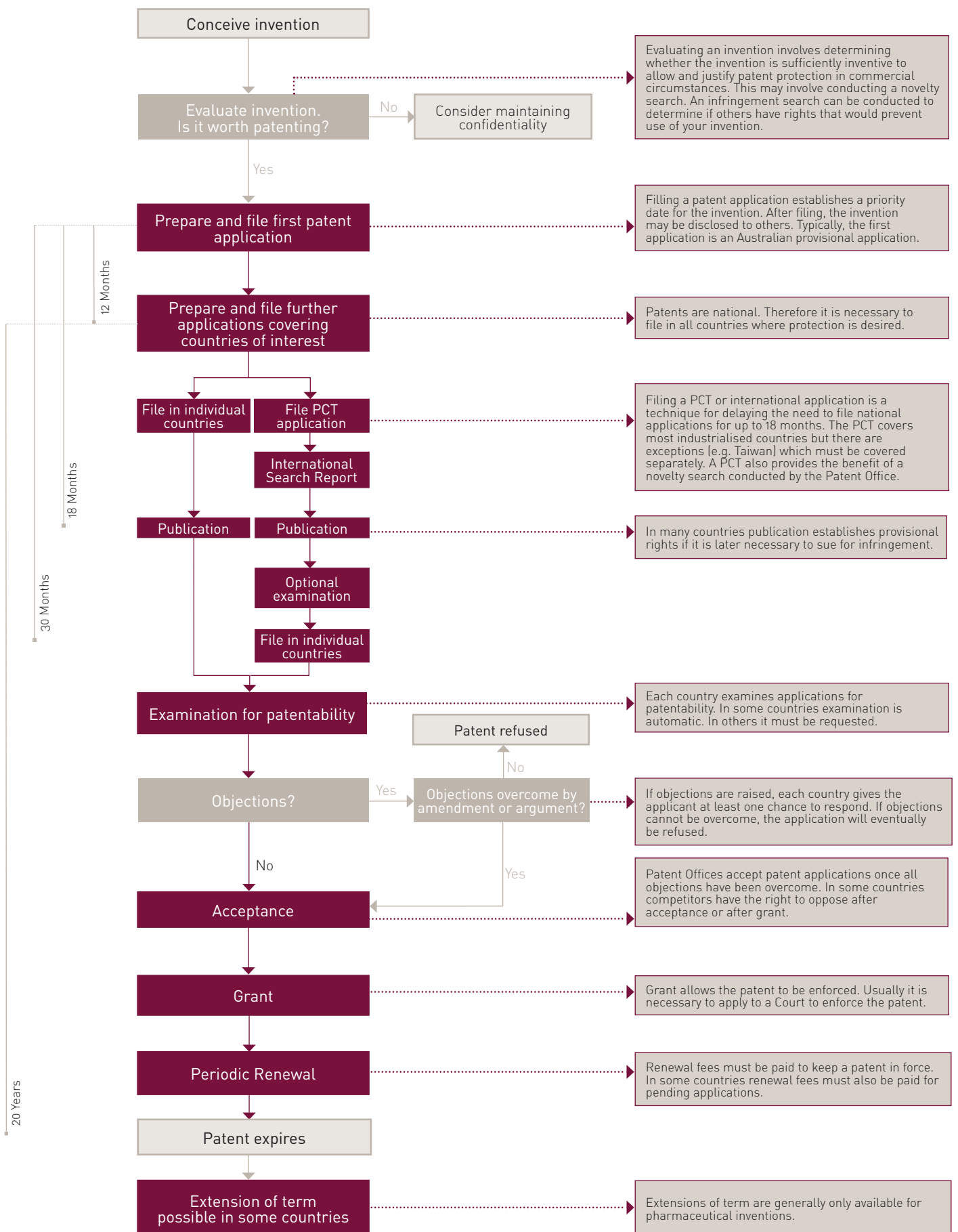
Q: How long does it take to prepare a patent specification and file a patent application in Australia?

A: Approximately 2-4 weeks from the date of receiving instructions in a normal case. Once the specification is prepared, you will need to review it. We can usually file your application the day we receive your approval.

Q: How long does it take to have a patent granted?

A: In a best case scenario, where examination is expedited, a patent may be granted within 12 months of filing the complete specification. An innovation patent is granted automatically within three months provided any formalities are complied with. However, it is not enforceable until it has been examined and a certificate of examination obtained.

For more information please visit our website
www.griffithhack.com.au



Costs: At most stages of this flow chart, costs are incurred. Cost estimates are available on request.

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