

## The following are the critical points in relation to PATENTS

1. Do not disclose an invention to anyone, except under a written Confidentiality Agreement
2. Discuss the details only with a patent attorney.
3. If the concept is considered to have patent potential, a detailed specification will be drawn up and filed immediately.
4. There are then 12 months, before the final filing, in which to amend any details of the invention, decide in which countries to file and arrange the necessary finance
5. In each country the priority date will be that of the first filing date in Ireland.
6. It is not possible to subsequently file a valid application in any other country and enjoy the priority date.
7. In countries where a patent does not exist, the product can be legally copied and marketed by others.
8. The life of a patent is usually 20 years. A short term (10 year) patent can be obtained in approximately 6 months.
9. An inventor *may (under certain circumstances)* receive royalties, free of Irish income tax, during the life of a patent.

The following are the critical points in relation to TRADE MARKS.

1. Prior to use, it is essential to search the trade marks register in each target market.

This will discover any existing names/marks that are the same, *or confusingly similar*, to that which is proposed and where the owner would have a sustainable objection to the new entrant.

2. If the search is clear, then an application should be made to register the mark in all markets where it is intended to use it.

3. Register in all classes of goods where it is currently used as well as in classes where there is intent to use

All goods and services are divided into 45 classes. It is advisable to gain exclusivity for the name in whichever classes one is intending to trade in the future. This will obviate the possibility of being frustrated at a later date.

4. The initial life of a registration is 10 years which can be renewed indefinitely each decade thereafter.

5. One can apply to register either nationally or seek a Community Trade Mark (CTM) registration.

6. A CTM registration provides exclusive use of the mark in all member states of the European Union.

With just one application, protection can be obtained in all countries of the EU

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