

CT 3112 – PROFESSIONAL SKILLS - INNOVATION IN THE WORKPLACE

Evaluating an idea to determine its patentability



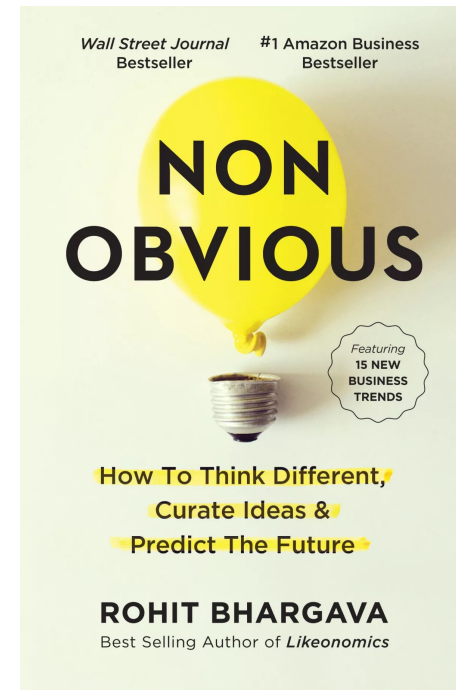


Patent requirements

1. Novelty

3

- The patent must be something new
 - ▣ An invention is not new if it was already known to the public before the filing date



2. Susceptible of industrial application

4

- According to the European Patent Office, the patent must be for something that can be “made or used in any kind of industry, including agriculture”.
 - ▣ “Industry” here refers to broadly to “any physical activity of “technical character””
 - ▣ “does not necessarily imply the use of a machine or the manufacture of an article and could cover e.g. a process for dispersing fog or for converting energy from one form to another”

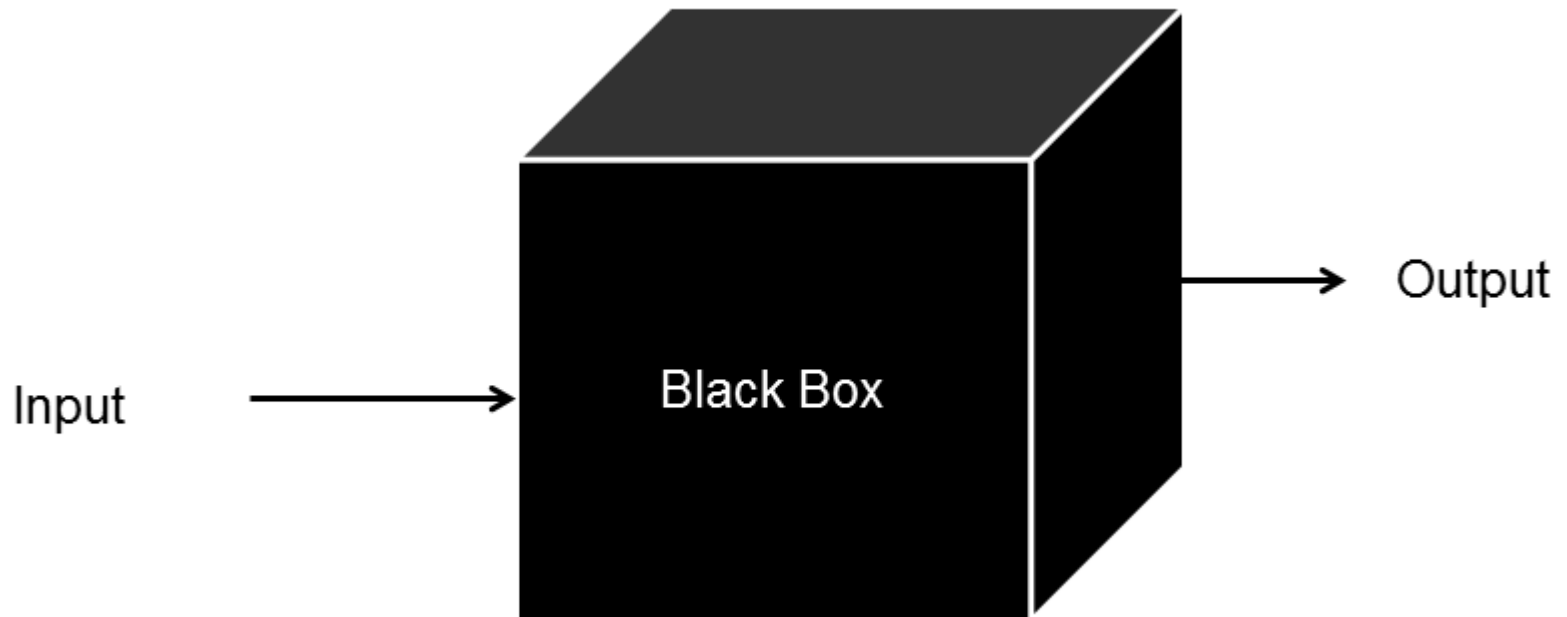
3. Have an inventive step

5

- An invention is considered as involving an inventive step if it is not obvious to a person skilled in that area of technology, having regard to the state of the art. (IP Office of Ireland)

4. Complete description

6



Internal behavior of the code is unknown

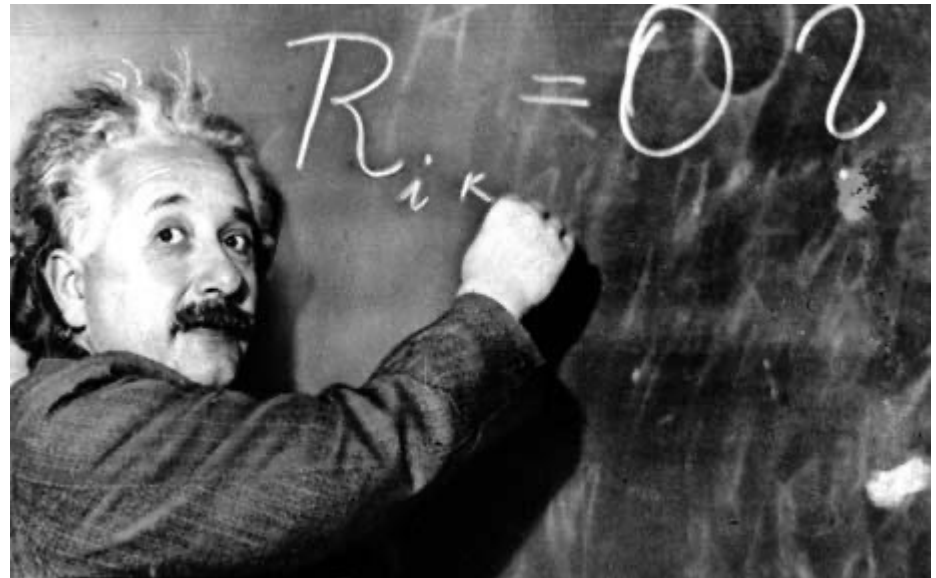


Patent exclusions

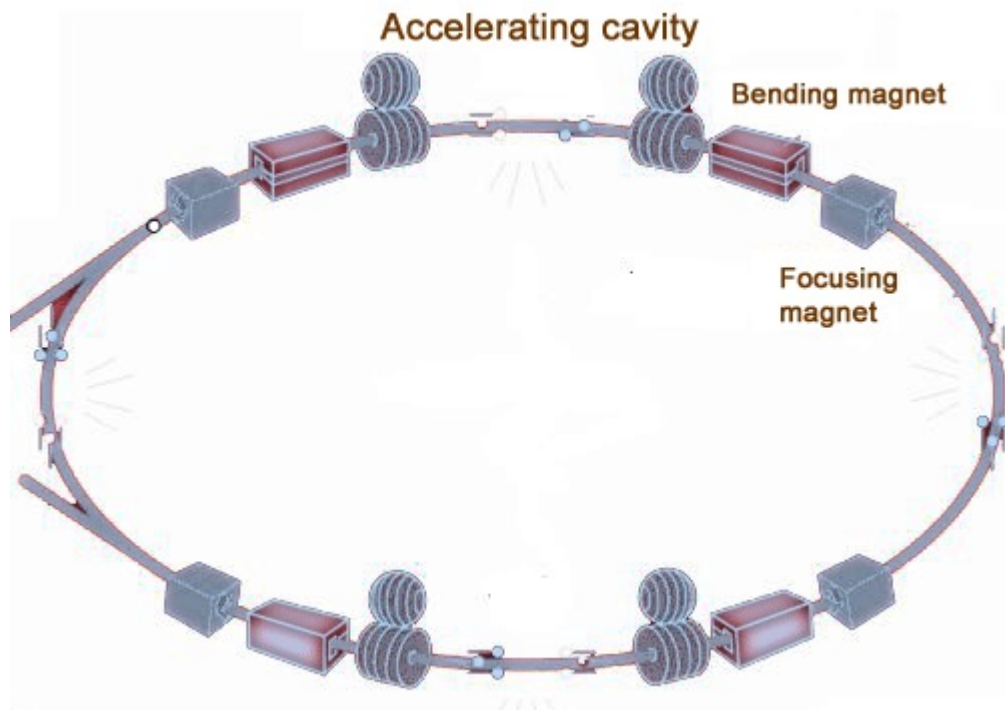
1. Scientific Discovery

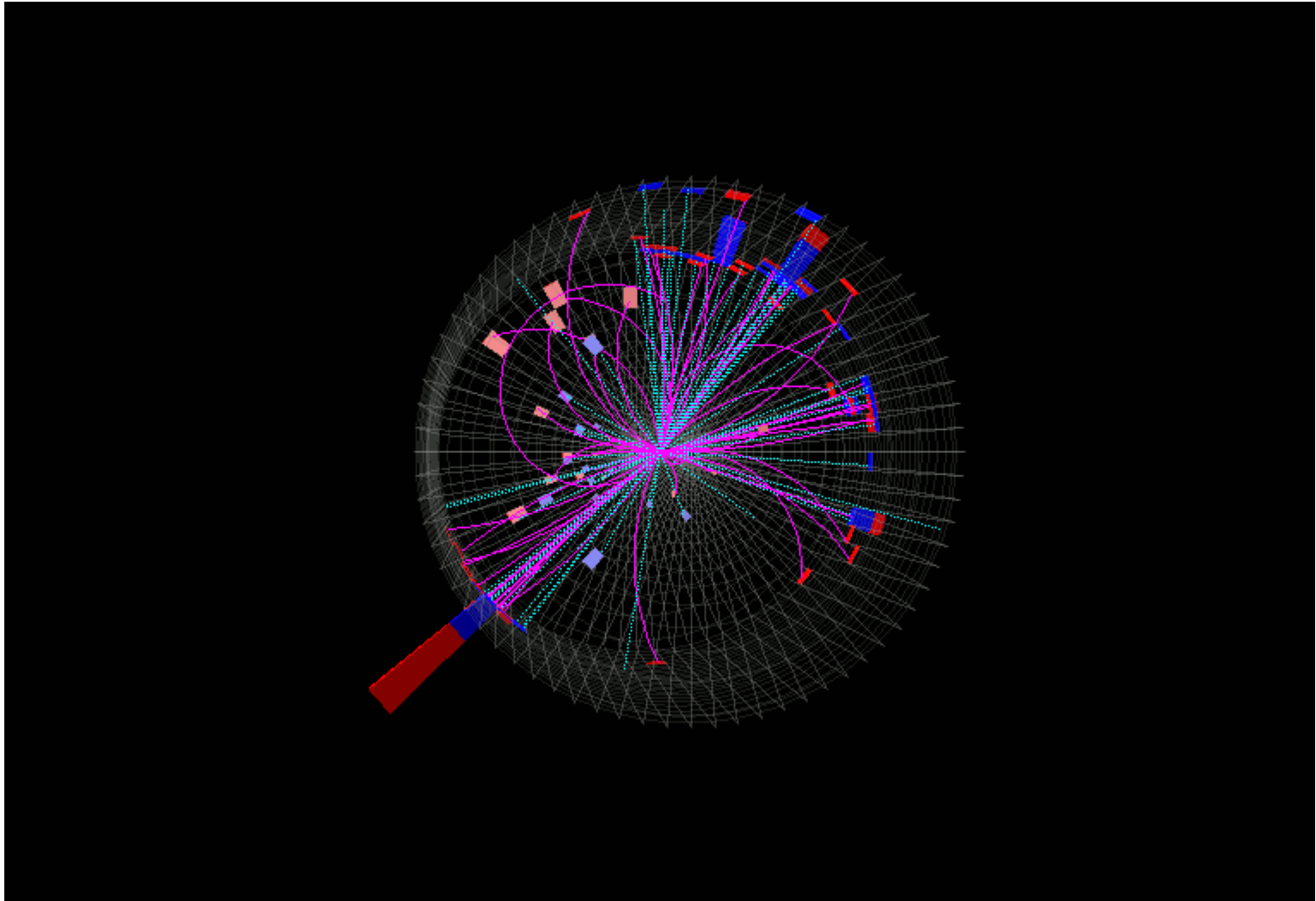
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- You cannot patent a scientific discovery because it is not something you invent you were just the first person to discover it.



Particle Accelerator





2. Methods of medical and veterinary treatments

11

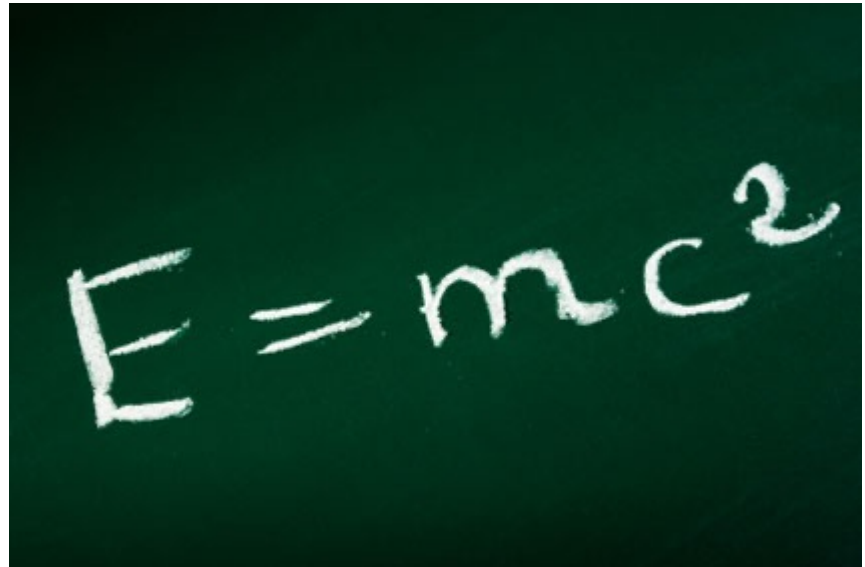
- ❑ You cannot patent methods of treatment of the human or animal body by surgery or therapy
- ❑ You cannot patent diagnostic methods practised on the human or animal body.
- ❑ Doesn't apply to products, substances or compositions for use in any of these methods, i.e. medicines or surgical instruments.

(IP Office of Ireland)

3. Abstract Idea / Mathematical Concept

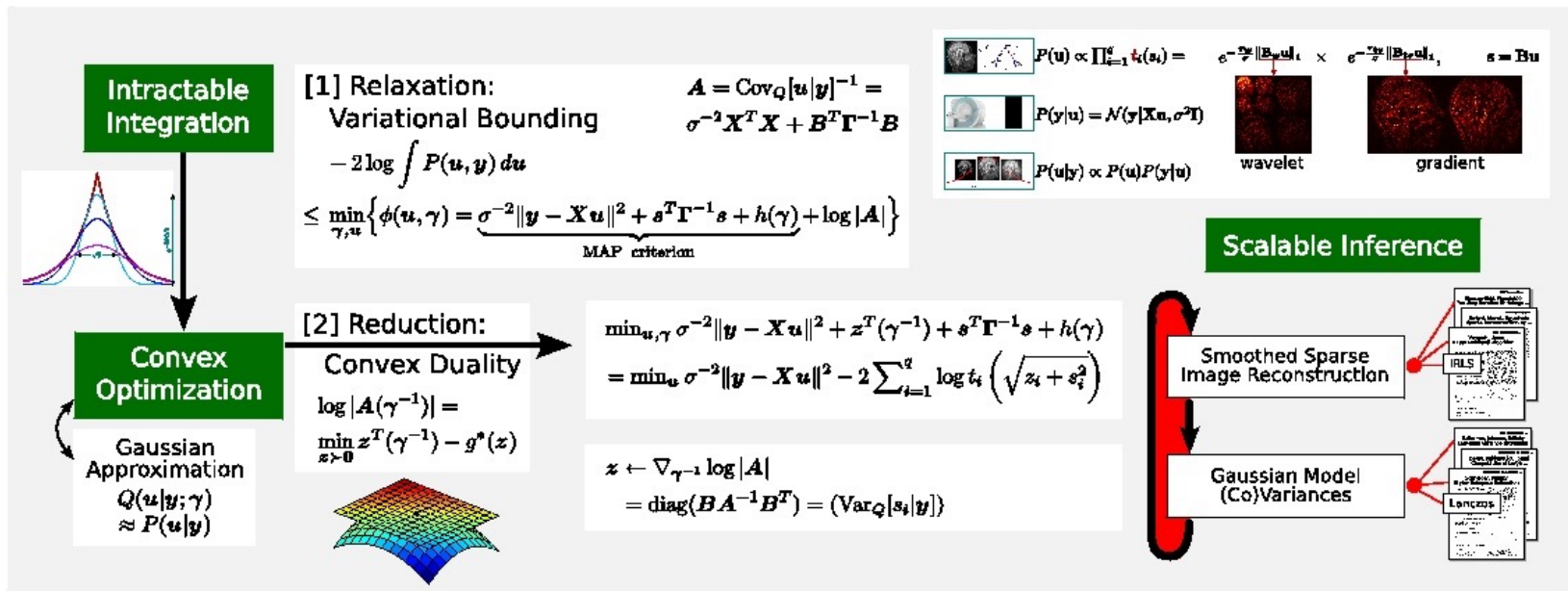
12

- You cannot patent an equation just its application.

A photograph of a chalkboard with the equation $E = mc^2$ written in white chalk. The chalkboard is dark green, and the equation is written in a slightly slanted, handwritten style.

The application in software

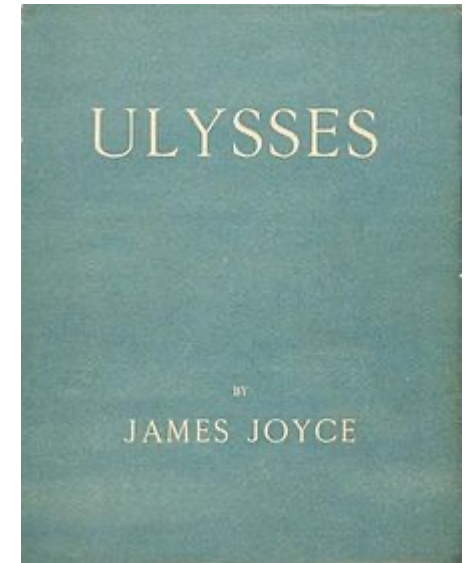
13



4. Aesthetic creations

14

- You cannot patent a literary great
 - ▣ But you can copyright it!



5. Presentations of Information

15

- You cannot patent a manner of conveying information or the cognitive content of the information itself
 - ▣ unless they have a “technical character” (e.g. a computer display) or they “produce a technical effect serving a technical purpose”

6. A scheme, rule or method for performing a mental act, playing a game or doing business, or a computer program

16

- These are not patentable, but their use or application might be.



Image: playstation.com

7. Contrary to public order or morality

17

- It cannot be an offense to public morality



Summary

18

- Patent requirements include:
 1. Novelty
 2. Susceptible of Industrial application
 3. An inventive step
 4. Complete description
- Patent exclusions include:
 1. Scientific discovery
 2. Methods of medical and veterinary treatments
 3. Abstract idea/mathematical concept
 4. Aesthetic creations
 5. Presentations of information
 6. Scheme, rule or method for performing a mental act, playing a game or doing business, or a computer program
 7. Contrary to public order or morality