

What cannot be patented?

There are certain inventions that are not eligible for Patent registration. For example, scientific discoveries, mathematical methods and business methods are not regarded as technological inventions. Surgical and therapeutic procedures, diagnostic methods and new plant or animal varieties are completely excluded from Patentability.

How to apply for a Patent?

There are several ways in which you can file a Patent application at the Netherlands Patent Office. You have the option to file the Patent on paper, or you can file the Patent online at www.rvo.nl, section octrooien/patents. If you submit a Patent application, it must comply with a number of specific requirements, such as a title, a description of the invention and conclusions in which what is being recorded, is protected.

What are the costs involved in a Patent application?

For more information on patent fees visit www.rvo.nl, section octrooien/patents.



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PATENT

What is a Patent?

A Patent is an exclusive right granted for an invention, which can be a product as well as a process. The owner of a patent may prohibit others from the use of the patented technology.

To obtain the right to a Patent, technical information about the invention must be disclosed to the public in the Patent application.

What kind of inventions can be patented?

Patent protection can be granted for inventions in any field of technology, from an everyday kitchen utensil to a nanotech-nology chip.

With regards to inventions, there is a distinguished difference between products and processes.

The 'product' Patent will protect all types of objects such as machines and their parts, arrangements of individual parts, electronic circuits, chemical substances and pharmaceuticals.

The 'process' Patents will protect for example processes for manufacturing products, work processes or also the utilization of a product for a certain purpose.

Why register a Patent?

There are several advantages to register a Patent. With a Patent you can prohibit others from using your invention commercially. The owner of a patent may commercialize the invention based on the demand in the market. One way to optimize profits, is to give licenses to other parties which enables them to manufacture the invention based upon agreed terms. Another valid reason to apply for a Patent is to claim or clarify ownership when working with several (third) parties.

On the other hand, if the costs of a Patent application are higher than the projected benefits, one might have to evaluate the necessity of filing an application.

How long is a Patent valid?

A Patent is valid for a maximum of twenty years, or shorter if you stop paying the annual fees. The annual fees are charged as of the fourth year. Up until the tenth year the annual fees increase gradually. The structure of the Patent fees are aimed to assist patent owners to develop and invest in their product during the early years. Starting from the tenth year, the annual fees are increased with a higher amount each year.

What are the requirements for your Patent?

If you want your invention to be eligible for Patent protection, there are three requirements. A Patent is granted for a technical invention which is new (novel), involves a sufficient inventive step (non-obvious) and is industrially applicable (useful).

Novelty: An invention is considered to be new if it is not part of the state of the art. The state of the art comprises of everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the Patent application.

Inventive step: It is not enough that the claimed invention is new, that is, different from what exists in the state of the art.

The technical solution in a patent should also not be an obvious combination of elements from the state of the art. For example, if your patent is clearly a combination of technologies from two earlier patents, your patent may lack the required inventive step.

Industrial applicability: An invention is usable in the field of industry it is intended for.

Are you considering protecting your new technological idea?

It is important that your invention remains secret until you apply for a Patent. In addition, it is important that you start your research in Patent databases at an early stage and explore the market. This way, you can discover what's already invented and whether there is a market for your invention. The Netherlands Patent Office (Octrooi Centrum Nederland) is the Patent lending agency for Sint Maarten.