



Mesmer & Deleault, PLLC
41 Brook Street, Manchester, NH 03104



Memorial Day

“Tip of the Month”

Global Patent Protection - Cost Effective and Achievable

Global patent protection is important because patents are territorial in nature. They only allow the patent owner a means of preventing infringement that occurs within the country or region granting the patent. A US patent, for instance, does not give its owner any rights in foreign countries. Yet, filing for a patent in every country is expensive.

The best and most effective strategy is one that protects the patent owner in key countries and regions of the world. A number of international treaties has created a process of obtaining patent protection abroad. Typically, a US patent application covering a new invention is prepared and filed in the US Patent and Trademark Office. The initial US filing date (initial priority filing date) begins the timeclock for filing corresponding applications abroad. The patent owner has one year in which to file foreign applications corresponding to the US application, assuming that no use, sale or publication occurred before the US filing date.

The process of filing abroad has evolved to the point where a single application can suffice as the initial filing in most desired countries. This is called a PCT application (an application filed under the Patent Cooperation Treaty). The PCT system provides for an international phase and a national phase. The international phase comprises filing of the international application and prescribed fees, international search, international publication, and international preliminary examination. The national phase begins at 20 or 30 months after the initial priority filing date. Translations and national fees are required at 20 or 30 months only if the applicant wishes to proceed at that time.

Basically, if foreign patent protection is sought in more than 3 foreign countries, filing a PCT application is more cost effective than filing individual applications in each foreign country. It is important to note that the patent owner must continually reassess the wisdom behind filing particular foreign applications. The patent owner must be willing and able to alter patent decisions when more cost-effective options arise.

If you or someone you know has invented a new product or process needing protection, we can help you assess the types of protection available to protect those rights. Please call us at (603) 668-1971, or e-mail us at *Meslaw @ aol.com*, to schedule a free ½-hour consultation to explain the PCT application process in more detail.

Frank B. Mesmer, Jr., Esq.
Robert R. Deleault, Esq.

(603) 668-1971

Fax (603) 622-1445

E-mail: *Meslaw@aol.com*