

# The Challenge of Providing Patent Quality in a Small IP Office

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OIFIG NA bPAITINNÍ  
PATENTS OFFICE



# The Irish Patents Office

- Responsible for national patents, trademarks and designs.
- 46 staff – including 4 patent examiners!
- Ireland revised its Patents Act and joined the EPO in August 1992.



# Patent Protection in Ireland

- National (IE) or EP (Direct or via PCT).
- Standard IE patent - (search or “evidence of novelty” required).
- Short-term IE patent - (max. 5 claims and no search required) i.e. a “Utility Model”.
- 2017: – 101,080 EP(IE) grants versus 87 IE grants!



# Quality of Patents (SCP/27/4 REV)

- Quality of the patent itself
  - e.g. compliance with essential legal patentability requirements such as novelty, inventive step, etc.
- Quality of the patent grant process
  - Administrative processes and operations
  - Technical infrastructure



# Quality of Patents - the Applicant

- Interaction with applicants:
  - “IP for Business” seminars – targeted at small and micro enterprises
  - Website information
  - Pre-filing assistance




# Pre-filing Assistance


- A “Patent Clinic” service is offered on our website and is targeted at private applicants – typically about 40 of these are conducted each year and are free of charge.
- The applicant submits a draft specification prior to a face-to-face meeting and an examiner gives feedback on specific issues e.g. sufficiency of disclosure and clarity.
- In some cases the examiner might show an applicant how to carry out a basic prior art search using publicly available search engines.



# Pre-filing Assistance

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**Patents**

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- ▶ Patent Searching
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**Patent Clinic Service** [Print this page](#)

The Patents Office is now offering a clinic service, allowing members of the public to meet with Patent Examiners to discuss matters concerning patent applications they intend to make to the Office. To avail of this service, please make an appointment through our Information Centre, providing the following information:

**Contact details:**

Name  
Address  
Phone number  
E-mail address

**IP Experience:**

Have you ever made a patent application before?

If you already hold any applications or granted patents please give their numbers.

You will then be contacted to arrange a suitable date and time. Appointments will be initially scheduled for one hour's duration.

Our Information Centre can be contacted at (056) 7720111 or by email at [patlib@patentsoffice.ie](mailto:patlib@patentsoffice.ie).

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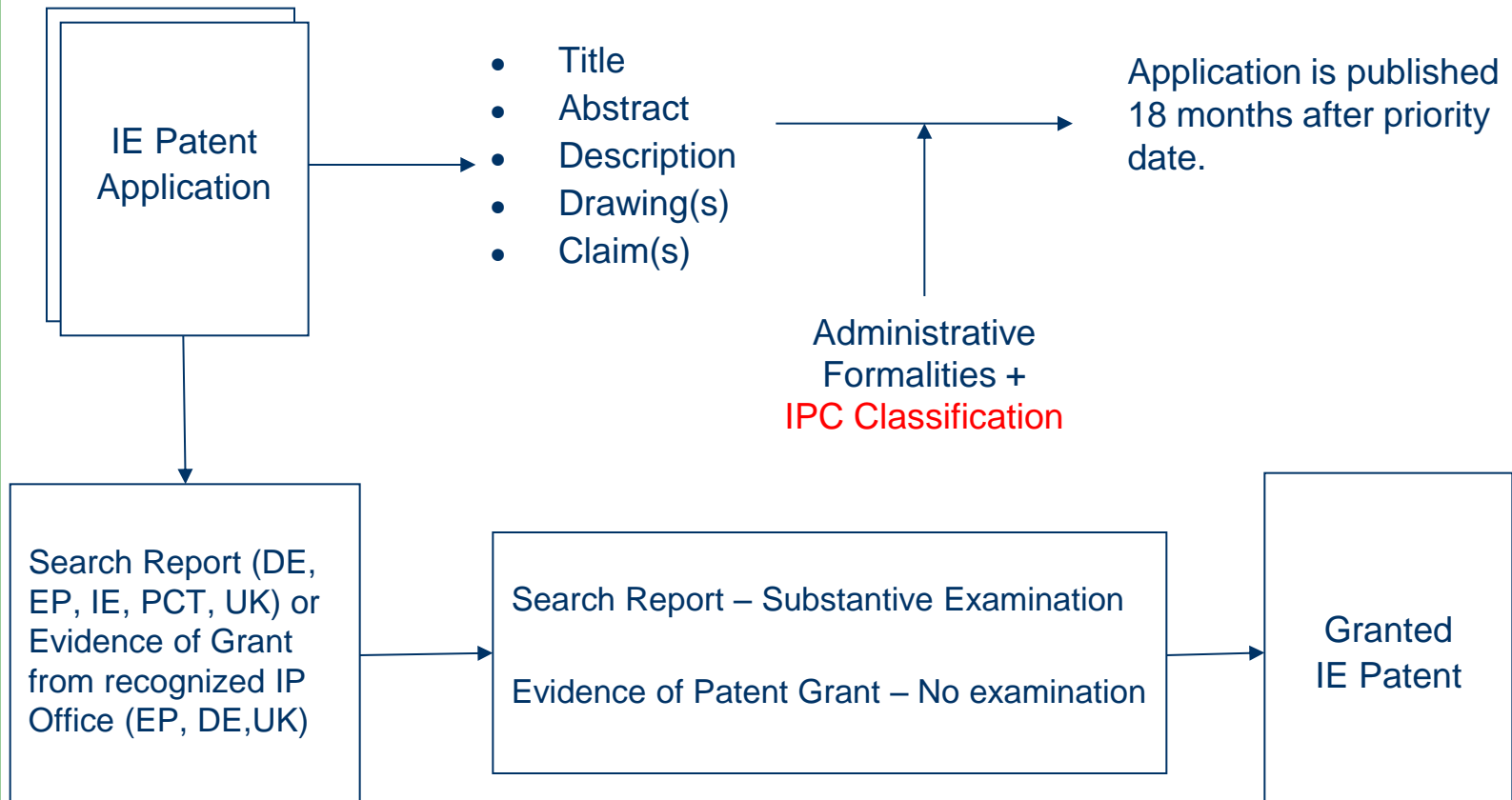
# Substantive Examination

- Introduced in a **limited** manner for applications filed since May 2017.
- Previously examiners could not raise objections under novelty, inventive step or industrial applicability i.e. it was a registration system.
- Since May 2017 third party observations are allowed on both patent and SPC applications.





# Patent Application Process





# Procedure up to Grant:- IE Search Report

- Applicant pays for a search to be carried out – Search Report plus a Written Opinion (SR+WO) is prepared and sent out.
- Upon receipt of the application has up to 4 months in which to amend the application or to file a statement that no amendments are considered necessary at this stage.
- Application then goes for substantive examination.



# Procedure up to Grant:- Evidence from Foreign Application

- Applicant submits evidence from a prescribed foreign application **in lieu** of requesting a search.
- If the evidence is in the form of a **granted patent** and the specification and claims are **identical** to the Irish application, then the application will usually be approved for **grant**.
- If the granted claims in the evidence are **different** to those in the Irish application - or if the evidence is a foreign search report - then the application will go for **substantive examination**.



# Opposition / Revocation

- No opposition procedure is available for National patents.
- Revocation applications can be done before the Office or directly to the Irish court.
- All decisions by the Office may be appealed to the court.



# Quality and Patent Information

- Bibliographic data on all published IE applications and grants is sent fortnightly to EPO.
- Fortnightly package also includes full-text data produced using the WIPO “OCR Solution” – linked to EPO “Quality at Source” project.
- National IE Register is “deep-linked” to the Federated EP Register.



# Forthcoming Developments

- Process for extracting SPC data in XML format for sending to EPO being developed in second half of 2018.
- Patent e-filing module and online patent specification template tool for private applicants due to go live in early 2019.
- Redesigned website with more interactive content.



# New Homepage



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## Turning ideas into assets

The Patents Office is the official Irish government body responsible for intellectual property (IP) rights including **patents, designs, trade marks** and **copyright**.



### Patents

If your idea is an invention that has a technical solution, you can get exclusive rights to the invention with a patent



### Trade Mark

If your idea is a new word, name or logo that characterises your business, you can have the exclusive right protected by a Trade Mark



### Design

If your idea has a special form or appearance, you can get exclusive rights to the design with Design protection



### Copyright

If you have created original literary, dramatic, musical or artistic works

## What type of IP is right for you?

Read our guide to understanding intellectual property to determine which IP right is right for you

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Before applying for your intellectual property right search to make sure that it isn't already registered.

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# Questions/More information

## Contact:

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Phone: 00 353 56 77 20 103





# Search Report vs Evidence

Evidence	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Search Report	54	63	39	49	31	37	24	28	33	38
Granted Patent	49	66	39	61	52	41	29	13	31	29