
Patent FAQs

What is a patent?

A patent is a constitutionally provided legal right that grants a period of exclusive ownership to an invention, delineated by the subject matter covered by the issued patent claims. The exclusive ownership permits the owner to prevent others from making, using or selling a product or service covered by the claims of the patent.

Who can get a patent?

An applicant must file a patent application with the United States Patent and Trademark Office (USPTO). The Applicant can be the inventor(s), or a person or entity to which the patent application is assigned.

Are there different types or kinds of patents?

Yes. There are three different types.

- *Utility patent*: Protects the functionality of a particular item, such as a process, machine, composition of matter, manufacture, or improvement thereof.
- *Design patent*: Protects the ornamental design of a functional item, such as the ornamental design of furniture, drink containers or computer icons.
- *Plant patent*: Protects asexually reproduced plant varieties.

What can be patented in a utility patent?

Any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereof, may be patented provided it is novel, non-obvious and possesses some utility or usefulness.

How do I get a patent?

The process begins by filing the patent application with USPTO which examines the application to determine if the invention claims patentable subject matter, is novel, and is non-obvious. If each of these criteria are met, the Applicant is entitled to a patent.

What is the USPTO?

The USPTO is the organization responsible for examining patent and trademark applications. A patent examiner in the technology or field of endeavor determines if the applicant is entitled to a patent.

Does it take long to get a patent?

The patent examination process is complex and the timeline for each application depends on the nature of the invention and the relevant technology or field of endeavor. The type of patent being sought can also impact the timeline.

What are the benefits of obtaining a patent?

A patent owner can prevent others from using, manufacturing, or selling the claimed invention without the patent owner's permission.

Can a patent owner license or sell a patent?

Yes.

How long does a patent last?

Utility and plant patents have an enforceable term of 20 years from the earliest filing date of a related patent application with the USPTO. Design patents have a term of 15 years from the date they are issued by the USPTO.

Must I do anything to maintain my Utility patent?

Yes. Utility patents are subject to maintenance fees that must be paid to the USPTO at stated intervals. There are no maintenance fees on plant or design patents.

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