

topic: PATENT LAW

Do I need to worry about filing patent applications in other countries?

advice:

Patents are territorial in nature. While a U.S. patent gives its owner the right to prevent importation infringing goods, it has no effect outside of the U.S.

Unfortunately, there is no such thing as an international patent. However, there effectively is an international patent application, or PCT patent application, which may be used as a vehicle to obtain patent protection in most any country. You will eventually need to incur patent filing expenses in every country where protection is desired. However, a PCT application allows you to defer country-specific expenses for 2½ years, giving you time to evaluate the commercial value of the invention in the global marketplace.

Finally, a PCT patent application filed within one year of an initial U.S. patent application effectively receives the same filing date as the U.S. application. This “right of priority” allows you to defer the cost of the PCT application for a year, while still ensuring that the application has an effective filing date before any public disclosure of your invention.



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