Inventions. Requirements for the patent application documents

- What shall contain a patent application [1]
  - a) a request for the issuance of a patent on a standard form;
  - b) a description of the invention;
  - c) one or more claims;
  - d) any drawings referred to in the description or the claims;
  - e) an abstract;
  - f) a power of attorney, as the case may be;

  The patent application shall be subject to the payment of the filing fee.

  The conditions provided for in a) to g) shall constitute a regular national application.

  The filing date of a patent application shall be the date on which the documents were filed with the AGEPI by the applicant and shall contain at least:

  - a) an indication that the issuance of a patent is sought;
  - b) indications allowing the identity or contact of the applicant to be established;
  - c) a part that on the face of it appears to be a description of the invention or a reference to an earlier filed application.

  All the requirements that must be satisfied by a patent application shall be prepared in accordance with the Regulations on the Procedure of Filing and Examination of a Patent Application and of Issuance of a Patent, approved by Government Decision No. 528 of September 1, 2009.

  The data contained in the patent application shall be confidential up to the publication thereof by AGEPI in BOPI. Disclosure of data contained in the application up to the publication is punishable under law.

  Close [1]

- Requirements for the patent application documents [1]
  The patent application must relate only to one invention or to a group of inventions so linked as to form a single general inventive concept.

  It shall contain:

  - a) a completed patent application form;
  - b) a description of the invention;
  - c) one or more claims;
  - d) any drawings referred to in the description or the claims;
  - e) an abstract;
  - f) a power of attorney, as the case may be.

  A patent application shall be subject to the payment of the filing fee.

  Documents from letter a) to e) shall be submitted in three copies. The documents listed above in letters a) to g) shall constitute a regular national application.

  Description

  The patent application shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. The description shall begin with the specification on the first page of the index of classification in the applicable edition of the *International Patent Classification* (IPC), to which the claimed invention relates and of

the title of the invention, as indicated in the patent application, in a clear and concise wording of the subject-matter of the invention, without revealing its essence.

The description shall successively contain the following:

- the title of the invention as indicated in the patent application form;
- the field of application of the invention;
- the prior art;
- a presentation of the technical problem which the invention solves;
- the disclosure of the invention;
- a statement of the advantageous effects (the technical result) of the invention with reference to the prior art;
- a brief description of the explicative drawings, if any;
- a detailed description of at least one way of carrying out the invention;
- a list of cited information sources.

The replacement of a part of the description with a reference to the source containing the necessary data shall not be admissible. The claims and the abstract shall be attached to the description of the invention and together with it form the technical patent documentation.

Title of the invention

The title of the invention shall contain a clear, concise and exact wording of the subject-matter of the invention, characterize its destination and coincide with the essence of the invention. The title may not exactly coincide with the generic term in the claims. The terms as “process”, “device”, “apparatus” etc. cannot be used separately without indicating the concrete destination or other essential features of the claimed object. If the description has as subject-matter a unitary group of inventions, the title will list all these inventions beginning with the primary one.

Examples of wordings: *Process and plant for producing sparkling wine. Method and apparatus for determining the composition of flue gases. Device with ... (embodiments)*.

Application field of the invention

This chapter is the first paragraph of the description, with the delimitation of the concrete fields in which the application of the invention is possible. If there is more than one field, the most preferential shall be stated.

The statement of this chapter shall begin with the following possible wordings: *The invention relates to a device ... intended for ...; table for ... intended for...; plant for ... intended for...; device ... intended for ...; process for ... used to ..., process for ... and device for its application*.

Prior art

It shall contain the earlier solutions close to the invention for which grant of a patent is sought, known to the inventor or the applicant, having the same destination, with the indication for each of mentioned solutions of the lacks or disadvantages which they have or which are removed by the solution for which grant of a patent is sought, shall be briefly furnished in turn. Each close solution shall be furnished by its essential features, indicating the similar ones to the essential features of the claimed invention, indicating the reasons which do not permit the achievement of the stated result, as well as the bibliographic data of the information source in which it is disclosed. Where the prior art also covers traditional knowledge, the latter shall be indicated explicitly, including their sources, if known to the applicant. If there is furnished more than one close solution, the closest solution shall be described last of all. The reference to the information source, in which the data concerning the close solutions are indicated, including the closest one, shall be made immediately after the description thereof by a number placed between parentheses in accordance with the list of information sources annexed to the description of the invention. If the invention relates to

a group of inventions, the indication concerning the close solutions shall be furnished separately for each invention of the group.

The following wordings are recommend: *It is known a device (apparatus, process, product, installation, etc.) consisting of ...; It is also known a device (apparatus, process, installation, product, etc.) consisting of ...; It is also known an apparatus etc., consisting of ...; The known device (apparatus, process, installation, product ...) has as the main disadvantage the fact that ...*;

The disadvantages of the similar solution can be presented separately for each solution apart or simultaneously at the end of the chapter for all solutions and shall be truthful, objective and non-exaggerated.

Presentation of the technical problem which the invention solves

The technical problem shall be stated by a clear wording of the objective by which solution an advantageous effect or a success in the application field of the invention is obtained. The technical problem to be solved shall represent the objective proposed by the applicant in order to modify or adapt the closest solution in the prior art (proximate analog) for the purpose of obtaining the advantageous effects which the applicant considers the invention to have in relation to the proximate analog.

The following wordings can be used: *The technical problem solved by the invention consists in the creation of a device (apparatus, process, installation, etc.) which ... (to eliminate the disadvantage of the subject-matter known in the prior art). The problem to be solved by the present invention is ...;*

Statement of invention

The invention as claimed shall be disclosed in such terms that the technical problem and the proposed solution can be understood by a person skilled in the art. The technical solution shall be expressed by the totality of features necessary for the solution of the technical problem. The proposed solution of the technical problem, which is the subject-matter of the invention, shall be briefly stated either in a sentence or, where necessary, in several sentences, enumerating all the new features, without going into details of embodiment of invention. The solution shall state the features of the solution in such a way that it may correspond to the claims to which the solution relates.

It is recommended using one of the following wordings: *The device, according to the invention, solves the above technical problem in that it consists of ... and the novelty is that ...; The process for obtaining ... consists of ... and the novelty is that ...; The apparatus for application of the method consists of ... and the novelty is that...; The device for ... consists of ... and the novelty is ...; The apparatus for the application of the process, according to the invention, consists ... and includes as new features ..., The installation, according to the invention, removes the above-mentioned disadvantages by that ... and the novelty is ...* .

Presentation of advantageous effects

The statement of invention shall be accompanied by the presentation of advantageous effects of the invention with reference to the prior art.

Explicative drawings

For a better understanding of the claimed invention explicative drawings (diagrams, photographs, etc.) can be furnished, which will be stated briefly.

This chapter begins with the presentation of the list of figures and their brief presentation, if any. Where other explicative materials of the invention are furnished, their brief statement shall also be made.

The following wordings are recommended: *The invention is explained by the drawings of Fig. 1 ..., representing*:... The invention will be further described in detail, also in connection with Figures 1 ... in, representing: ... . It is further given one/two/three/more embodiments of the invention, also in connection with Figures 1, 2 ... n, representing: Fig. 1 – general view of ..., Fig. 2 - partial section through ..., Fig. 3 - detail on ...; Fig. n - diagram on ... .

Embodiment of invention

The exemplary embodiment of invention includes the mode for carrying out and for use or for functioning of the invention. It shall indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable. The description shall be supported by concrete embodiments of the claimed invention, of the way in which the subject-matter described in a static state can be performed and in which such subject-matter described in a dynamic state can be used or function, in a manner sufficiently clear, complete and correct, with reference to the drawings, if any, for it to be carried out by a person skilled in the art. Each reference sign shall represent the same element, even if it appears in several figures, in such a way that it may possess a single meaning. It shall indicate the best mode for carrying out the invention known to the applicant on the filing date or, where priority has been claimed, on the priority date of the application.

If in the text of the description is mentioned for the first time a “member”, a “part” or a “detail part”, they will be expressed in an inarticulate form, for example: *“A base plate 1, provided with some support columns 2 and 3, on which slides a rod 4 ... “*.

Later, when in the presentation of the embodiment is mentioned the same part, member, etc., they will be expressed in the text in an articulated form, for example: *“The rod 4 is actuated by a reduction gear ...”*.

In the case of a group of inventions, at least one exemplary embodiment for each subject-matter of the group in the order of presentation of the claims shall be presented.

The description shall be signed by the applicant or patent attorney according to the power of attorney.

The Claims

The claims shall define the matter for which protection is sought.

Depending on the option of the applicant, claims shall consist of:

- either two parts (bipartite claim), the first part (the preamble) containing those technical features of the invention which are necessary for the definition of the claimed subject-matter but which, in combination, form part of the prior art, as well as the generic notion reflecting the destination of the invention, and the second part – the characterizing portion, beginning with the expression “characterized in that” and specifying the new technical features which, in combination with the features stated in the first part, define the invention;
- or of a single part (monopartite claim), without separation of the statement from the characterizing portion.

Indication of technical features from more than one close solution, i.e. presentation of the closest solution formed of technical features belonging to different close solutions shall not be admissible in the statement.

The claims relating to an invention shall contain an independent claim or may be followed by one or more dependent claims, depending on the nature of the invention. A dependent claim shall contain all the essential technical features of an independent claim to which it is subordinated and, where appropriate, relates to:

- the development and/or statement of the totality of its essential features, already stated in the independent claim;
- particular embodiments of the invention;
- additional or optional technical features which are not essential for the definition of the claimed subject-matter.

If there are several claims, they shall be numbered consecutively in Arabic numerals in the order of presentation. The number of claims shall be reasonable with regard to the nature of the invention claimed.

The subordination of dependent claims to an independent one may be direct or indirect, i.e. over one or more dependent claims.

The direct subordination of a dependent claim shall be used when, for the definition of the invention in a special case of embodiment or application thereof, alike the technical features of that claim, only the technical features indicated in the independent claim are necessary.

The claims relate sometimes to groups of inventions – in the case when the patent application may include more independent claims relating to different subject-matters, for example:

- *a claim for a device, a substance or a strain of microorganism and a claim relating to a process for the manufacture of the said device, substance or strain;
- *a claim for a process and a claim for a device designed for applying the said process;
- *a claim for a device or a substance, a claim relating to a process for the manufacture of the said device or substance and a claim for a device designed for applying the said process.

In the case of a group of inventions, a patent application may contain two or more independent claims in the same category (for example: device, process, substance, strain of microorganism or application thereof) which cannot be covered in a single common claim.

Types of claims

Claim drafting is based on certain peculiarities depending on the type of the patented subject-matter.

a) *The peculiarities of the claims of the invention relating to a device. A device shall be characterized in the claim in a static state*.

Indication in the claim of the manufacture of the element as being in a dynamic state, with the possibility of fulfilling a certain function (for example, with the possibility of braking, with the possibility of fixation etc.) shall be admissible.

b) *The peculiarities of the claims of the invention relating to a process.*

The verbs necessary for the characterization of actions (process, operation) as technical features of a process shall be used in the indicative mood, present, reflexive form, singular, third person (for example: it is heated, it is taken, it is mounted etc.).

c) *The peculiarities of the claims of the invention relating to a substance. In the claims characterizing an individual chemical compound of any origin, the name or marking of that compound shall be included.* For a compound with identified structure, the structural formula thereof shall be included in the claims. For a compound with an unidentified structure, the characteristics (properties) thereof ensuring the identification of this compound, including the elements of the process for the manufacture thereof, shall be admissible.

In the claims characterizing a composition, the ingredients of that formulation and, normally, the elements relating to the quantitative composition of the ingredients shall be included. Where the claims characterize a composition comprising elements relating to the

quantitative composition of the ingredients, they shall, as a rule, be expressed in two values for the characterization of the minimum and maximum limit of the composition (lower and upper).

Example:

Consistent lubricant containing vegetable oil as dispersion medium, 12-oxystearic acid lithium soap, improver of viscosity index (I.V.), antioxidant additive, characterized in that as dispersion medium is used vegetable oil from rapeseeds with the following content of ingredients (mass %): rapeseed oil 80.3...84.3, 12-oxystearic acid lithium soap 11...15 breeder I.V. "Polyisobutylene P-20" 3.7...4.1, antioxidant additive "Naftam-2" 0.6...1.0

The indication of the component of an ingredient of the composition by a unit value and the component of other ingredients - in the form of ranges of values in relation to the unit value (for example, the component of ingredients shall be presented for 100 parts by weight of the basic ingredient of the composition or per 1 liter of solution) shall be admissible.

For example:

Composition for the preparation of bread, containing flour, yeast, salt, sugar, spices and water, characterized in that it additionally contains kvass must concentrate in the following ratio of components, in kg per 100 kg of flour: yeast 0.5...0.7, kvass must concentrate 4.0...10.0, sugar 3.8...4.2, salt 1.7...2.0, spices 1.0...1.5, water to the humidity of 46...48%

Indication in a composition of the quantitative component of antibiotics, enzymes, etc. in units other than of other components shall be admissible. For example, in thousands of units in relation to the mass quantity of other ingredients of the composition.

The characteristic elements of the of the invention relating to the composition shall be introduced in the claims by the verb "comprises" with the specification "additionally", if it is necessary to specify the introduction of the ingredient in the composition.

For compositions which destination is determined only by a new active agent, and the other components are neutral carriers from the group of those traditionally applied in the compositions with such destination, the indication in the claims only of the said active agent and its quantitative composition, including in the form of "efficient quantity" shall be admissible.

The characterization of such a composition by the indication therein, except for the active agent, of other conventional components (neutral carriers) by the generalizing notion "special additive" shall be admissible.

In such a case, the quantitative ratio of the active agent and special additive shall be indicated. If as element of the invention is indicated a known complex substance, the use of its special name, with the compulsory indication of its function and/or properties and base, shall be admissible. In such a case, the complete composition and, if necessary, the process for the preparation of the said substance shall be presented in the description of the invention.

d) *The peculiarities of the claims of the invention relating to a strain of a microorganism, a plant and animal cell culture.*

In the claims characterizing the strain of a microorganism, a plant and animal cell culture shall be included:

- *the Latin name of the genus and species of the microorganism, plant or animal to which the strain relates;
- *the destination of the strain;
- *the abbreviation of the official deposit collection; the registration number of the

subject-matter deposited in the collection

e) *The peculiarities of the claims of the invention relating to the use according to a new destination.*

The use for the first time of the previously known substance to satisfy the social needs shall be considered the use according to a new destination. In describing the use of previously known products and processes according to a new destination, short characterizations of the used objects, sufficient for the identification thereof and indication of the new destination shall be used.

In the cases where subject-matter of the invention is the use according to a new destination of a previously known product or process, the claim with the following structure: "*Use (the name or the characteristic of the product, process shall be indicated) as (the destination of the product, process shall be indicated)*" shall be used.

The abstract

The abstract shall serve the purpose of information and shall represent a concise summary of the disclosure, containing on the average 150 words. It shall contain: the title of the invention; the characterization of the technical field to which the invention pertains and/or of the application field thereof, if not comprised in the title; the characterization of the invention with the indication of the achieved result. The invention shall be characterized in the abstract by a free statement of the claims. The abstract shall, where applicable, contain the drawing or the chemical formula and shall indicate the number of the figure of the drawings which should accompany the abstract upon publication. If the abstract is accompanied by a drawing, the reference signs corresponding to the elements existing in the drawing shall be presented in the text of the abstract, placed between parentheses. The reference signs used in the drawing shall be identical to those in the description of the invention.

Close [1]

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