

# Why is patent searching important

The patenting process requires significant investment of time and money. A patent search conducted early on in the process will help you decide whether your investment will be worthwhile.

A patent application will only lead to a valid patent if your invention is novel and inventive – or more simply, “new”. Generally, national patent laws say that your invention must be new everywhere in the world.

A J Park patent searches can cover databases of patents, scientific abstracts and other relevant publications from all around the world to see if someone else has thought of some or all of your invention already. The material we search is called the “prior art”.

## How do we focus our searches - when the prior art is endless?

Our searchers are experienced in patent searching strategies and patent law. They know what to look for and where to look for it.

Our searching strategy for each invention depends on:

- our understanding of essential parts of your invention, and
- the international patent classes that cover your invention.

We choose keywords and class combinations that are most likely to find relevant records. Our searchers then review the prior art revealed in the search results and tell you whether we think your invention is new.

## Is there any other information that a patent search can give me?

For an invention to be patentable in most countries, it must:

- be novel –the invention must be new and not used or published before the filing date of your patent application
- have an inventive step – the invention cannot be obvious when compared to what has already been published or used already, and
- be industrially applicable – the invention must be capable of being made or used in any kind of industry.

Our patent searches go beyond the first requirement that the invention is new. If your invention appears to be novel and we find similar inventions that may make your invention obvious, we will report that to you.

Our patent attorneys will keep all these patentability criteria in mind when they conduct your search and will assess your invention specifically against these criteria. The patent search report will tell you whether we think your invention is new and likely to be patentable.

## Do patent searches tell me if my invention infringes another patent?

No. Patent searches only assess whether your invention is new and patentable. These searches do not tell you if your invention may infringe existing patents. However, these searches may identify some patents that could be an infringement risk.

We can do a separate infringement search in each country where you intend using, selling or manufacturing your invention. This type of search is called a “freedom to operate” search. If the search is not clear, you are not free to operate your business in that country using, selling or manufacturing your invention.

### Do you search in every country?

No. We advise our clients to search in the English speaking countries with the most patenting activity.

A J Park’s patent attorneys search and analyse New Zealand and Australian patent records regularly.

We also search the Thomson Innovation subscription patent database that gives access to:

- US granted patents from 1836
- US patent applications from March 2001
- European patents from 1980
- European patent applications from 1978
- WIPO PCT publications from 1978
- British patent applications from 1916
- French patent applications from 1971
- German Utility Models from 1983
- German granted patents from 1968
- German patent applications from 1968
- Japanese applications (bibliographic information) from 1976
- Chinese utility models (bibliographic information) from 1978
- Chinese patent applications (bibliographic information) from 1985
- Korean granted patents (bibliographic information) from 1976
- Korean patent applications (bibliographic information) from 1978, and
- Other Authorities (in 90+ countries) bibliographic information from 1920 (INPADOC).

Searching these records gives us a good general idea about patentability worldwide.

But every patent search and each client’s requirements are different. Sometimes a more thorough search is required. We tailor each search to suit the specific client. If we think it is necessary, we will brief overseas patent

searching specialists to carry out a detailed search in their countries.

Patent searches are limited by several factors. We will explain these to you before undertaking a search.

For the best advice on patents or to arrange a patent search, contact A J Park.