

PATENT LAW

PATENT RIGHTS

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What are the rights conferred by a Patent?

The general rule is that the right to a patent belongs to the inventor.

If two or more persons have jointly made an invention, then both of them have the right jointly. Great minds think alike – what if two geniuses have made the same or similar invention - the right belongs to the person who has the earliest filing date of the patent application.

If you make an invention in the course of your employment and during the employment contract, the right to the invention belongs to the employer unless otherwise agreed to the contrary.

Once you have registered a patent, you have the right to prevent third parties from exploiting (i.e. product making, offering up for sale, using the invention or importing the product to sell it,) your patent without your consent.

The rights conferred by a patent do not extend to:

- Acts done solely for academic, scientific research, educational or teaching purposes;
- Acts done for private non-commercial purposes;
- An act done in respect of the patented invention for purposes of compliance with regulatory marketing approval procedures for pharmaceutical, veterinary, agrochemical or other products subjected to such procedures

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