



# EP&C

PATENT ATTORNEYS



## SEARCHING IN THE PATENT DATABASE

# JOURNEY OF DISCOVERY PAST INNOVATIONS IN YOUR AREA OF EXPERTISE

If you are considering protecting an invention with a patent, then searching in the patent database is the perfect way for you to get more of an idea of the possibilities. It will give you insight into the likelihood of you getting a patent on your invention. In this brochure we explain the different types of searches available, as well as where and how you can conduct these.

## Four types of searches

1. Patentability



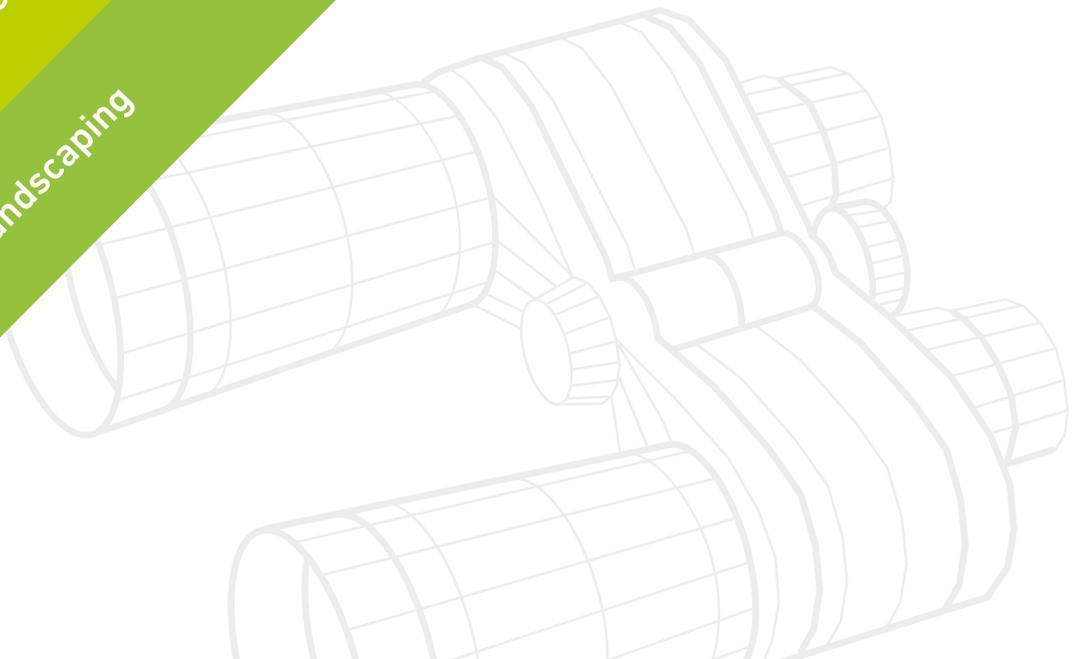
2. Non-infringement search



3. Invalidity search



4. Landscaping



We distinguish four types of searches in the patent database, which each have a specific purpose. A patentability search is one you can conduct yourself. The three other forms are of a more specialist nature and are generally performed by patent attorneys.



## 1. PATENTABILITY

This type of search is relevant when you are thinking about applying for patent rights on an innovation. The main aim of this type of search is to establish whether your invention already exists. If it does, it will not meet one of the patent requirements, which is **novelty**. In a case like this, there is no point in applying for a patent. If, however, you find a publication that is very similar to your invention, this can be used as the point of departure for your patent application.



## 2. NON-INFRINGEMENT SEARCH

The aim of this type of search is to establish if you are infringing an existing patent. It is important to note that patents are published 18 months after the application is filed. As a result there is always going to be a blind spot, which means that you can never be 100% certain if an invention has already been patented. Based on old publications and patents that have expired, it is possible to demonstrate that an idea can be applied freely.



## 3. INVALIDITY SEARCH

An invalidity search will clarify the validity and strength of a patent. If the result of your search shows that a patent already exists in the field of your invention, you will want to know if your innovation infringes on this. This does not necessarily need to be the case. Patents that have been granted may have expired, may not cover everything, or may have been granted unjustly.



## 4. LANDSCAPING

What does the patent landscape of my technology look like? Landscaping involves an orientation of the market. Who operates on the market? What is the competition up to? What technologies are emerging? The aim of this type of search is to determine your patent strategy.

# THE PATENT DATABASE

For the search into the patentability of your invention we recommend you use the following database:

## **ESPACEENET:**

The European Patent Office's patent [database](#) contains millions of patent publications which you can use to conduct global searches based on a keyword in the title and in the summary of the publications. You can also use a classification system in this database. Take a look [here](#) for a film and a brochure on how to use the database.



## WHAT ARE THE STEPS?

### 1. RELEVANT PATENT PUBLICATIONS

In the Espacenet patent database you select around five patent publications that most closely resemble your idea.

### 2. DISCUSS PRIOR ART WITH A PATENT ATTORNEY

The prior art is determined on the basis of the publications found. This will form the basis for your distinctive presentation of the invention in the patent application. What makes your invention novel when you compare it with the search results found?

### 3. DETERMINE FOLLOW-UP STEPS

Your patent attorney will advise you on what to do next. This may involve drafting a patent application. If you have found a publication that is very similar to your idea, it may be necessary to conduct a further search to establish whether there is any infringement. What aspects can still be patented? Your patent attorney will help you decide on the best way forward.

“Patent database searches will take you on an exciting journey past all kinds of innovations within your particular area of expertise. You will discover who else is working on a specific topic.”

KEES HOLLAAR, DUTCH & EUROPEAN PATENT ATTORNEY



## HELP, MY INVENTION ALREADY EXISTS

In your search for the patentability of your invention you could end up finding publications that make you think your innovation already exists. **Our advice is not to jump to conclusions.**

The database contains all kinds of patent documents, ranging from applications and patents that have been granted to patents that have expired. The inventions you come across in the publications found do not automatically have valid patent rights on them. If you want to find out for sure if a patent is still legally valid, you should check this out with your patent attorney.



**TIPS!**



### **STICK TO WHAT YOU ARE LOOKING FOR**

When conducting a search it is important not to lose sight of what you are actually looking for. You will come across lots of information in the publications. Do not allow yourself to get distracted by this and stick to the original plan. You are then far more likely to find relevant results.

### **NOTE DOWN SEARCH TERMS**

You should ultimately select around five publications that most closely resemble your own invention. Make sure you note down the search terms that led to you finding the publications.

### **REFINE YOUR SEARCH RESULTS**

Choose relevant search terms and look into these one by one. Think about how your invention differs from the search results found. Then add additional key words. This will make your search more and more specific. For example, if your first search is for a staircase, you can refine this by looking for a spiral staircase. After this you can make refine your search even further by looking for a spiral staircase with luminous metal steps.

### **COLLECT PUBLICATIONS IN 'MY PATENTS LIST'**

In Espacenet you can save relevant documents in 'My patents list'. You can export these search results to Excel.

### **COMBINE CLASSIFICATION CODE WITH SEARCH TERMS**

If you have found the relevant classification code for your invention, you can combine this with search terms to refine your results. Select a search term and see how this affects the number of results and their relevance. Continue until you have a manageable number of documents, which you can examine one by one.

### **QUICK SCAN ON THE BASIS OF IMAGES**

If you are searching for a mechanical engineering-related topic, you can perform a quick scan of the results found via images.



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## YOUR BUSINESS FIRST

### At EP&C, we start by listening

The better we understand who you are and what you do, the more valuable we can make your Intellectual Property. We give honest advice, using plain language, based on years of experience.

This ensures that you do not just get the best protection for your innovation, but for your organisation as well. That is why we, at EP&C, start by listening.

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**in**

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