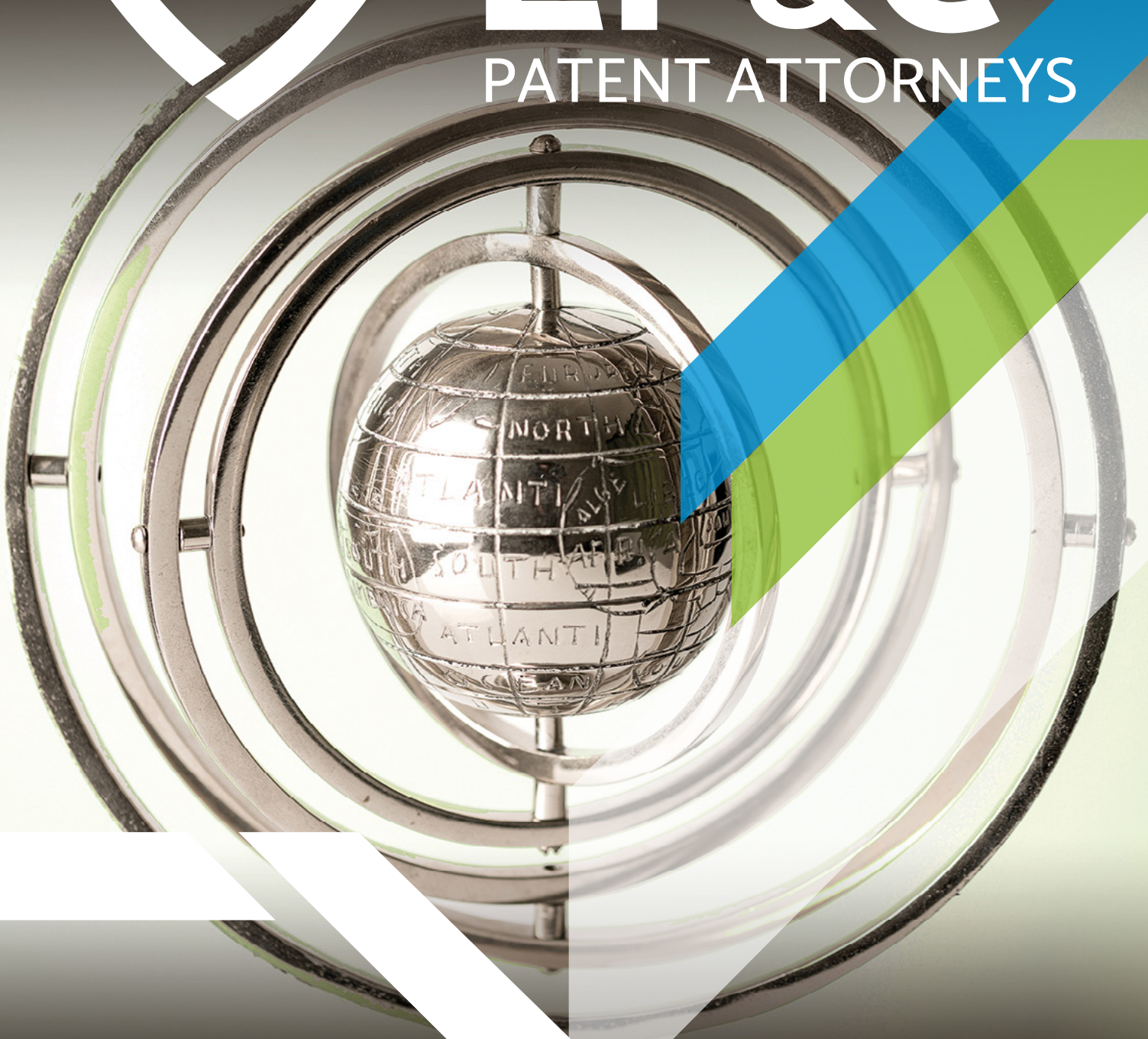




# EP&C

PATENT ATTORNEYS



PROTECTION AND TIME TO REFLECT

# THE NL-PCT ROUTE

PATENTS | DESIGNS

**You have invented something that has international potential and want to arrange worldwide protection as quickly as possible to ensure that nobody can run off with it and reap the benefits of your creativity.**

At the same time you still have a lot of research and weighing up to do before you can take a definitive decision about the countries in which you want your invention to be protected by a patent. Is your invention as novel as you think it is? Will your invention become commercially successful enough to justify the investment in international protection? After all, no one market is the same.

## NL-PCT most frequently chosen route

Patent law offers various possibilities for obtaining international protection for your invention. Entrepreneurs often opt for the so-called NL-PCT route. This is a two-stage route which gives you sufficient time to carefully weigh up your choices and, for example, explore your market or find investors. It enables you to keep your options open, while only a limited budget is required.



### STEP 1: START IN THE NETHERLANDS

If you opt for the NL-PCT route we will start with a Dutch patent application because the budget required for a Dutch patent application is relatively small. In addition, you will receive a novelty search report nine months after filing your application, which will give you an insight into the patentability of your invention.

#### Priority date

The date on which you file your Dutch patent application is the priority date. If you subsequently decide to apply for a patent in other countries as well, the commencement date will be the same as this priority date. In principle you can make your invention public after this date. You should always consult with your patent attorney in good time if you are actually going to do this, as publication at this stage can have negative consequences.

#### Priority year

After you have filed your application, you will be able to continue the same patent application outside the Netherlands for a period of one year. We refer to this as the priority year. This priority year gives you time to explore the commercial opportunities of your invention. Towards the end of the priority year, you can take a decision about whether or not to apply for patent protection outside the Netherlands.

## Three options after priority year

### A. You opt for the pct application

You take the decision to continue your patent application outside the Netherlands but are not yet sure exactly in which countries you are going to do so, for example because you are not sure where you are going to launch your invention. Alternatively, you may wish to postpone this decision to continue the application in a selection of countries because you are still looking for investors or other parties to cooperate with. In those cases you should continue your Dutch patent application as a PCT application. This will give you more time to decide in which countries you eventually want to have patent protection. What is more, you will receive an additional novelty search report at this stage and will have the opportunity to consult with an examiner. This will give you additional insight into the patentability of your invention.

## B. You apply for a patent in several countries

You take the decision to continue your patent application outside the Netherlands without filing a PCT application. You want to establish your patent in a limited number of countries or regions, such as Europe, for instance. In that case, it might be better to immediately continue the application in those countries. This will save you the cost of an international PCT application. However, you will then immediately have to incur the costs for continuing the application for each individual country.

## C. You do nothing

The expected commercial success abroad is disappointing, or your invention is already to a large extent known according to the novelty search. In those instances you do not continue your patent application outside the Netherlands. You make do with a Dutch patent.



## STEP 2: PCT APPLICATION

If you choose option A, you will follow the so-called international route with a PCT application. PCT stands for Patent Cooperation Treaty, an international treaty between approximately 150 countries. This enables you to postpone your definitive choice of countries for up to thirty months after filing your Dutch patent application. Filing your PCT application therefore gives you an additional 18 months to explore your commercial opportunities in more detail. At the end of the period you can make your choice of countries and start individual patent procedures for each country.



## STEP 3: PATENT PROCEDURE PER COUNTRY

The filing of a patent application in the selected countries will be followed by an individual procedure for each country. The required budget and time frame differ per country.

### Summary of NL-PCT Route

- Concerns a two-stage filing, meaning that you have a go/no-go moment towards the end of the priority year.
- Up to 30 months postponement to:
  - > Determine your choice of countries
  - > Find investors
  - > Investigate the patentability
  - > Assess commercial opportunities





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We have a very diverse range of clients. From start-ups to multinationals. No matter how simple or complex your question may be, you will always get solid, complete and understandable advice which is tailored to your situation.

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