



EP&C
PATENT ATTORNEYS

SOURCE FOR MANAGEMENT AND STRATEGY

PATENT MONITORING

PATENTS | DESIGNS

PATENT MONITORING SOURCE FOR MANAGEMENT AND STRATEGY

Your patents give you the exclusive right to certain technologies. But if you have patents, chances are that your competitors will have them too and continue to apply for them. It is important to keep a close eye on their rights and plans. This will prevent you from infringing them and possibly ending up in court. It will also help you keep up with developments taking place in your market.

Our patent monitoring service provides you with a monthly overview of patents granted and applied for. It provides information which you can use to direct your patent strategy and business operations. This brochure tells you exactly what it consists of, how it works and why we recommend it to every innovative entrepreneur.

What do we mean by patent monitoring?

When you decide to use our patent monitoring service, we will automatically search the patent databases for recent patent publications of others and send you a monthly list of publications relevant to your business. This list includes applications for patents that still have to be assessed as well as patents that have been granted definitively.

We tailor this patent monitoring service to your specific needs. We do this on the basis of a number of variables, such as the names of your competitors, a patent class in your technical field and relevant keywords. If necessary, we make interim changes to these variables.

Each month, you will receive an interactive list of results. You can click on publication numbers and images to get all kinds of detailed information. There are several advantages to this.



WHAT ARE THE ADVANTAGES OF PATENT MONITORING?

MONITORING

1. You can keep an eye on your competitor's innovation activities.

- By tracking patent applications you get an insight into which **competitors** want to enter which **market** or **countries** with certain **technologies** or **innovations**.
- Does a competitor's patent stand in the way of your development? By creating an **alert list**, you will always stay informed about the status of patents that are relevant to you. You will, for example, receive a notification when a patent expires and thus opens up the possibility for you to apply the technology in question. Conversely, you will also receive a notification when an application is granted which may stand in your way;
- It gives you insight into how a **competitor's application procedure** is going. You will see whether an examiner has objections when assessing the application and, if so, what they are. This will enable you to decide whether or not to take steps **in good time** (see point 4).
- By monitoring whether your own patent is mentioned in another company's patent application, you will know that they are **innovating in your slipstream**.

SEIZE OPPORTUNITIES?

2. You can seize commercial opportunities.

Some parties apply for a patent without wanting to market it themselves. Start-ups and universities, for example, regularly apply for patents as a basis for collaboration. It puts them in a stronger negotiating position. By monitoring these types of applications, you can take over interesting patents, obtain a licence or enter into collaborations before your competitors know about them.

PREVENT INFRINGEMENTS

3. You can prevent a situation in which you infringe third parties' rights.

By keeping abreast of the patents applied for by, and granted to, your competitors, you will have a clear picture of which innovations are protected. This means you cannot simply use these innovations.

If certain technologies that you also want to use are protected, you can:

- Come up with a **work-around**;
- **Challenge** a patent application or granted patent;
- Negotiate for a **licence**.

CONTEST

4. You can limit or nullify the scope of protection of a competitor's patent by:

- Influencing a granting procedure. **You can help an examiner reject or reduce the scope of protection of a pending application.**

You can do this by filing a **Third Party Observation** (TPO). You will then have to provide evidence of the weaknesses in the patent application. For example, by means of a publication which shows that what is being claimed is not novel. The examiner is obliged to assess this evidence and include it in the assessment of the patent application. A TPO can be filed either in your name or anonymously.

- **Have a patent that has been granted reversed or restricted (amended to a less far-reaching patent).** If a European patent has been granted, you can start **opposition proceedings** within nine months. By doing so, you challenge the rights granted at the patent granting authority.

TIP

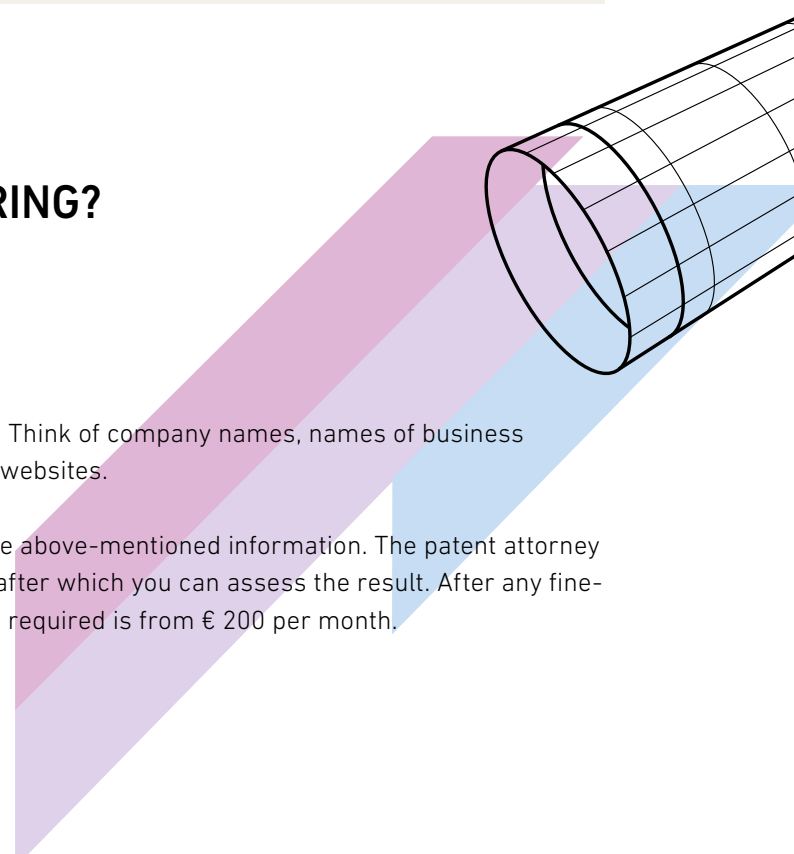
A granting procedure can sometimes take years. It is often not easy to find evidence retrospectively. By means of patent monitoring, you will know which (future) patents pose a potential threat to your business operations. So you can start archiving evidence in a timely manner that can show that the innovation is not, for example, novel or inventive. This **evidence** can be based on older patent publications, but can also simply be a YouTube film.

HOW DO YOU SET UP MONITORING?

Start by gathering the correct information:

- Define your technical field of expertise;
- Name your company's products;
- Identify the areas in which you innovate;
- Make a list with names used by your competitors. Think of company names, names of business owners and inventors. Collect links to associated websites.

Next, approach your patent attorney to go through the above-mentioned information. The patent attorney will then set up an initial monitoring profile for you, after which you can assess the result. After any fine-tuning, the monthly monitoring can start. The budget required is from € 200 per month.





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We tailor to your needs

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.

RIJSWIJK

Sir Winston Churchilllaan 295a
2288 DC Rijswijk, The Netherlands
T +31 70 414 54 54

AMSTERDAM

Rietlandpark 301
1019 DW Amsterdam, The Netherlands
T +31 20 305 28 88

UTRECHT

Newtonlaan 115
3584 BH Utrecht, The Netherlands
T +31 30 273 75 10

TURNHOUT (BE)

Antoine Coppenslaan 27-B4
B-2300 Turnhout, Belgium
T +32 14 481 040



www.epc.nl
www.epc-ip.be

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