

Searching in **patent databases**



EP & C

INTELLECTUAL PROPERTY EXPERTS

Patents ■ Trademarks ■ Designs



Searching in patent databases

JOURNEY OF DISCOVERY PAST
INNOVATIONS IN YOUR AREA OF EXPERTISE

If you are considering protecting an invention with a patent, then searching in patent databases 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.



1. PATENTABILITY



2. NON-INFRINGEMENT SEARCH



3. INVALIDITY SEARCH



4. LANDSCAPING

We distinguish four types of searches in patent databases, 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 idea 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.

Two patent databases

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

Espacenet:

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.

Google Patents:

Google Patents is another patent database. One of the differences with Espacenet is that the keyword entered searches in the full text of the patent document. You can enter everything directly into a window, such as the name of the applicant, the inventor or the publication

What are the steps?

1. Relevant patent publications

In the Espacenet and/or Google Patents patent databases 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?

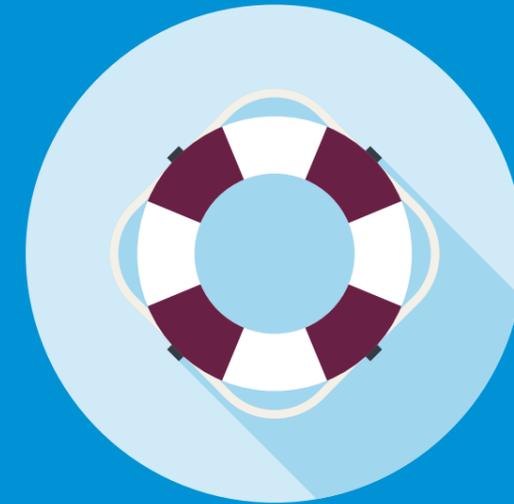
3. Determine follow-up steps

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.



Help, my invention already exists

In your search for the patentability of your invention you could end up getting the shock of your life. "Oh no! My invention already exists!" Our advice is not to jump to conclusions. Both databases contain 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

1. 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.

2. 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.

3. 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.

4. Collect publications in 'My patents list'

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

5. 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.

6. 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**.

It's our business to put your business first

If you would like to find out how to innovate effectively and best protect the result, please contact one of our specialists. We would be only too pleased to invite you for an initial – free – meeting.

Rijswijk

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

Utrecht

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

Amsterdam

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

Turnhout

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



INTELLECTUAL PROPERTY EXPERTS



www.epc.nl/en
www.epc-ip.be

© 2017 EP&C