

The Patent Application Process Outside the United States

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As an intellectual property manager, one of your initial decisions when developing a patent-filing strategy for a new invention will be whether to pursue patent protection outside of the United States. In making this decision, you will likely be asked to consider and balance a number of different factors, including the commercial and marketing potential of the invention internationally, the cost of obtaining and maintaining patent rights in each country where protection is desired, and whether or not the invention is even patentable under applicable foreign patent laws. Although you, or your U.S. counsel, will typically engage the services of a patent attorney in each country where protection is sought, having a general understanding of foreign-filing procedures and laws will help you through the initial decision-making process regarding whether to file internationally, as well as enable you to more effectively manage the prosecution of each foreign case filed.

Clearly, a complete summary of all relevant foreign procedures and laws is beyond the scope of this manual. Accordingly, the purpose of this chapter is not to set forth a step-by-step guide to obtaining foreign patent rights, but rather to provide a brief overview that can be used as a starting point as you begin to familiarize yourself with the patent application process outside of the United States. As such, this chapter should be viewed as a general reference tool and should not be relied upon as a substitute for legal advice. It is recommended that, prior to undertaking any patent-filing strategy, you should seek the advice of professional counsel.

