

A Patent's Road to Success

Information for
Inventors at the JKU



Let's Get Started!
Getting a patent is like taking a road trip. Let us help you get started ...



Your advisor is ready to provide you with a wealth of information and advice! Contact addresses are available on page 23.



**Travel Advisor:
Plan the Trip!**

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On the Road to Success.**

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Travel Advisor: Plan the Trip!

Inventions are new ideas designed to help solve technical problems. They are different from discoveries - such as x-rays or a new animal species - as these can be discovered but not invented.



On the Road to Getting a Patent: Why, Why, Why?

We have compiled valuable information for researchers about the advantages of applying for an invention patent and have addressed everything you need to know. The road to successfully acquiring a patent can be likened to a journey in to the unknown and this brochure will help serve as a guidebook to accompany you on the journey.

For you as a researcher, patents are an excellent way to celebrate your spectacular technical achievements. For legal purposes, patents are also important when it comes to acknowledging an invention's commercial success. Start-up companies are more likely to benefit from having an official patent.

In short: Patents can legally protect your professional knowledge and expertise, helping you to achieve commercial success.

Let's get started!

Patents are industrial property rights, such as brand names and new designs.

Filing a Patent Application is the first step toward commercially benefiting from a patent. This is a way to put ideas, inventions, technology into practice and make it accessible to the public, consumers, the market and to specific trade fields.

Packing Your Bag ...

Please think carefully about packing for the invention's journey to success – what are the invention's key features and attributes?



Core Function

What is the invention's main purpose?

Horizontal lines for writing the core function.

Functionality

What exactly does the invention do?
What are its main strong points?

Horizontal lines for writing the functionality.

Applications

What can this invention be used for?
What are all of the potential areas of application?

Horizontal lines for writing the applications.

Objectives

What can I do with this invention?
What is this invention's objective?

Horizontal lines for writing the objectives.

Comments by Experienced Travelers:



“Patents liaison between pure research and real-world applications, making the public and the media more aware about our research. Patents also increase our visibility as researchers.”

Univ. Prof. Dr. Alberta Bonanni
Institute of Semiconductor and Solid State Physics, JKU Linz
Recipient of the “2016 State Patent Award”



“Universities are responsible for transforming knowledge and creating value that can be channeled in to supporting society's economic future.”

o.Univ. Prof. Mag. Dr. DDr. h.c. Niyazi Serdar Sariciftci
Institute of Physical Chemistry
Head of LIOS, JKU Linz

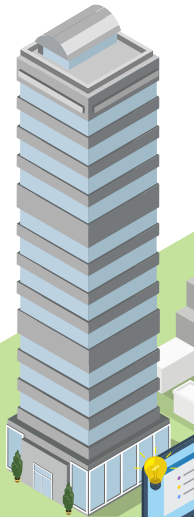


“There is no reason to go it alone – that can be difficult. Find like-minded individuals and create a team. The team has to trust each other and know each other well!”

Assoc.Univ.-Prof. DI Dr. Marc Streit
Institute for Computer Graphics
Founder and CEO of “datavisyn”

Invention at the University

- Inventions created by university employees are referred to as “**employee inventions**”. This also applies to inventions created outside of office hours as long as the individual is still employed by the university!
- All inventions must be **reported to the Rectorate**. (The form is available in Intranet at the university.)
- Similar to private companies, the invention belongs to the university providing it has been claimed within three months. This does not mean that the inventor will be ignored; on the contrary! More often than not, an invention can only become truly successful when **the inventor and the university work together!** For you as an inventor, this means you do not have to pay the patent application fee or the legal fees.



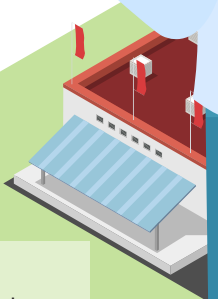
Do Your Homework:

- Popular trends currently include the Silver Society, individualism, connectivity (e.g. Internet of Things).
- See www.zukunftsinstitut.de/dossier/megatrends/ for information about additional trends.
- Trend watching: www.trendwatching.com

Being in Uncharted Territory

Try to evaluate the idea and gauge the market potential:
Is there a market?

- Does the invention fill a consumer need?
- Are there potential customers?
- What kinds of future trends are important?
- How will the market and customer demand develop?



Patent: On the Road to Success.



What is a Patent?

A patent is a **set of exclusive rights** enabling the patent holder to exclude others from commercial utilization. In exchange, the invention must be publicly disclosed.

In order to acquire an invention patent, the invention must be new in the field of technology, should not be too similar in resemblance to other products, and should be viably commercial.

Patents are valid for a maximum of **twenty years**; patent applications are reviewed separately in each country.

Additional patent information:

DEPATISnet, Espacenet and USPTO offer free online access to patents around the world!

- <https://depatisnet.dpma.de>
- <https://worldwide.espacenet.com>
- www.uspto.gov

Patentability

- Commercially profitable
- Novel
- Meets the criteria of a new invention
- Technical

PLEASE NOTE! Any kind of publication about the invention - even if written by the inventor - could be detrimental to the novelty aspect. If the invention has a pending patent, information about the invention must not be published beforehand.

Is a Patent to my Advantage?

Why a patent benefits both the invention and the inventor!

Patent Applications ...

- are attractive to **potential industrial partners**.
- make you more attractive when searching for **joint research cooperations**.
- help to **protect your areas of research**.
- boost your **curriculum vitae**.
- open doors to **career advancement opportunities**.
- demonstrate active research and development efforts
- **do not exclude publishing**.
- contribute to society.

Stop! Patent Application Checklist.

The following could be detrimental to the novelty factor and prevent you from even taking off from the ground.

- Past publications in a scientific journal
- Conference presentation
- Public presentation with no confidentiality agreement (such as a classroom lecture)
- A featured story on radio or television
- Online publication
- Former patent applications, even if these have not yet been published

Be careful when it comes to the following! Start carefully!

- Master's theses or doctoral dissertations can be detrimental to the newness factor if the author has not prohibited access to the paper and its contents
- Publications can be submitted but will negatively affect the novelty factor as soon as the content is published
- Be careful with your applications and publication submissions. Ask yourself: Do I want people to know about my findings?

Here you can go full speed ahead!

- Communication, providing a non-disclosure agreement (NDA) has been signed
- Expert review provided by the Patent Office about the most recent technological developments
- Consultation with patent scout, with IPR Management, and the university's Legal Department

Your Roadmap to Apply for a Patent

Invention Notification

By law, all employee inventions must be reported. The university has a three month period to decide if it wants to support the invention or not.

Initial Application

If the university decides to back the invention and file a patent application, a patent lawyer will draw up the patent specifications and file the initial application.



Patent Applications Abroad

Within a twelve-month period (= priority year*):

- EP – European Patent: Patent applications within Europe
- PCT – Patent Cooperation Treaty: International patent application**
- Additional individual countries

Our Tip: We recommend filing the patent application in a country where there is a market or a suitable production location. Start thinking about these things as early as possible!

Publication

After 18 months, the Patent Office will publish the patent application and (if available) a report about patent novelty.



Review

The Patent Office will review patentability.

Patent Granted

The patent term is twenty years, starting from the date the application was filed.

Patent Not Granted

*A patent application with the same priority date can be filed in other countries within the twelve-month period.

**PCT: The choice of this patent application secures the right to select the countries in which the patent protection is sought within thirty months, starting with the initial application.

What is Around the Corner?

Question after question!

Can I submit my paper for publication right after receiving notification about the invention?

No, the university must formally approve your request to publish.

When am I allowed to publish a paper about the invention?

After the university grants approval.

As the inventor, do I have to pay for the patent?

No!

Do I still have to notify the university about my invention even if I do not wish to apply for a patent?

Yes.

When does patent protection come in to effect?

If a patent is granted, patent protection is retroactive, becoming effective starting on the date of application.

Who owns the invention?

The university, providing the university agrees to back the invention within three months.

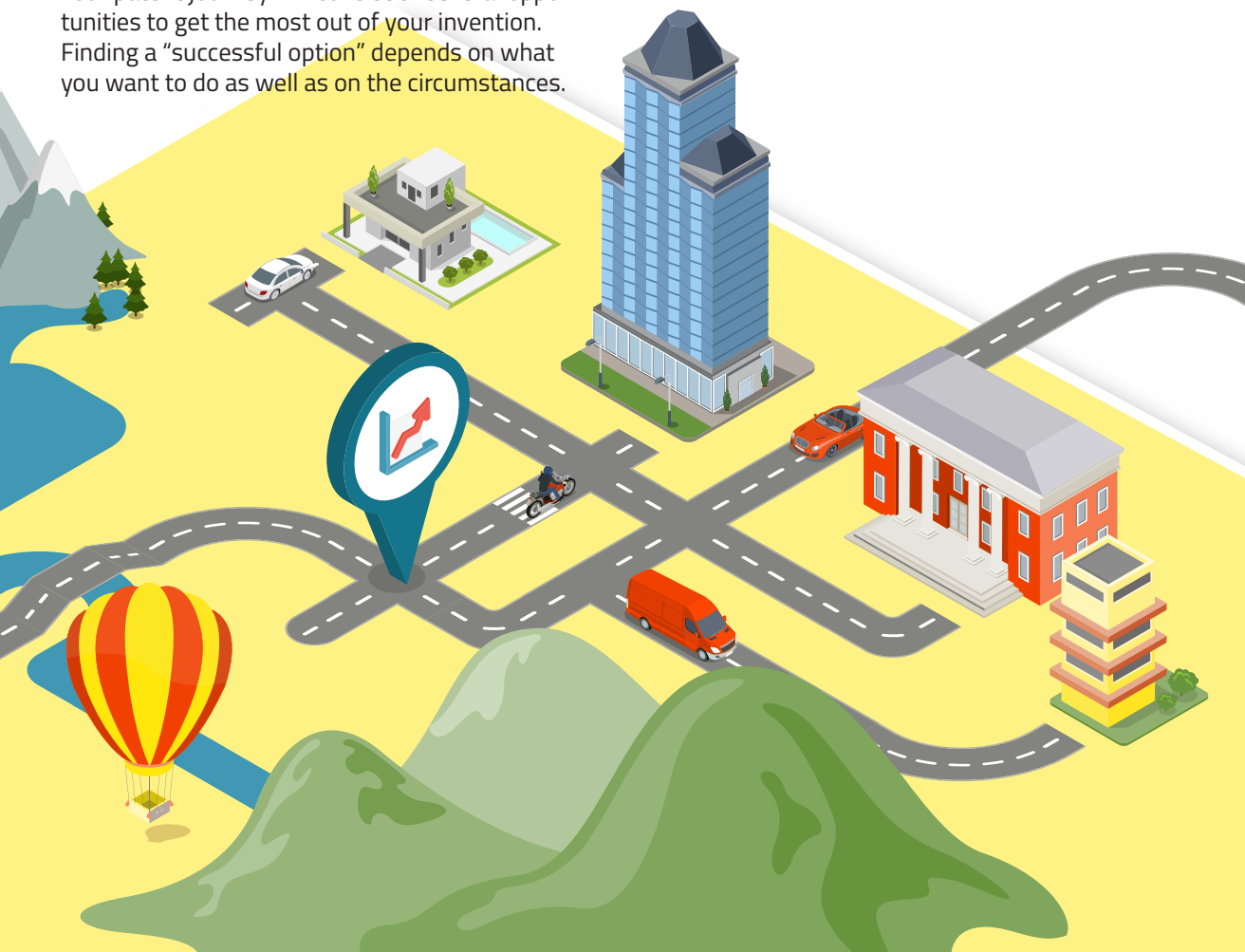
Do I still have to inform the university about my invention even if the rights have already been given to, say, a company?

Yes.



"Checking In" to Success.

Your patent journey will consist of several opportunities to get the most out of your invention. Finding a "successful option" depends on what you want to do as well as on the circumstances.



Making your bed ...

Which hotel of success best suits your journey?

License:

The patent is made available to a company for a fee.
 +/- Less financial risk, less profit, little control.



Starting a Company:

Start a company based on the patent.
 +/- Potentially large profits, but also a high degree of risk.



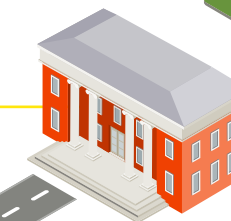
Sale:

The patent is sold to a company and ownership is transferred for a fee.
 +/- Quick profit, minimal effort, but small return, no additional application opportunities



Cooperation Projects:

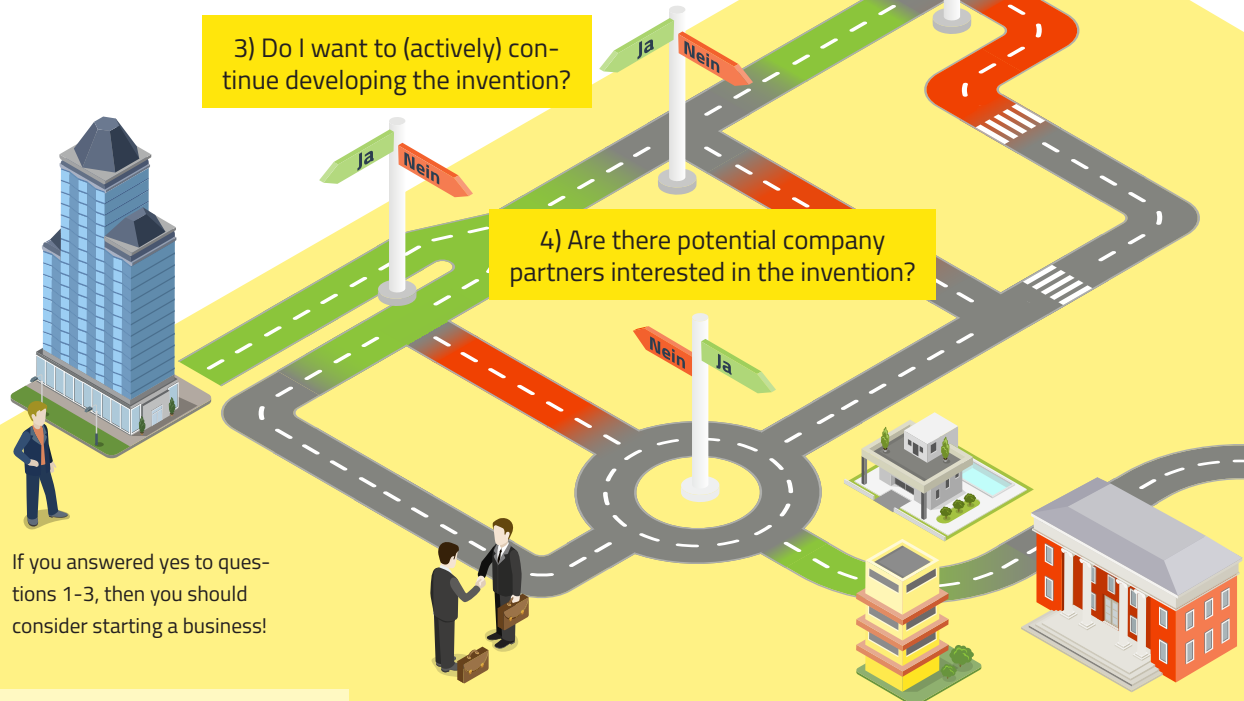
A patent supports a cooperation effort together with another company.
 +/- There are better opportunities to acquire additional external funding and better market access, however you risk selling yourself short or becoming dependent.



Tip: See www.ipag.at to view sample standard contracts.

What Type of Person am I?

Where do you most likely see yourself and the invention in the future?



If you answered yes to questions 1-3, then you should consider starting a business!

Not sure? Talk with someone before you decide!

If you answered questions 3 and 4 with 'yes' then you should consider a joint project or selling the patent. If you answered only question 4 with a 'yes', then a license could be a promising option!

Cooperation Project

As part of a cooperation project you may

- only bring in published research findings and/or patent applications or patents!
- have the right to use patent for free for the duration of the project

Do you need the protection rights from other departments at the university? Clarify consent if necessary!

Tip to negotiate with potential partners/ customers:

- Be well prepared! (know your facts, figures, advantages, positive effects, arguments, etc.)
- If possible, make arrangements to negotiate in person.
- Do not lay all of your cards on the table.
- Always sign a non-disclosure agreement (NDA) beforehand.

Let our patent scouts, the IPR Department, and the JKU's Legal Department help you!

Tip: Before signing the consortium agreement, the agreement must be reviewed by the JKU's Legal Department.



Creating a New Business

An invention alone does not make a successful company!

Aside from technology, think about the following:

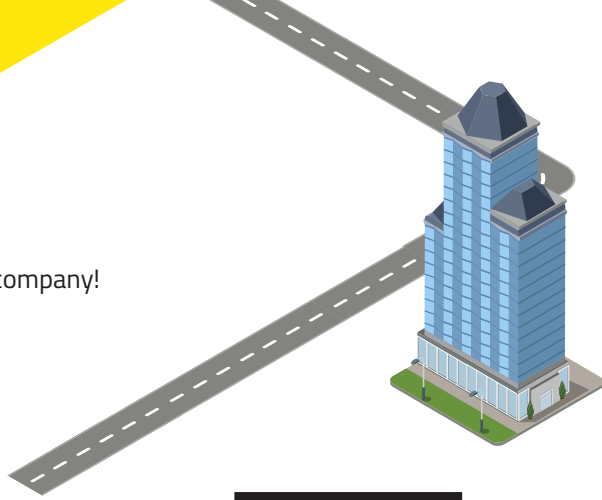
- What would my **customer base** look like and how can I reach out to them?
- What would the ideal **team** look like and what is my role at the company?
- What would the best **business location** be?
- What will be **selling trends** in the near future?
- Where is my **market**, where can I manufacture products, where do I need legal protection?
- How much would the product **cost**?
- Who are my **competitors** and what are their strong points and weaknesses?
- How much time does it take to **make the product** and what kinds of materials are required?
- How can I raise the required **capital**?



Tip: Entrepreneur.base has a creative space and materials to help you (and up to 8 people) stay creative. Sketch your ideas anywhere you want to – even on the walls, furniture, and windows!

We are here to help:

- Institute of Entrepreneurship and Organization Development under iug@jku.at or the Start-Up Center (business entrepreneurship)
- Entrepreneur.base at base@jku.at
- Tech2B Inkubator GmbH: www.tech2b.at
- Academic Start-Up Network: www.akostart.at



Advisor: Contacts

If you have any questions please contact the departments mention below:

IPR Management (Department for Legal Rights at the JKU)

Information and support services in legal matters.

Consult with a patent scout in one or more of the following areas:

- Chemistry / Polymer Engineering
- Mechatronics
- Computer Science / Mathematics / Statistics
- Physics
- Medicine

General inquiries:
patent@jku.at

Contact a patent scout:
www.jku.at/die-jku/organisation/struktur/ipr-management/team

Research Services / Knowledge Transfer

Information and support services pertaining to:

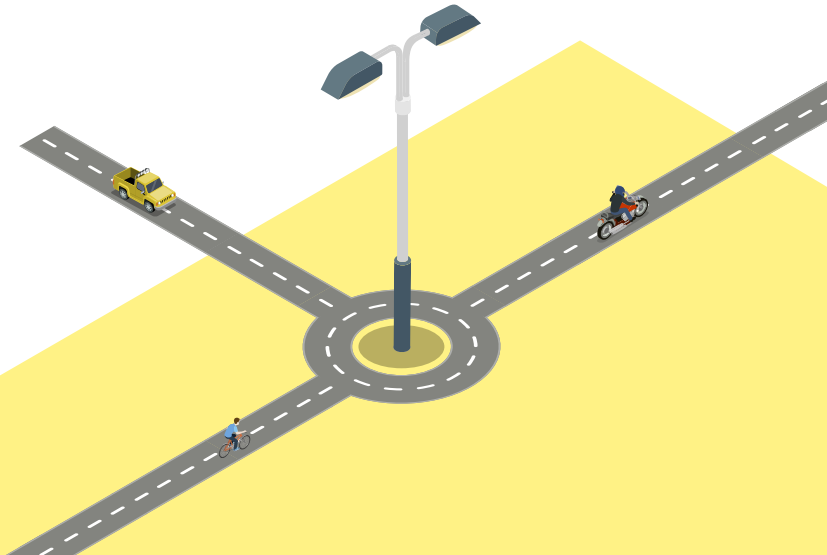
- Funding programs
- Research transfer (knowledge transfer, spin-off companies)

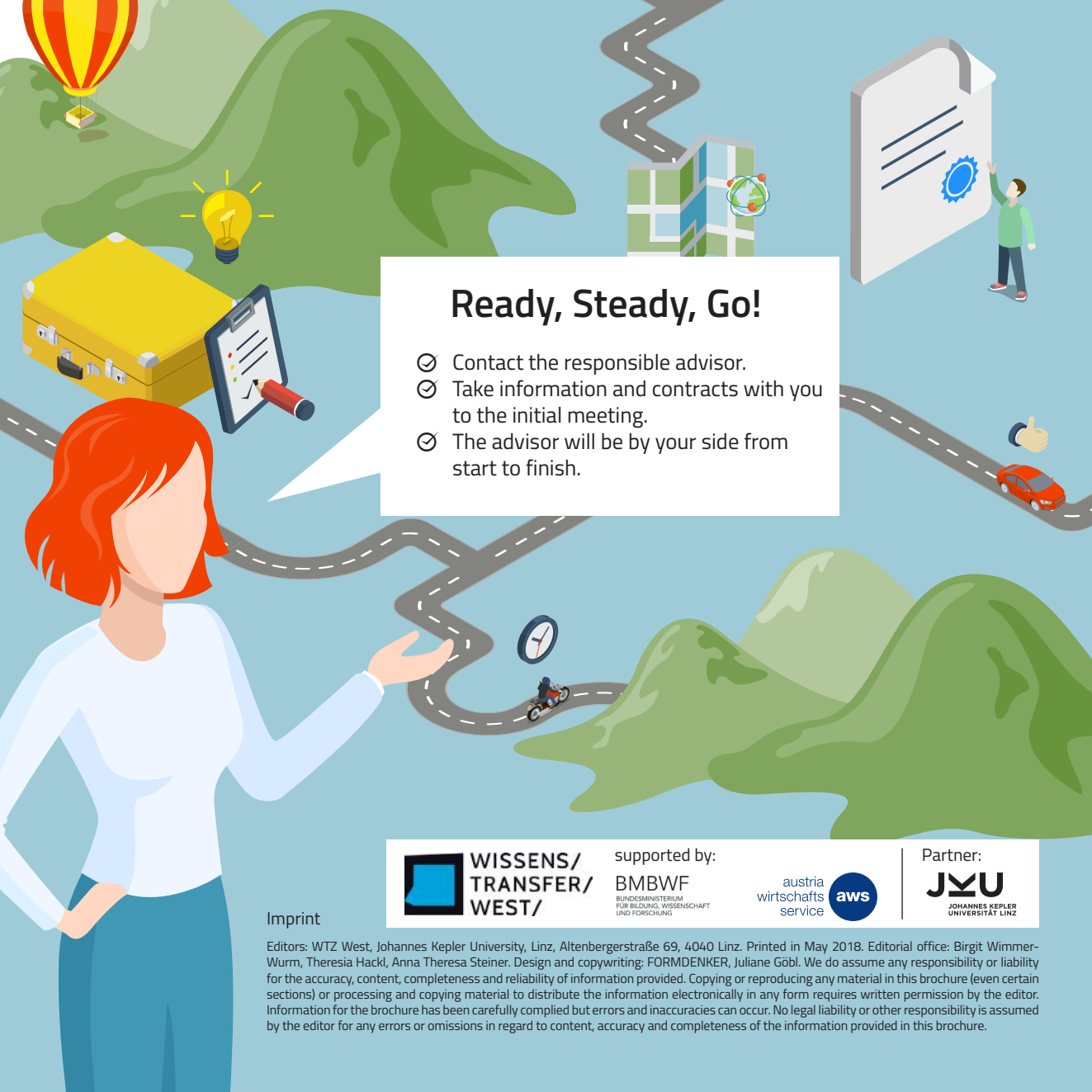
forschen@jku.at

The JKU Legal Department

Legal consultation in regards to ownership rights.

rechtsabteilung@jku.at





Ready, Steady, Go!

- ☑ Contact the responsible advisor.
- ☑ Take information and contracts with you to the initial meeting.
- ☑ The advisor will be by your side from start to finish.

Imprint



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