



UTILITY MODELS

The option exists to file an intellectual property application termed a "utility model", in approximately 70 countries. A utility model is typically filed for a device or article (such as a tool, an instrument, a toy, etc.) and not for manufacturing processes or software. Germany and China are exceptions, allowing utility models for drug formulations as well.

As utility models are not examined, and the protection is usually for 10 years in most countries, the cost of filing a utility model is considerably lower (30-50% less) than that of a patent application. Recall that in contrast, patent applications are granted for a period of 20 years.

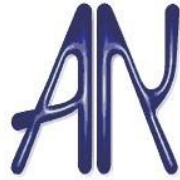
A grace period of 6 months is granted in most countries for filing a utility model after publication of the invention, so that a utility model may be filed in cases where publication occurred without prior filing for IP protection.

The novelty and inventive step bar is considerably lower than that of a patent application, so that a utility model may be filed when the invention is an improvement on a known product.

Utility models may be filed as National phase applications from a PCT application, and may be filed in addition to a patent application. A utility model may be branched off from a previously filed patent application, namely if a patent is pending, a utility model may often be filed using the same priority date.

In Europe, utility models need to be filed in each country of interest (in contrast, a single European patent application may be filed covering a basic 7 countries of interest).

In summary, utility models remain a good option for small or medium entrepreneurs, when it is unclear whether the invention will reap profit, or when the invention has a short shelf-life; as utility models are inexpensive to file, and rapidly granted. Utility models are typically granted within several months to 1 year, as opposed to patent applications, which are typically granted within 3-6 years.



Below is a list of important countries currently allowing utility models, along with their respective term length.

Please do not hesitate to contact our office for further details on this subject.

Germany, Italy, Poland, Denmark – 10 years
Japan, South Korea – 10-15 years
Taiwan – 10-12 years