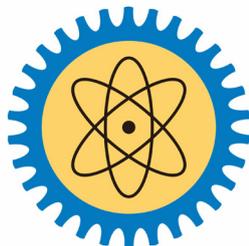




PATENT **AND UTILITY MODEL**



**BUSITEMA
UNIVERSITY**
Pursuing Excellence



WHAT IS A **PATENT**?

A patent is an exclusive right granted by the government for an invention, which is either a product or process that provides, in general, a new way of doing something, or offers a new technical solution to a problem.

WHY SHOULD I PAY FOR **PATENT**?

The exclusive rights help inventors to prevent others from commercially exploiting their ideas/invention. These rights are transferable.

HOW LONG IS THE PROTECTION UNDER A **PATENT**?

A patent provides protection for 20 years to an inventor for a new product or process in return for the disclosure of their invention.



WHAT ARE THE REQUIREMENTS FOR AN INVENTION TO BE **PATENTED**?

i. Novel/new

The invention should not be described in any publication published anywhere in the world.

ii. Inventive

The new product or process should not be obvious to a skilled person.

iii. Industrial applicable

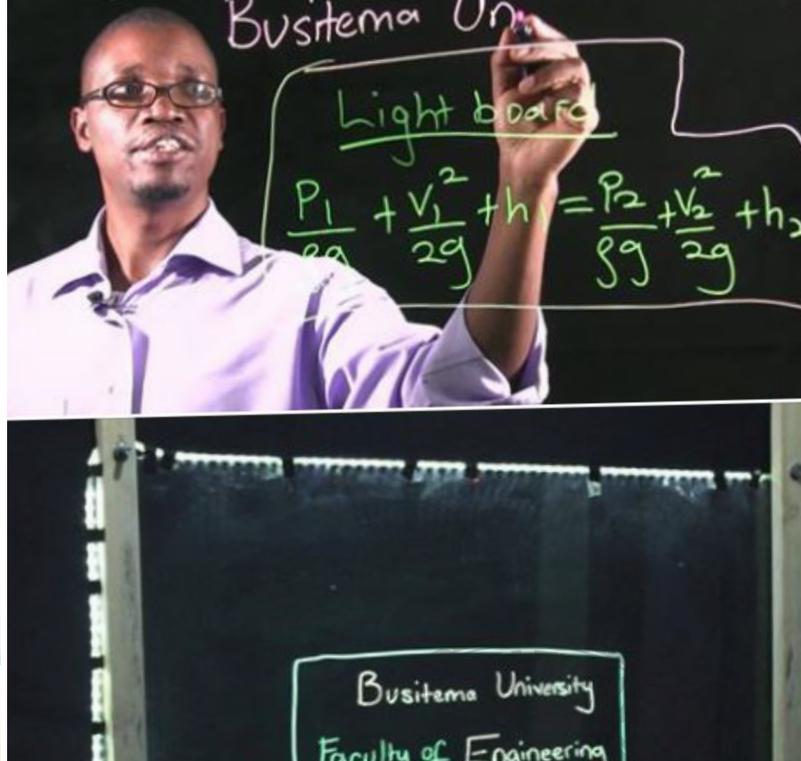
Should be useful.

iv. Patentable subject matter

Should be acceptable to be patented under the law; discoveries, theories, business methods are examples of things that are not patentable.

WHAT CAN'T BE **PATENTED**?

Patents cannot be granted in respect of ideas, concepts, discoveries, computer programs, business methods or teaching methods as such, or diagnostic methods practised on the human or animal body or medical therapies, etc.



WHAT STEPS CAN I TAKE TO APPLY FOR A **PATENT**?

Step 1:

Speak to Technology Business Incubation and Innovation Center (TBIC) manager

Step 2:

Busitema University's Intellectual Property Committee of the Board of Graduate Studies, Research and Innovations will conduct an exclusive evaluation of the disclosure and make recommendations to the Intellectual Management Unit of the University.

Step3:

Busitema University will apply for protection of the invention.

Step4:

Patent enforcement requires a strong judicial system. Here the patent owner is supposed to monitor to ensure that the invention isn't infringed on.



CAN I DISCLOSE THE INVENTION BEFORE OR AFTER FILING OF THE **PATENT**?

No. Only after the local patent office has granted a patent, then the invention can be made public. Any information made public through publications such as media, journal manuscripts etc. prior to the filing of the patent may be regarded as prior art.

ENFORCEMENT OF **PATENT** RIGHTS

Patent enforcement requires a strong judicial system. Here the patent owner is supposed to monitor to ensure that his invention isn't infringed on.

In any event, the invention is infringed on, the patent owner should seek redress in courts of law.

HOW LONG CAN IT TAKE TO OBTAIN A **PATENT**?

Patenting takes a long time upto 2 years!

ARE **PATENTS** CONSIDERED FOR PROMOTIONS?

Yes, Busitema University equates a granted patent to three (3) journal publications.



WHAT IS A **UTILITY MODEL**?

WIPO describes the utility model (UM) system as follows:

“Like a patent, a UM confers a set of rights for an invention for a limited period of time, during which UM holders can commercially exploit their inventions on an exclusive basis. The terms and conditions for granting UMs are different from those for “traditional” patents. For example, UMs are issued for a shorter duration (3 to 10 years) and, at most ofces, applications are granted without substantive examination.

It is important to remember that a utility model is a territorial right that can only offer protection in the country of the issuing authority. For example, a Ugandan utility model is only valid in Uganda and does not offer protection in Kenya or any other country.

A utility model is easier to get than a patent and its protection is 10 years.



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