



The protection of an invention with a patent: a strategic choice.

Choices

What if you have a unique invention that you would like to protect against use by others?

What is the best way to tackle this issue?

If your invention involves a unique technical product or production process, you can consider filing a patent. In the course of the procedure, however, you will have to make some choices.

- In which countries would you like to apply for a protection?
- How long do you want it to be protected?
- What are the costs?
- Which legal measures are you willing to take in case someone would copy or use your invention?

Reasons for filing a patent

- Patents offer **protection against misuse and copying**.
- First come, first served. By being the first person to apply for a patent for an invention, **you create a type of protection that gives you a headstart over your competitors**.
- A patent **strengthens your negotiating position** with potential partners and it may improve your **market position**.
- It offers the possibility to officially transfer your patent rights to third parties or to issue a **license** for possible users.
- The Belgian legislator provides a **tax deduction for research and development** for enterprises filing patent applications.

Applying for a patent offers a lot of advantages, but you should also consider a number of points of interest. It is essential to make some strategic considerations before deciding to protect an invention.

Points of interest in the patent process

- The granting of a patent offers no guarantee that the filing costs will be recovered.
- The description of an invention offers a protection, but may at the same time involve a restriction due to a formulation that is too specific.
- 18 months after the filing of the application, the patent is published, which allows third parties to get access to the content.
- The maximum term of a patent is 20 years, after which the protection lapses.
- If you do not patent your invention, you can publish it or keep it secret. If you publish the invention without a patent, you prevent someone else from patenting your invention. If you keep the invention secret, you may have a competitive benefit, provided that certain precautions have been taken. There are a number of possibilities to act against infringement of trade secrets (see pamphlet *Protection of trade secrets*).

Go to: economie.fgov.be/en/opri
or contact the Belgian Intellectual Property Office directly:

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