

## Contents

<b>Author</b> .....	<b>3</b>
<b>List of Abbreviations</b> .....	<b>9</b>
<b>Introduction</b> .....	<b>11</b>
<b>Part I – Legal Protection of Inventions by Patents</b> .....	<b>17</b>
<b>1. Conditions of Patentability of Inventions</b> .....	<b>17</b>
1.1 Novelty Requirements Applicable to Inventions.....	20
1.2 Requirement of Industrial Applicability of Inventions.	22
1.3 Inventive Step Requirement .....	23
1.4 Specific Aspects of Protection of Biotechnological Inventions .....	24
1.5 Specific Issues Relating to the Patentability of Computer Programmes and Business Methods .....	26
<b>2. Evaluation of Solutions with Respect to their     Potential Legal Protection</b> .....	<b>29</b>
2.1 Search of the Global State of the Art.....	29
2.2 Determination of Significant and Non-significant Features .....	32
2.3 Generalisation of the Achieved Solution.....	34
2.4 Decision whether the Achieved Solution is Susceptible to Legal Protection by a Patent or Utility Model .....	39
<b>3. Right to a Patent</b> .....	<b>41</b>
3.1 Invention Belonging to an Enterprise .....	44
<b>4. Term of the Patent and Effects of the Patent</b> .....	<b>46</b>
4.1 Supplementary Protection Certificates .....	47
4.2 Use of Invention .....	49
4.2.1 Direct Use of Invention.....	50
4.2.2 Indirect Use of Invention .....	53
4.2.3 Exhaustion of Rights .....	55
4.2.4 Limitation of the Effects of Patents.....	55

4.2.5 Licence Contract and Patent Assignment .....	58
4.2.6 Compulsory Licences .....	61
4.2.7 Joint Ownership of a Patent .....	63
4.2.8 Lapse and Revocation of a Patent .....	64
<b>5. Patent Application .....</b>	<b>65</b>
5.1 Filing of Patent Application and Priority .....	65
5.1.1 Patent Application Procedure .....	68
5.2 Application of Invention in Foreign Countries .....	73
5.2.1 Invention Applications via National Route .....	74
5.2.2 Inventions Applications on the Grounds of the Patent Cooperation Treaty – via the PCT Route .....	75
5.2.3 Regional Patent Application- European Patent .....	83
5.2.4 London Agreement on Translations of European Patents.....	91
5.2.5 Community Patent.....	93
<b>6. Definitions of Inventions and Utility Models .....</b>	<b>95</b>
6.1 General Definition Guidelines .....	95
6.1.1 Definition of Products .....	114
6.1.1.1 Definition of Compositions and Composition-like Substances .....	115
6.1.1.2 Definition of Substances Acquired on the Grounds of Physiochemical Transformation .....	117
6.1.1.3 Definition of Chemically Produced Substances.....	117
6.1.1.4 Substances Acquired by Means of Transformation of Atomic Nuclei .....	122
6.1.1.5 Definition of Industrial Production Microorganisms and Biotechnological Inventions.....	123
6.1.1.6 Definition of Simple Products Characterized by their Shape.....	124
6.1.1.7 Definition of Apparatuses.....	126
6.1.1.8 Definition of Dislocation of Objects in Space and their Connection .....	128
6.1.2 Definition of Activities – Processes and Methods.....	130
6.1.2.1 Definition of Manufacture Processes .....	131
6.1.2.2 Definition of Transformation Processes of the State of Objects.....	132
6.1.2.3 Definition of Measuring Processes and Regulation Processes .....	133
6.1.3 Definition of New-Use Inventions .....	134
6.1.4 Numerous Items in Patent Claims .....	136

6.1.5 Definition of Numerous Invention Categories in a Single Application.....	138
<b>7. Completion of Invention Application .....</b>	<b>141</b>
7.1 Invention Application.....	142
7.2 Description of Invention .....	143
7.2.1 Title of Invention.....	148
7.2.2 Technical Field.....	148
7.2.3 Prior State of the Art .....	149
7.2.4 Subject Matter of Invention .....	151
7.2.5 Clarification of Drawings .....	154
7.2.6 Examples of Invention Implementation .....	155
7.2.7 Industrial Applicability .....	157
7.3 Formal Aspects of Invention Descriptions .....	159
7.4 Abstract of Invention Description .....	161
7.5 Drawings Contained in Invention Descriptions .....	163
7.6 Applications for the Grant of a Supplementary Protection Certificate .....	166
<b>Part II – Legal Protection of Technical Solutions by Utility Models.....</b>	<b>172</b>
<b>1. Subject-matter of Legal Protection by Utility Models in the Czech Republic .....</b>	<b>176</b>
<b>2. Procedure on Registration of Utility Models in the IPO Register.....</b>	<b>178</b>
2.1 Utility Model Application Procedure .....	181
2.2 Protection of Previously Disclosed Technical Solutions .....	181
2.3 Priority Rights of Utility Model Applicants .....	182
<b>3. Term and Effect of Utility Model Protection .....</b>	<b>186</b>
<b>4. Simultaneous Protection of Technical Solutions by Patents and Utility Models.....</b>	<b>188</b>

**5. Description and Definition of Subject-Matters of Utility  
Model Protection ..... 194**

**Part III – Examples of Complete Descriptions of  
Inventions and Utility Models.....195**

SUMMARY .....	255
Annex 1 .....	257
Annex 2 .....	277
Bibliography.....	278
Index .....	280