**Start-Up Tip # 4**

**Note: This is the fourth in a series on IP for Startups. To view previous articles please click**[**here**](https://www.jmbdavis.com/category/ip-tips-for-startups/)**.**

**3 Things You Should Know About Your Inventions**

**What is a Patentable Invention?** An invention is a method or device, composition, system, process or method that is novel, inventive and useful, in a technology that is considered patentable (also known as patent eligible).

**But what is a good invention for your business?** That’s simple. If your invention is a business bottleneck or technological junction, then it’s worthwhile patenting. In other words, if your competitors need your patented invention in order to develop their own technology and/or in order to compete with you effectively, then it’s valuable to your business. By definition, a worthwhile patent will give you ownership of that bottleneck and control of that technological junction.

**When do I need to evaluate my inventions and potential patents?** The short answer is ‘from the beginning and every day after that’. The slightly longer version is that all patents are date stamped, i.e. **you** decide when to file a patent application. So while it is true that patents also have an expiry date, it’s also a first come, first served system, meaning that the sooner you file a patent application, the more likely you are to beat your competitors in filing a patent application for the same invention. Equally important is that to be patentable, your invention needs to be sufficiently ‘inventive’ when compared to the ‘state of the art.’ That means that even if no one else has already filed a patent application for the same or similar invention, any publicly available information, including posted digital content, or in magazines, newspapers, and press releases, anywhere in the world, can be used by patent examiners to reject a patent application or by a Court to invalidate a granted patent. You can’t prevent those publications. But you can decide when to file a patent application.

Do you want to know the answers to these questions? Click here.

**JMB's extra Q&A:**

Q. I’m still not sure when I should file an application. I don’t even know if I have a patentable invention. All I’ve done is combine several known devices and components; is that enough for a patent?

A. There is no requirement to invent any new components so as to qualify for a patent. In fact, many patents have no new components whatsoever. What is required, however, is to have a new result, a significantly improved device or system, or a method or process that works better than the closest method or process, even if all you have done is to leave out some steps or change their order. If you are satisfied that you have reached such an improvement and you can explain this in writing based on facts or realistic, science-based conclusions, you may have enough for a patent. What you then need is to find a Patent Attorney and see if he or she agrees with you.

Do you have questions about the above information? Are there subjects that you would like to hear about? [Let me know](mailto:jeremy.ben-davis@jmbdavis.com)!