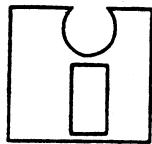


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INVENTORS AS ACTIVE PROVIDERS OF INFORMATION

Document prepared by Mamadou Traoré, President, Ivorian Association for the Promotion of Inventions and Innovations, Abidjan (Côte d'Ivoire)

1. To bring a product to the market can be compared to putting a satellite (the product) into orbit (the market). You need a launcher (the company) and the operation is risky, as can be seen from the history of launching satellites. Mishaps can affect the satellite as well as the launcher, and the correct orbit can be missed. In any of these cases, the venture would be a failure.
2. To bring an idea as a product onto the market is even trickier.

The challenge is:

- technical: realizing an idea as a product;
- commercial: the invented product needs to be sold;
- economic: we need a market share; and
- financial: we have to get out of the Valley of Death (see figure 1).

3. The starting point is a failure. The challenge for the inventor is to change the failure into a success. In order to do that, he has to interact and communicate with potential clients for his idea, with users, business partners, lawyers, patent attorneys, brokers and the general public.

4. The essential element for building the success of an idea is the patent system. The exclusive right it confers to exploit an invention makes it worth financing research and development to strengthen the market position of a company. A patent is a transaction between two parties: the community and the inventor. The exclusive right granted to the inventor is balanced by the disclosure to the public of all the knowledge of the inventor. This disclosure is more critical for the industries of a community than the exclusive right to the invention. Disclosure of information is a source of inspiration for other inventors. As all patent applications and patents granted are published, they are a source of information about innovative developments and a unique source of inspiration for alternative solutions.

5. Whenever an invention is made, the inventor is emotionally inclined to shout out about his findings. This is disastrous, as the patent law is strict. Public disclosure of an invention before filing a patent application could destroy the novelty of the invention and this would be an insurmountable obstacle for the inventor to enjoy the exclusive right to the invention.

6. However, disclosure of technical information or practical details of the invention is necessary at least to a limited number of persons.

7. Disclosure is necessary to check the value of an idea and to assess the potential of the invention. Exploitation of the idea is necessary in order to make a working model or a prototype for experimentation purposes.

8. Within the protective environment of a private company, the inventor has the potential for working out an idea with colleagues without - in strictly legal terms - making a public disclosure. For the independent inventor who needs assistance and help, the case is very unfair.

9. The Paris Convention for the Protection of Industrial Property has provisions on temporary protection in respect of inventions at officially recognized international exhibitions. Many patent laws provide for a grace period for non-prejudiced disclosures. The inventor, in any event, should avoid disclosing information about his invention until he has filed a patent application.

10. The traditional method of disclosure used to be by way of press conferences with photographs and/or audiovisuals or by exhibitions, personal interviews with selected reporters, journals or newspapers; working models or cutaway models were often used.

11. The Internet, as an electronic medium, has the potential for combining all the classical means of communication.

12. An inventor should follow some simple rules about disclosure when dealing with the public:

- disclose no more than the recipient can understand;
- disclose enough to make the recipient curious and want to know more;
- withhold your expertise and your know how. (No visuals or descriptions of an invention should be released to the general public before a patent application has been filed. In releasing photos, films or video to the media, the inventor should ask for and retain some official form of the recipient's identification);
- be aware of any cultural, linguistic or other differences that might be relevant.

13. The traditional method of disclosure - by the volume and the weight of paper involved - puts a physical strain on the inventor in his privileged role as the main actor in building the technical success of his idea. Information searches require time and money since frequent traveling may be necessary. This leaves very little time for the inventor to actively provide information for building the commercial, economical and financial success of his idea (see figure 2).

14. The slow pace of paper medium communication and the limited amount of people reached this way, make it feasible to secure strictly confidential procedures in disclosing information. This is an advantage since the process of disclosure is also a rich process of creativity through interaction with other actors.

15. With the Internet, the search for information is almost magical in its scope for reaching people in the wired world with its cultural linguistic and other differences. The inventor becomes an active provider of information to all other actors involved in the success building process in bringing an idea to the market as a successful product.

16. The fast pace of information exchange with an electronic medium, and the wide scope within reach, makes it extremely hazardous for an inventor. It is much more difficult to ensure strictly confidential procedures of disclosure. The inventor does not have absolute control of the disclosure process.

17. For all these reasons, in the era of the Internet, patenting as soon as possible is highly recommended. Even if granting a patent remains the task of each national or regional office, the filing of patent applications under the Patent Cooperation Treaty (PCT) and the patenting process under the European Patent Convention provide some specific provisions which are very useful to inventors in this Internet era.

18. Today, PCT covers 95 contracting states. In the Internet era, such broad, almost worldwide, coverage secures your idea because the ease and the scope of communication make the disclosure of information very hazardous. Moreover, in filing a PCT patent application, you initially do not have to incur the cost of proceeding with an application to each of the states involved. In cases where you decide to proceed with your international application into the national phase, you benefit from the fact that before taking a decision to ask for a national patent, you would have received an international search report and the result of an international preliminary examination. Thus, the deadline for deciding whether or not to proceed with your request for a national patent would extend to 20 or 30 months from the priority date (the date of the first filing of your original application).

19. The European patent is said to be a strong one and, in common with the PCT, has a high quality search which gives an indication of the possible relevance of the citations to the questions of novelty and non-obviousness and valuable information on prior art.

20. The applicant under the PCT system is offered the option of having an international preliminary examination. The resulting report ("International Preliminary Examination Report") consists of an opinion on the compliance with internationally- accepted criteria of patentability (novelty, inventive step and industrial applicability). A favorable report is authoritative, even though it is not binding, which helps when prosecuting an application before a national or regional patent office.