

What is a patent?

Patents provide an exclusive right for using and exploiting an invention, preventing others from using it without owner's consent. If the owner chooses not to exploit the patent, it is possible to sell or license the rights to another individual or company, being a source of income. A patent is an exclusive right granted by the State for the protection of an invention. To be protectable, an invention must meet three requirements:

1. - Novelty

An invention will be new if it does not form part of the state of the art. The state of the art refers to all matter which has been made available to the public anywhere in the world, by publication in tangible form, sale or marketing.

2. - Inventive step

An invention involves an inventive step if it is not obvious to a person skilled in the art.

3. - Industrial application

The invention must be capable of industrial application, in principle, being made or used in any industry, whether manufacturing, handicrafts, mining, agriculture, or other. Chilean legislation grants five categories of industrial property rights: patents, utility models, industrial designs, industrial drawings and layout- designs (topographies) of integrated circuits. The protection granted is only at national level and for a period of 10 or 20 years from the date of filing, depending on the industrial property right registered.