

A Step Change on Inventiveness at the UK Intellectual Property Office? Not yet...

The UK Patent Office (known as the UK Intellectual Property Office from 2 April 2007) has recently published the results of a wide-ranging consultation exercise.

The survey was performed to assess the feeling of a selection of organizations towards the level of inventiveness which is needed to obtain the grant of a UK patent.

The process was thought necessary in the light of international debate on the issue, and feelings from certain quarters that patents were being granted for inventions having too little innovation.

Undertaken in 2006, the now-published results indicate, on balance, that the practitioners, private applicants and members of industry who responded are generally happy with the current position.

In addition, the consultation showed no evidence of any serious differences between the approaches taken by the UK and European patent offices, which is likely to be welcomed by applicants in this country and abroad.

Sean Dennehey, Director of Patents at the UK Patent Office, said:

"We wanted to go on the front foot in response to the international debate about whether the inventive step hurdle for getting a patent was too low and leading to so-called trivial patents. We are pleased that the consultation has confirmed both that there is no need for any change to the basic law as it relates to inventive step, and that our application of the law is appropriate. However, we recognize that in the face of changing technology we need to keep our practice under review to ensure we keep pace with the technological environment in which inventions are made."