

03.02

UTILITY MODELS

QUESTION EVERYTHING

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1. What are Utility Models



- In some countries, a utility model system provides protection of so-called “minor inventions” through a system similar to the patent system.
- Utility models protect such minor inventions through granting an exclusive right, which allows the right holder to prevent others from commercially using the protected invention without his/her authorization, for a limited period of time.
- The recognition of minor improvements of existing products, which does not fulfill the patentability requirements, plays an important role in a local innovation system.

2. Patents vs. Utility Models



- In general, compared with patents, **utility model systems require compliance with less stringent requirements** (for example, lower level of inventive step), have simpler procedures and offer shorter term of protection.
- They are designed primarily to **respond to the needs of local innovators**, requirements and procedures for obtaining protection and the duration of protection vary from one country to another.
- In practice, protection for utility models is often sought for **innovations of a rather incremental character** which may not meet the patentability criteria.
- In most countries where utility model protection is available, patent offices do not examine applications as to substance prior to registration. This means that the **registration process is often significantly simpler and faster, taking, on average, six months.**
- Patents vs. Utility Models <https://youtu.be/kOkXH--iJnc>

3. Requirements for Utility models



- The requirements for acquiring a utility model are **less stringent** than for patents.
- While the requirement of "**novelty**" is always to be met but might be applied only at a local level, that of "**inventive step**" or "**non-obviousness**" may be much lower or absent altogether.
- **In some countries, the requirements for protecting utility models are basically the same as for patents**, that is, (i) they must be within the eligible subject matter; (ii) they must be novel; (iii) they must involve an inventive step (non-obvious); (iv) they must have industrial applicability (utility); and (v) they must be described in an application in a sufficient and complete manner



4. Scope of protection

- Utility models are considered particularly suited for SMEs that make "minor" improvements to , and adaptations of, existing products. Utility models are primarily used for mechanical innovations
- The **term of protection** for utility models is shorter than for patents and varies from country to country (**usually between 7 and 10 years without the possibility of extension or renewal**).

5. Exclusions



1. Discoveries, scientific theories and mathematical methods.
2. Literary or artistic works or any other aesthetic creation and scientific works.
3. Schemes, rules or methods for intellectual activity, for games or for economic commercial activity.
4. Computer programs.
5. Presentation of information.
6. Surgical, therapeutic and diagnostic methods for treating humans or animals.
7. Plant and animal varieties and essentially biological processes for production of plants and animals, other than microbiological and products thereof
8. Inventions contrary to public order or morality, in particular: processes for cloning humans; modifying the germ line genetic identity of humans; uses of human embryos for industrial or commercial purposes; and processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit, and animals resulting from such processes.
9. The human body, at any stage of its formation and development or the simple discovery of its elements, including gene sequences, other than elements isolated from the human body or produced by a technical process

6. In which European countries are utility models available?

- Ukraine
- **Spain**
- Slovakia
- Portugal
- Poland
- Italy
- Ireland
- Hungary
- Grece
- Germany
- France
- Finland
- Estonia
- Denmark
- Czech Republic
- Bulgaria
- Austria

References



- *WIPO. Utility Models.*
www.wipo.int/patents/en/topics/utility_models.html
- Grosse Ruse, Henning. *NATIONAL SYSTEMS OF UTILITY MODELS PROTECTION - THE EUROPEAN EXPERIENCE.*
- Patents vs. Utility Models <https://youtu.be/kOkXH--iJnc>

