

Patent Lesson 1. What is A Patent?

Before I get into this first lesson in the section covering on patents, I want to emphasize that this course is not designed to cover everything there is to know about patents. It is an introductory course to help you understand legal concepts so you can understand your rights and better communicate with an intellectual property attorney.

Some of you may wish I would go into more depth regarding subjects such as patent classes or the Patent Cooperation Treaty, but those specialized subjects are beyond the scope of this course. However, once you finish this section on patents, you will learn enough to know where to find the answers to virtually any question you may have about patents on the United States Patent and Trademark Office website. Okay, let's start with this first lesson and find out what patents are and how you can use them to protect your creative work.

What is a patent? A patent is a right granted to an inventor by the United States government. It permits the inventor to exclude anyone else from making, selling or using the invention for a period of time. The patent system was created to encourage us to invent things that are unique and useful to society.

In exchange for these patent rights, inventors must disclose information about the invention to the public. In other words to get a patent, you as the inventor must reveal details about your invention, including how to make it. Even though no one can use this information to compete with you until after the patent expires. In the meantime, they can learn from it and perhaps invent an improvement.

Patents are intended to be an incentive to invent new things by granting inventors a temporary monopoly over the sale of their product. Publicly disclosing the invention

helps stimulate other inventors' imaginations producing more inventions. That theoretically increases the wealth of all citizens. So you see inventing is a perpetual wealth-building machine for inventors and for the public.

There are three different kinds of patents: utility patents, design patents and plant patents.

1. Utility Patents are the most common type of patent, these are granted to new machines, chemicals, and processes. These last for 20 years from the date of filing an application with the United States Patent and Trademark Office.
2. Design Patents are granted to protect the unique appearance or design of manufactured objects, such as the surface ornamentation or overall design of the object. Design patents are good for 15 years.
3. Plant Patents are granted for the invention and asexual reproduction of new and distinct plant varieties, including hybrids (asexual reproduction means the plant is reproduced by means other than from seeds, such as by grafting or rooting of cuttings). Plant patents, like Utility patents, also last 20 years.

Here is a little background. The word *patent* originates from the [Latin](#) word *patere*, which means "to lay open" in other words, to make something available for public inspection. Patent is a shortened version of the term [letters patent](#), which predates the modern patent system. A letters patent was an open document or instrument issued by a monarch or government granting exclusive rights to a person. Some patent attorneys still use the term "letters patent" to refer to Utility patents. Similar patent grants included [land patents](#), which were land grants by early state governments in the USA, and [printing patents](#), which are precursors of modern copyright. That concludes this lesson on the definition of patents. In the next lesson, you'll learn what kind of inventions can and cannot be patented.