

Is my research patentable?

The commercial potential of your research is greatly enhanced if it can be protected by a patent. So it is worth spending a few minutes to understand the requirements for patentability and consider if your invention would benefit from an application.

A patent is a legal right that is granted to exclude others from making, using or selling your invention. This legal exclusivity increases its commercial value. To be granted a patent, your invention must pass examination under three main criteria.

The invention must be novel

The invention must not already be publicly available, known or exist anywhere in the world. Publicly available information includes, but isn't limited to, presentations, abstracts, publications, non-confidential discussions with potential partners, or interactions with AI platforms (such as ChatGPT or QuillBot). Premature disclosure of details of your invention publicly, for example by publishing or presenting work at a conference, compromises patentability. In a small number of countries a 12 month grace period may be available.

The invention must involve an inventive step

Your invention must differ from existing ideas and knowledge by an inventive step. This means that it is not obvious to someone skilled in the field in which it operates. This is a legal determination based on the facts. Patent attorneys are qualified to provide relevant advice.

The invention must be useful

Your invention must be capable of being made and used to solve a problem, work as described and have a credible and worthwhile purpose. Ideas, theories or artistic creations cannot meet this criterion and thus cannot be patented.

WHAT CAN BE PATENTED?

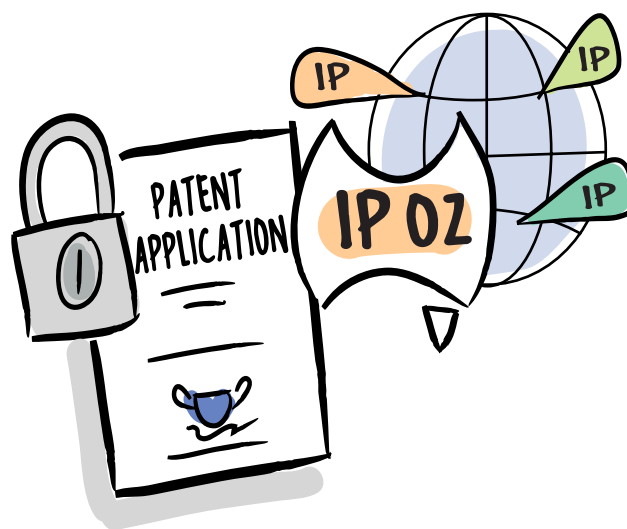
Patents may be granted for:

- Devices and machines
- Compositions of matter (not naturally occurring)
- Processes of manufacturing
- Methods of new medical treatment
- Computer hardware and (some) software

NEED HELP?

Determining whether the intellectual property created during your research is patentable can be confusing. Your Faculty's [Business Development Manager](#) is available to assist.

Alternatively, you may wish to contact a member of the University's [Knowledge & Technology Transfer](#) team for IP advice and support.



Case Study

Josephine is a researcher in the Faculty of Engineering and Information Technology. She frequently has ideas for new devices that would solve challenging problems. Her most recent idea is an improved wind turbine with 10% greater efficiency.

Josephine does not know how to build the device yet but she is convinced that it would have high market demand. So she is keen to protect its potential value with a patent. She discusses her idea with Bill, the Business Developer for her faculty. Bill agrees that there would indeed be significant commercial interest for such a device, however he informs Josephine that she cannot patent an idea. It must firstly be developed into a tangible invention.

Undeterred, Josephine continues her research and her persistence is rewarded with a technology breakthrough. She builds a prototype device which allows the performance claims for the device to be substantiated. A patent is granted and a startup company is formed with Josephine as its Chief Technology Officer.

By developing her idea into a tangible invention, Josephine has turned her research into a patentable asset and created a new business venture to translate the improvement to benefit society.