



# FAQs about Patents



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## Why patenting?

The person patenting an invention is entitled to obtain the exclusive right to produce and commercialize it, namely to protect it against undue manufacture, offer, storage, marketing or use.

A patent application for an invention filed on a certain date has priority over patent applications for the same invention filed on later dates.

The patent application is disclosed 18 months after registration, contributing to the public recognition of who made the invention.



## What is a patent?

A patent is an exclusive right obtained over an invention and gives the owner the power to decide whether and how the invention may be used by third parties.

An invention is a technical solution presented by an individual or group of individuals, in order to solve a problem.

For an invention to be patentable, it must fulfil three cumulative requirements:

- > To be new, i.e., not known to the public;
- > To involve an inventive step, i.e., not evident to the eyes of an expert;
- > To have industrial application, i.e., being applicable to any type of industry.

Patents are territorial, i.e. exclusive rights are valid only in the country or region where the patent was granted.



## How long does it take to obtain a patent?

There is not an automatic decision for a patent application. It follows a set of steps, including examination, until the patent is granted. In Portugal, it takes at least 21 months to apply for a patent. In other countries, patent applications take similar lengths of time.

## Can I tell other people about my invention before filing the application?

The disclosure of an invention, in whole or in part, may jeopardize its novelty. U.Porto Inovação strongly advises that the disclosure or publication of the most relevant data of the invention (either via scientific articles, dissertations, posters, videos) should be done only after the patent application is registered.



## What is the duration of a patent?

Protection is granted for a limited period: 20 years from the date of registration of the application.



## Is there money in patenting?

A patent confers the exclusive right to prevent others from producing and commercializing the patent invention, which may generate financial return.

The Intellectual Property Regulation of the University of Porto (RPIUP) determines the following distribution of patents profits: 60% for the inventor, 30% for the Organic Unit of origin of the invention and 10% for the Rectorate.

## How much does a patent cost?

The costs vary depending on the content of the invention to be protected, the scope of protection (national, European or international), among other factors.

There are three main types of costs:

- > Patent application fees
- > Patent maintenance fees
- > Official Industrial Property Agents fees for technical hours in drafting the patent text, translation and other administrative services.

Typically, the cost for drafting and filing a national patent application is around 1,500 euros, to which VAT is added.

## Who owns the patent of my invention?

According to the RPIUP, the U.Porto is the owner of all inventions or other creations by teachers, researchers and other staff working at the University.

The University will evaluate the opportunity of investing in the patent and, if it decides to register the patent, it will undertake, through U.Porto Inovação and in collaboration with the inventor, the protection and transfer of the invention to industry.



## How to Patent?



Fill in form  
of invention  
communication

Send  
documentation  
[patents@reit.up.pt](mailto:patents@reit.up.pt)



Wait for number  
and process  
manager

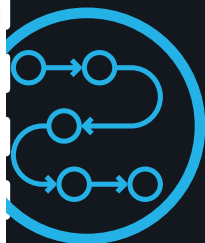
U.Porto Inovação  
analyzes the  
feasibility for legal  
protection



U.Porto innovation  
communicate  
the results  
(up to 90 days)

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## I want to patent. What now?

The first step is to contact U.Porto Inovação and send us your invention communication.

The information is available on our website homepage ([upin.up.pt](http://upin.up.pt)) by clicking in "Protect an invention".

If you have any questions you can send an email to [patents@reit.up.pt](mailto:patents@reit.up.pt) or call +351 220 408 077.



## How can I get more information on patents?

For more information, please visit INPI - National Institute of Industrial Property website ([inpi.justica.gov.pt](http://inpi.justica.gov.pt)), and refer to the Industrial Property Code (Decree-Law no. 110/2018, of 10 Dec.) and the RPIUP which is available on our website.



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