

What's the difference between utility models and patents?

Utility models are faster and more economical

Utility models are similar to patents, but have a shorter life span – on average six to 16 years. They are also not examined for inventive step, which makes them more cost-effective. Businesses outside the US often use utility models as part of their Intellectual Property (IP) portfolio.

A US parent company can utilise utility models in their overseas territories instead of or as well as patents if clients require fast, economical protection in a limited range of countries. They can be used out of the PCT system.

Where and how can I file a utility model application in Europe?

Utility model protection is not available in all European countries - the UK for instance - but many including Germany, France, Italy and Spain do offer this form of IP. The filing process will also vary from country to country, depending on local law.

To see the full list of participating countries please click [here](#).

Are there any group schemes similar to the EPO for utility models?

Utility model application is on a country-by-country basis, but utility models are part of the PCT system, so an option to file them exists in some countries out of a PCT application.

I have filed a utility model application in another country; can I use this to claim priority?

Yes. Utility models work just like patents in this respect, under *The Paris Convention* you must file within twelve months of the claimed priority date.

How can I obtain IP protection in the countries which do not offer utility models?

File a patent instead – the level for patentability in some countries is not as high as in the US.

Can I file an application for a patent as well as a utility model?

Yes. Some clients prefer to file for a utility model first, as it is faster, and then allow the patent to take its time to grant. For instance, one IP strategy could be: gain a fast grant utility model

in Germany; a fast grant UK national patent in the UK; plus a slow EPO application, which would quickly give enforceable rights in the two largest economies in Europe. This approach enables the client to monitor how competitors react and modify the slower paced EPO pending application accordingly.

If you would like any further information on utility model protection, please contact us [here](#) or speak to your usual Barker Brettell attorney.