

What is 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.

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 some countries offer the option of filing utility models from a PCT application. This means a single application could be used to secure utility model protection in countries that offer it, and patent protection in those that do not.

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 threshold 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 for the same invention?

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.

What next?

If you would like more information, then please get in touch. You can email us info@barkerbrettell.co.uk or call us on **+44 (0)121 456 0000**.

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