How to do a patent search to check if your idea is original

We are an award winning product design consultancy, we design connected products and instruments for pioneering technology companies.

How to do a patent search to check if your idea is original

Reading time 11 mins

Key Points

- Conducting a patent search is crucial in determining the originality of your idea.
- There are two main types of patent searches: preliminary and comprehensive.
- Online databases like Espacenet and Google Patents can be used to search for patents by keyword, inventor, or patent number.
- Narrow down your search criteria to specific details about your idea.
- Review the search results, paying attention to patent claims.
- Consult with a patent attorney if you find a patent similar to your idea.

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As we mentioned in our previous article on developing a new product in 7 steps, one of the first things you need to do is test your concept to predict its success. However, before getting to that stage, do a patent search to confirm that your idea is original. If you find that similar products exist, this process will help you pinpoint what – if anything – makes your idea different and, if nothing, what you can change so that it does.

Between 2020-2021, patent applications to the UK's Intellectual Property Office (IPO) decreased by 8.7%, whereas design applications increased by 129.4%. This tells us that even if you find that no patents have been filed for your product idea, somebody may already own the rights to its design. If so, contact us. We can research, develop and innovate solutions to protect your intellectual property and add a fresh perspective to keep your product's development moving forward.

Suggested articles

How to get from start to finish on new product development in 7 steps

Design thinking – A practical guide to design thinking

Free Non-Disclosure Agreement NDA template to keep your next product idea safe

What's the difference between a patent and a registered design?

In a nutshell, patents protect the technical aspects of a product or process, whereas a registered design protects non-technical features of a product's appearance. It's important to note that in the USA, registered designs are called 'design patents', so when doing your patent search, use both terms for more comprehensive search results.

Additional distinctions to bear in mind include:

- In the UK and Europe, 'registered design' protects aesthetic designs.
- This can also be referred to as a 'community registered design' (CRD) or 'community design registration' (CDR)
- In the UK and Europe, the term 'patent' is only used for technical inventions.
- A US design patent cannot protect some features, such as colour, which are protectable by an EU or a UK registered design.
- The term of protection for a design patent is 15 years, with no renewal fees required, whereas the maximum protection period for an EU/UK registered design is 25 years and requires renewal every five years.

How to do a patent search in 5 steps

Step 1: Determine the type of patent search you need

There are two main types of patent searches: a preliminary patent search and a comprehensive patent search.

A preliminary search is a quick search you can do independently to verify if your idea has already been patented. In the UK, you can use the IPO's online patent information and document inspection service (Ipsum), Espacenet and the European Patent Register for free access to over 70 million patent documents worldwide and the World Intellectual Property Organisation (WIPO) database.

A comprehensive search is more thorough and typically requires the help of a patent attorney or professional. A preliminary search is a good first step if you're starting out.

Step 2: Use a patent search database

There are many online databases that you can use to search for patents. In addition to the ones listed above, popular options include Google Patents and the United States Patent and Trademark Office (USPTO). These databases allow you to search by keyword, inventor, or patent number.

Espacenet is a handy resource for conducting patent searches. It's maintained by the European Patent Office, includes patents worldwide, and allows you to search by keyword, inventor, patent number, and other criteria to find patents similar to your idea. It also offers advanced search options that allow you to refine your search results by date, classification, and other factors.

Step 3: Narrow your search criteria

When searching for patents, it's essential to be specific with your keywords and other search criteria. Use unique terms to describe your idea and include relevant details, such as the field or industry your idea pertains to, its intended use, and related products or technologies. Espacenet's advanced search feature allows you to specify search criteria such as inventor, publication date, and classification code.

Step 4: Review the search results

Once you have entered your search criteria, the database will provide a list of patents that match your search. Review these patents to see if any are similar to your idea. Pay attention to the patent claims, which describe the scope of protection the patent owner is claiming. Espacenet provides access to the full text of patents and patent applications, which can help understand the claims and determine if your idea is similar to the patented invention.

Step 5: Consult with a patent attorney

If you find a patent similar to your idea, it's best to consult a patent attorney to determine if your idea is original and can be patented. A patent attorney can also help you navigate the patent application process and how to protect your intellectual property best.

For UK small businesses, start-ups or entrepreneurs who might not have the budget for legal consultations, the Chartered Institute of Patent Attorneys (CIPA) is an excellent place to start. Their IP Pro Bono Scheme offers free 30-minute consultations for legal advice or intellectual property support.

A final thought on patents

It's important to remember that while conducting a patent search using online patent databases like Espacenet is a helpful first step, it may not provide a complete picture of the patent landscape. Online patent databases only show patents that have been granted, and they may not give a comprehensive

analysis of whether your idea is novel and non-obvious enough to be patented.

In addition, securing a patent is lengthy and costly – as is the legal process of protecting it if infringed. This is where the expertise of a patent attorney and free consultation is invaluable: Is your idea one that can be patented? Could it be better protected with a sufficient number of well-drawn rights? Is a patent necessary if you have the proper brand protection, a superbly designed product that addresses unmet needs, and the advantage of being the first mover/entrant into an emerging market space?

Regardless of your decision, ensure you have a non-disclosure agreement (NDA) before taking this conversation further. Download our free NDA template here and customise it to suit your needs to ensure that all the preliminary discussions regarding your ideas are protected and confidential.

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FAQ's

What is a patent search?

A patent search is a process of checking if an invention or idea has already been patented by someone else.

Why should I do a patent search?

To avoid infringing on existing patents. To assess the novelty and viability of your invention. To identify potential competitors.

How do I start a patent search?

Begin with online patent databases like Google Patents or USPTO.

Which online patent databases should I use?

United States Patent and Trademark Office (USPTO). European Patent Office (EPO). Google Patents.

WIPO (World Intellectual Property Organization).

How much does it cost to use a patent database?

Many are free to use, but some may require a subscription.

What information do I need to perform a patent search?

Keywords related to your invention, inventor names, and patent numbers (if known).

How do I use keywords effectively in my search?

Use specific technical terms. Include synonyms and related terms.

Can I search for patents by inventor's name?

Yes, you can search for patents by the inventor's name.

What if I don't find anything similar in my initial search?

Consult with a patent attorney for a more comprehensive search.

What is a patent classification system?

A system that categorises patents based on their subject matter.

How can I use patent classification codes in my search?

Narrow down your search by using relevant classification codes.

What are patent abstracts?

Brief summaries of a patent's key information.

How do I read and interpret a patent document?

Seek professional help or tutorials if needed.

What should I do if I find a similar patent?

Assess how your invention differs. Consult with a patent attorney to determine if your idea is still patentable.

What is the time limit to file a patent after a search?

In some countries, you must file a patent within 12 months of the first public disclosure.

What if I find a patent that seems outdated or abandoned?

Consult with a patent attorney to understand its status and potential implications.

Should I consider international patents during my search?

If you plan to sell your invention globally, consider international patents.

Can I do a patent search for someone else's invention?

Yes, you can search for existing patents even if you're not the inventor.

How often should I update my patent search?

Periodically check for new patents that may affect your invention.

What are the limitations of a patent search?

It may not uncover all relevant patents. It doesn't guarantee your idea's patentability.
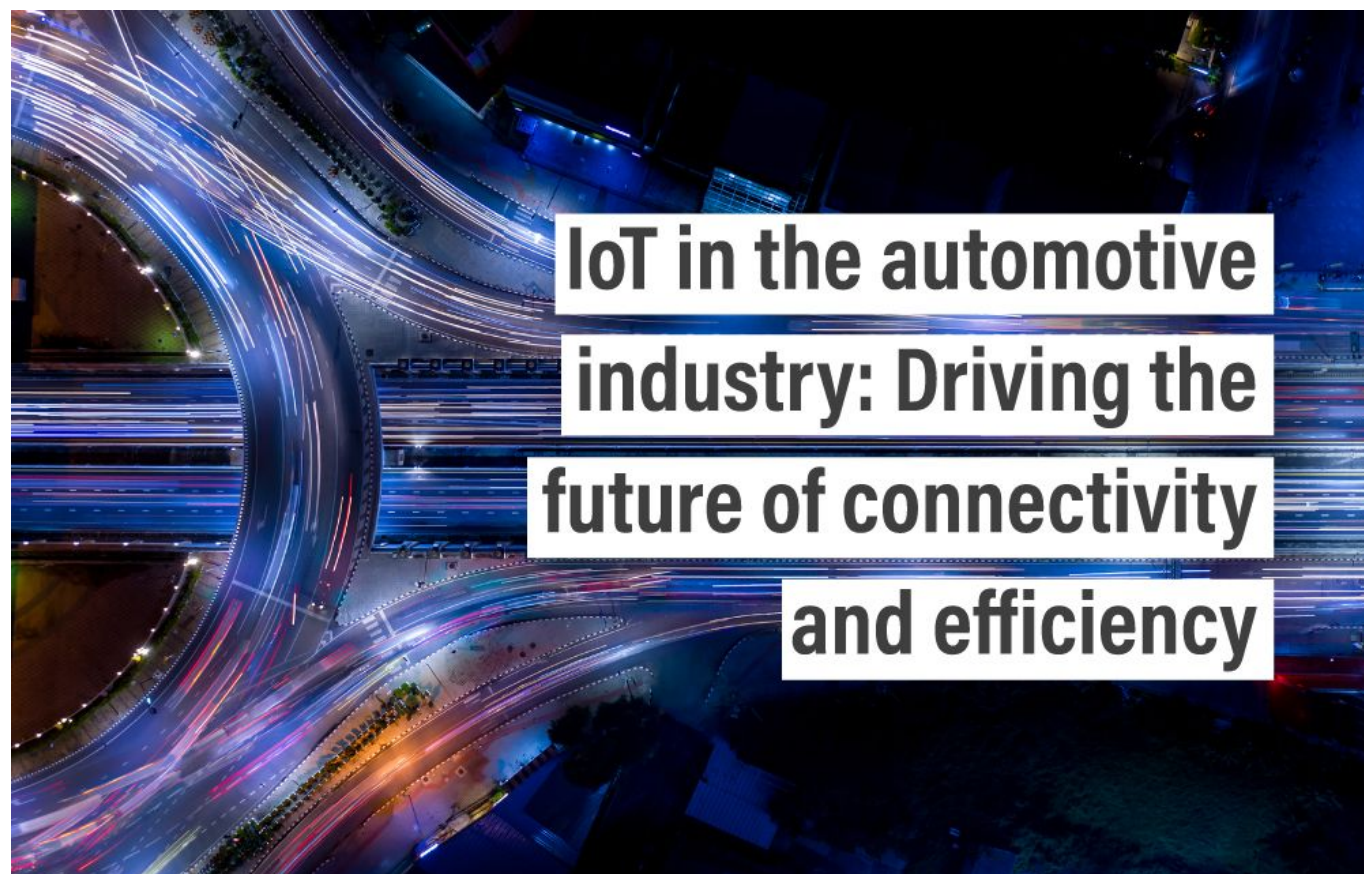
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