

INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER

WHAT IS A PATENT?

A patent for an invention is the grant of a property right to the inventor, issued by the United States Patent and Trademark Office (USPTO). Generally, the term of a new patent is 20 years from the date on which the application for the patent was filed in the United States or, in special cases, from the date an earlier related application was filed, subject to the payment of maintenance fees. U.S. patent grants are effective only within the United States, U.S. territories, and U.S. possessions. Under certain circumstances, patent term extensions or adjustments may be available.

The right conferred by the patent grant is, in the language of the statute and of the grant itself, “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States. What is granted is not the right to make, use, offer for sale, sell or import, but the right to exclude others from making, using, offering for sale, selling or importing the invention. Once a patent is issued, the patentee must enforce the patent without aid of the USPTO.

There are three types of patents:

- 1) Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof;
- 2) Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and
- 3) Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

If you need more information, please visit these websites:

- [U.S. Patent and Trademark Office](#)
 - The most comprehensive website about patent issues including information about how to apply and to check status of issued and pending applications
- [Inventor's Resource Center](#)
 - A great resource for new and established inventors

- [TBR Related Forms](#)

If you wish to discuss your patent issues further, please [CONTACT](#) the staff of the Office of Research and Sponsored Programs or send us an e-mail at research@mtsu.edu