

FACTSHEET

IMPORTANT ISSUES

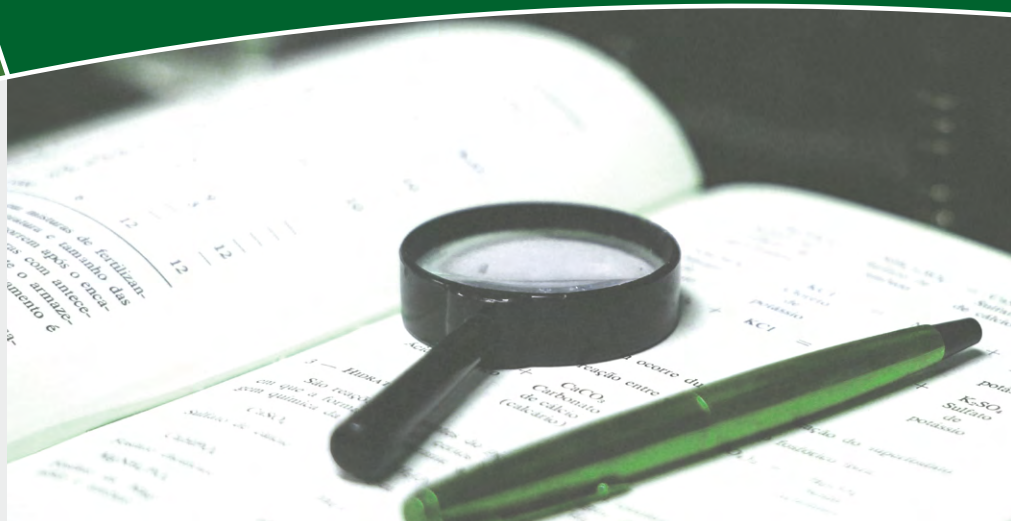


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1. What is it for?

In many cases, performing a prior art search –especially in the case of patents– is essential for a successful Intellectual Property Rights (IPRs) strategy.

Benefits of conducting an appropriate patent search:

- Assess the scope of existing IPRs to prevent infringements or affect prior third parties' rights.
- Evaluate legal patentability requirements' compliance, since if an invention is included in the state of the art, it will not be considered new (lack of novelty), and if given the state of the art the invention would be obvious to a skilled person in the field, it will lack 'inventive step'.
- Know what other organizations do, by identifying competitors, either to find allies or partners, or to determine market trends.
- Detect and prevent threats, by identifying who may be developing similar technology, besides being able to anticipate technological change.
- Save money by preventing duplication of efforts or other resources.

Information about the state of the art is contained in a worldwide collection of over 100 million patent documents and a great proportion of such information has never been disclosed except in a patent application.



TIPS and WATCH OUTS

Although the state of the art is mainly composed of the patent literature, it also includes by definition any other invention that has been made public by any means (not necessarily patented). Therefore, academic publications and the information disclosed on the internet or by any other means are also to be taken into account. Some of the sources to consider are:

- Directory of Open Access Journals (DOAJ). www.doaj.org
- ScienceDirect: Scientific publications (i.e. journal articles and book chapters) and free access patents. www.sciencedirect.com
- Google Scholar: Google Scholar search engine. <https://scholar.google.es/>

2. Conducting a search

Performing a search in the various patent databases around the world –at least in the most relevant ones– will allow you to find more or less standardised information both in its presentation and name. Most of them contain, in addition to the applicant's data, technical and legal information.

Technical information	Brief description of the invention: <ul style="list-style-type: none"> • Description of the state of the art, drawings that illustrate the invention, examples of application). • Quotations and references. • Bibliographic data. • International Patent Classification (IPC). • Title. • Summary. • Drawing.
Legal information	Priority date: Filing date of the first patent application. Filing date. Selected countries. Legal status.
Applicant's information	Applicant's data. Inventor's data.

Therefore, the search can be made in all fields where patent applications contain traceable information (e.g. title, names of inventors or applicants, filing date of the application or its filing/grant number).

TIPS and WATCH-OUTS

Free-access patent databases are very useful for you to know which patents have been registered by competitors. You only have to insert their company name in your patent-owner based search.

Search may be conducted either in free-access or subscription databases. Among the free databases, the most relevant ones are:

- Patentscope: (<http://goo.gl/XXvL39>) is the World Intellectual Property Organization (WIPO) database. It currently contains over 43 million patent documents and is available in English, French, Spanish, German and Portuguese (among others).
- Espacenet: (<http://goo.gl/sivzbj>) is the European Patent Office (EPO) database. It contains more than 90 million patent documents from more than 90 countries and WIPO. Available in English, French and German.
- Latipat: (<http://goo.gl/ijL1qb>) This database uses the search engine from Espacenet. It contains all the patents and utility mo-

odels published since 1955 in Spain and 19 Latinamerican countries. Argentina, Brazil, Chile, Paraguay, Uruguay and Venezuela are included. It is available in Spanish, Portuguese and English.

All of them are easy to use and allow you to perform simple and advanced search. We will focus on two types of search: using keywords and based on the International Patent Classification.

A. Search by keywords

As a first option, you may conduct a search using keywords combined with the different logical (or boolean) or proximity (or truncation) operators. This is recommended when the patent information is partially unknown or when you want to know what patents have a specific holder or inventor registered. Logical operators will help you to include expressions that are formed by two or more words; or to exclude certain words. Meanwhile, truncation will allow you to open the search scope by writing the root of the word plus a symbol to complete it. For example: Asterisk (*), dólar symbol (\$) or question mark (?).

OPERATOR	FUNCTION	SINTAX
AND	All the terms are included in the search field	Term 1 AND Term 2
OR	At least one term is included in the search field	Term 1 OR Term 2
XOR	Only one of the terms is included in the search fields	Term 1 XOR Term 2
NOT	The terms do not appear in the search field	Term 1 NOT Term 2
NEAR	Terms that appear next to another term or a maximum of X terms away	Term 1 NEAR Term 2 Term 1 NEARX Term 2
WITH	Terms that appear in the same sentence	Term 1 WITH Term 2
SAME	Terms that appear in the same paragraph	Term 1 SAME Term 2
, \$, ?	No-limitation symbols	Term (any suffix) *Term (any prefix) Term*5 (any 5 letters suffix)

TIPS and WATCH-OUTS


Please take into account when performing a keyword-search that some terms might be written differently (Eg. color/colour or fiber/fibre).


Example:

Let's say that we would like to search for every sport footwear patent (except football boots) owned by ADIDAS in the world.

First, we will access the "Advanced search" of Espacenet, which is the free database with the largest number of patent documents:
<http://goo.gl/fklwmb>


**Advanced search**


Select the collection you want to search in 


Worldwide collection of published applications from 90+ countries 


Enter your search terms - CTRL-ENTER expands the field you are in

Enter keywords in English


Title:  plastic and bicycle


SHOES OR BOOTS 

Title or abstract:  hair

SPORT * NOT FOOTBALL 

Enter name of one or more persons/organisations

Applicant(s):  Institut Pasteur

ADIDAS 



We will add the (*) truncate symbol to include any word which is derived from the term SPORT (eg. Sports, sportive, etc.)

We will add the "NOT" operator to exclude any patent that contains the term "football" in the title or the abstract

We will add the "OR" operator to include any type of footwear

We will select the worldwide collection of the database

Result list

☐ Select all (0/25)  Compact  Export (CSV | XLS)  Download covers

 Print

Approximately **54** results found in the Worldwide database for:
SHOES OR BOOTS in the title AND **SPORT* NOT FOOTBALL** in the title or abstract AND **ADIDAS** as the applicant

1 ▶

Sort by Sort order

☐ 1. SOLES FOR **SPORTS** **SHOES**

★ Inventor: REINHARDT STUART DAVID [DE] WOOD DARREN MICHAEL [US] (+3)	Applicant: ADIDAS AG [DE]	CPC: A43B1/0027 A43B13/023 A43B13/04 (+15)	IPC: A43B13/04 A43B13/14 A43B5/00	Publication info: US2014366405 (A1) 2014-12-18	Priority date: 2012-04-13
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☐ 2. OUTSOLE FOR **SPORTS** **SHOES**

★ Inventor: ANDERIE WOLF WOLF ANDERIE (+2)	Applicant: ADIDAS SPORTSCHUHE	CPC:	IPC: A43B13/18 A43B F16F (+2)	Publication info: ZA8809412 (A) 1989-09-27	Priority date: 1987-12-17
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☐ 3. SHOE BOTTOM FOR **SPORTS** **SHOES**

★ Inventor: WOLF ANDERIE, EDGAR STIESSI	Applicant: ADIDAS SPORTSCHUHFABRIKEN ADIDAS STIFTUNG & CO. KG	CPC: A43B13/141	IPC: A43B13/14 A43B13/42	Publication info: ZA8800824 (A) 1988-08-05	Priority date: 1987-02-07
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A simple click on the document allows us to see if it is what we were looking for. Bibliographic information, drawings, description, claims, etc. can be accessed too. The application number of the patent could be very useful to conduct a new search in another database.

B. Classification-based search

Patent documents are identified and classified according to a hierarchical system where the area of technology is divided into a number of sections, classes, subclasses, and groups to which it belongs. This system is essential to determine the state of the art in a specific field of technology.

Established since 1971 by the Strasbourg Agreement, this standardized system sets a common classification for Patents and Utility Models called International Patent Classification (IPC), which allows you to conduct a search when keywords are not sufficient.

TIPS and WATCH-OUTS

The search based on the CPI is more complex, but includes those patents that cannot be found by doing a keyword-based search. For example: those with a very abstract title (e.g. treatment system.), a very vague title (e.g. cutting instrument, instead of scissors) or an incorrect title.

The IPC system covers all areas of technology and is organized hierarchically in different levels.

This allows you to search the prior art for limited and specific technological sectors, serves to prepare statistics and to perform an analysis of the evolution of technological development. It is divided into 8 sections represented by a capital letter:

SECTOR	TECHNOLOGICAL AREA
A	Human necessities
B	Performing operations; Transporting
C	Chemistry; Metallurgy
D	Textiles; Paper
E	Fixed constructions
F	Mechanical engineering; Lighting; Heating; Weapons; Blasting engines or pumps
G	Physics
H	Electricity



TIPS and WATCH OUTS

Do not lose sight of the fact that the IPC is different to the Cooperative Patent Classification (CPC), which was initiated as a joint partnership between the USPTO and the EPO where the Offices have agreed to harmonize their existing classification systems (ECLA and USPC, respectively) and migrate towards a common classification scheme.

The CPC has an extra Technological Area (General tagging of new technological developments; General tagging of cross-sectional technologies spanning over several sections of the IPC).

Source: <http://www.cooperativepatentclassification.org/index.html>

Each section is divided into groups and subgroups distinguished by a two-digit number followed by a letter.

Example, H01S: SECTION (Technological Area).

H ELECTRICITY: CLASS (Two-digit number after the section symbol).

H01 Basic Electric Elements: SUBCLASS (Letter after the class symbol).

H01S Devices using stimulated emission

Subgroups are divided and they may be recognized in their hierarchical position regarding its root taking into account the number of points (one or more):

CLASS	H01	BASIC ELECTRIC ELEMENTS	
Subclass:	H01S		Devices using stimulated emission
Main Group	H01S	3/00	
One point Subgroup		3/02	... structure details
Two points Subgroup		3/03	... of laser tubes
Three points Subgroup		3/032	... for confinement ...
Three points Subgroup		3/07	... consisting of multiple ...

TIPS and WATCH-OUTS

To find out to which of the various subgroups the invention you want to search belongs, WIPO offers an easy-to-navigate interactive version of the International Patent Classification <http://www.wipo.int/classifications/ipc/en/> / kyDEHA

Example:

We will perform a search very similar to the first one. This time we will look for patents published between 2013 and 2014 for football boots.

Classification:

First, we need to know what the IPC code for footwear is. For this we will check WIPO's classification system: <http://goo.gl/Pn4z3E>

> Section A: Human Necessities

> Class 43: Footwear

> Subclass B: Characteristic features of Footwear; Parts of Footwear

> Group 5: Footwear for sporting purposes

> Subgroup 02: Football boots

A43B 5/00	Footwear for sporting purposes
A43B 5/02	• Football boots
A43B 5/04	• Ski boots; Similar boots
A43B 5/06	• Running boots
A43B 5/08	• Bathing shoes
A43B 5/10	• Tennis shoes
A43B 5/12	• Dancing shoes
A43B 5/14	• Shoes for cyclists
A43B 5/16	• Skating boots

According to the Classification, the code A43B5/02 is the applicable one to our case

TIPS and WATCH-OUTS

Although the WIPO's Classification System is available in multiple languages, it is recommended to use the English version since it is the most complete.

Search

Should we choose to use the Espacenet database to conduct the search, these are the steps to take:

Enter one or more dates or date ranges

Publication date: yyyymmdd

Enter one or more classification symbols

CPC H03M1/12

IPC H03M1/12

This search will provide us with more complete results than a "FOOTBALL" keyword search, since patents containing the term "SOCCER" and other very general descriptions or titles will also appear (Eg. Mobile stud sole).

Result list

☐ Select all (0/25) ☐ Compact ☐ Export (CSV | XLS) ☐ Download covers ☐ Print

Approximately 54 results found in the Worldwide database for:

SHOES OR BOOTS in the title AND **SPORT* NOT FOOTBALL** in the title or abstract AND **ADIDAS** as the applicant

Sort by Sort order

☐ 1. **SOLES FOR SPORTS SHOES**

★ Inventor: REINHARDT STUART DAVID [DE] WOOD DARREN MICHAEL [US] (+3)	Applicant: ADIDAS AG [DE]	CPC: A43B1/0027 A43B13/023 A43B13/04 (+15)	IPC: A43B13/04 A43B13/14 A43B5/00	Publication info: US2014366405 (A1) 2014-12-18	Priority date: 2012-04-13
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☐ 2. **OUTSOLE FOR SPORTS SHOES**

★ Inventor: ANDERIE WOLF WOLF ANDERIE (+2)	Applicant: ADIDAS SPORTSCHUHE	CPC:	IPC: A43B13/18 A43B F16F (+2)	Publication info: ZA8809412 (A) 1989-09-27	Priority date: 1987-12-17
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☐ 3. **SHOE BOTTOM FOR SPORTS SHOES**

★ Inventor: WOLF ANDERIE, EDGAR STIESSI	Applicant: ADIDAS SPORTSCHUHFABRIKEN ADIDAS ERSTIFTUNG & CO. KG	CPC: A43B13/141	IPC: A43B13/14 A43B13/12	Publication info: ZA8800824 (A) 1988-08-05	Priority date: 1987-02-07
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3. Related links & additional information

For further information about Intellectual Property Rights in Latin America please visit <http://www.latinamerica-ipr-helpdesk.eu>

Espacenet search Online tutorial

https://rs.espacenet.com/help?locale=lg_RS&topic=index&method=handleHelpTopic

Latipat search Online tutorial

<http://lp.espacenet.com/>

4. GLOSSARY

State of the art/prior art: All the information that is accessible to the public by its use, oral or written description or any other means in a certain territory (generally, the world).

Boolean operators: Also known as logical operators, are words or symbols that allow connecting concepts or groups of terms to expand, limit or define the search faster. The following symbols are included: AND, OR, XOR, NOT, NEAR, WITH, SAME.

Truncation operators: Also known as proximity or aggregator operators are symbols that allow searches of partial or similar terms. The following symbols are included: +, *, \$, ?.

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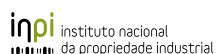
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