

# The Great IDEA

An Omni Legal Group Publication



Do Great Ideas Grow on Trees?

2.16.11

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Protecting your Great Ideas

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## Proposed Legislation to make Inventors Race to the Patent Office

The United States is one of the only industrialized countries in the world to have a “first to invent” patent system. Currently, if inventor Adam files a patent application and later inventor Ben files a patent application for the same invention, Ben could still be awarded the patent. This would happen if Ben proved he came up with the invention before Adam.

Most of the world uses a “first to file” system. Here, the patent would go to Adam because he filed his application before Ben.

Congress is now considering a bill that would amend the US patent law to allow the first to file for a patent to be deemed the inventor.

Proponents of the amended law argue change would result in a less burdensome regulatory regime where the patent office would no longer have to expend time and money to referee disputes about which applicant was the first to invent something.

Opponents of the bill have dubbed it an attack on the American patent, a right outlined in the Constitution. They also argue that a “first to file” system would result in more hastily prepared patent applications as inventors rush to have the applications filed first.

One thing that is certain is Congress should take steps to revamp the Patent and Trademark Office, which is struggling under a backlog of patent applications.

For more questions on this or other intellectual property-related matters, please contact our office or friend us on facebook.

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