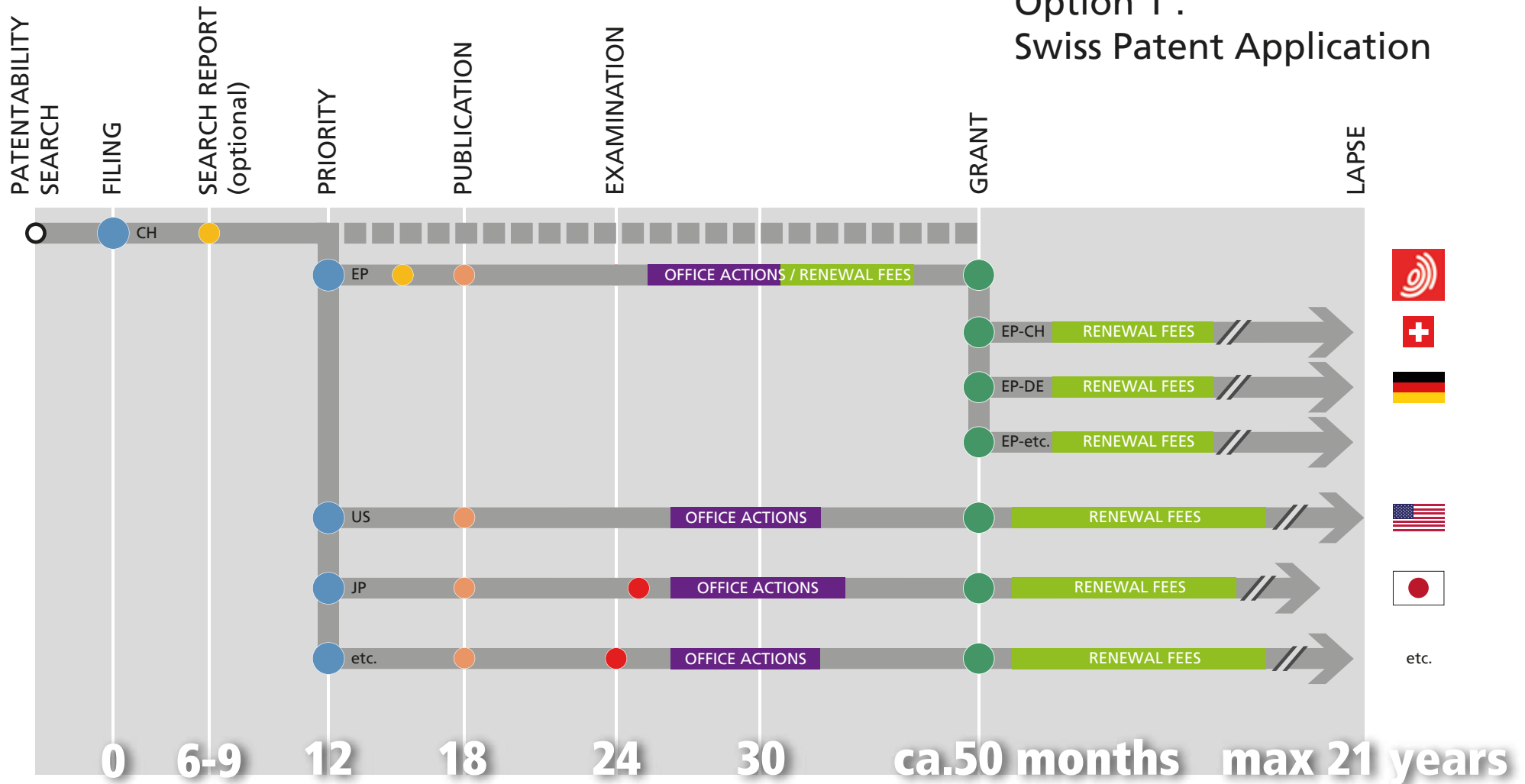


## Patent Filing Strategies

There are several possible strategies when filing patent applications covering more than one country. Although the protection afforded by one or the other option may be comparable or even identical, the choice of strategy may have considerable impact on the costs and notably on their distribution over time.

1. Swiss Patent Application
2. European Patent Application
3. International (PCT) Application
4. Application without fees
5. International (PCT) Application claiming priority
6. Bundle of National Patents

## Option 1 : Swiss Patent Application



## First filing Option 1 : Swiss Patent Application

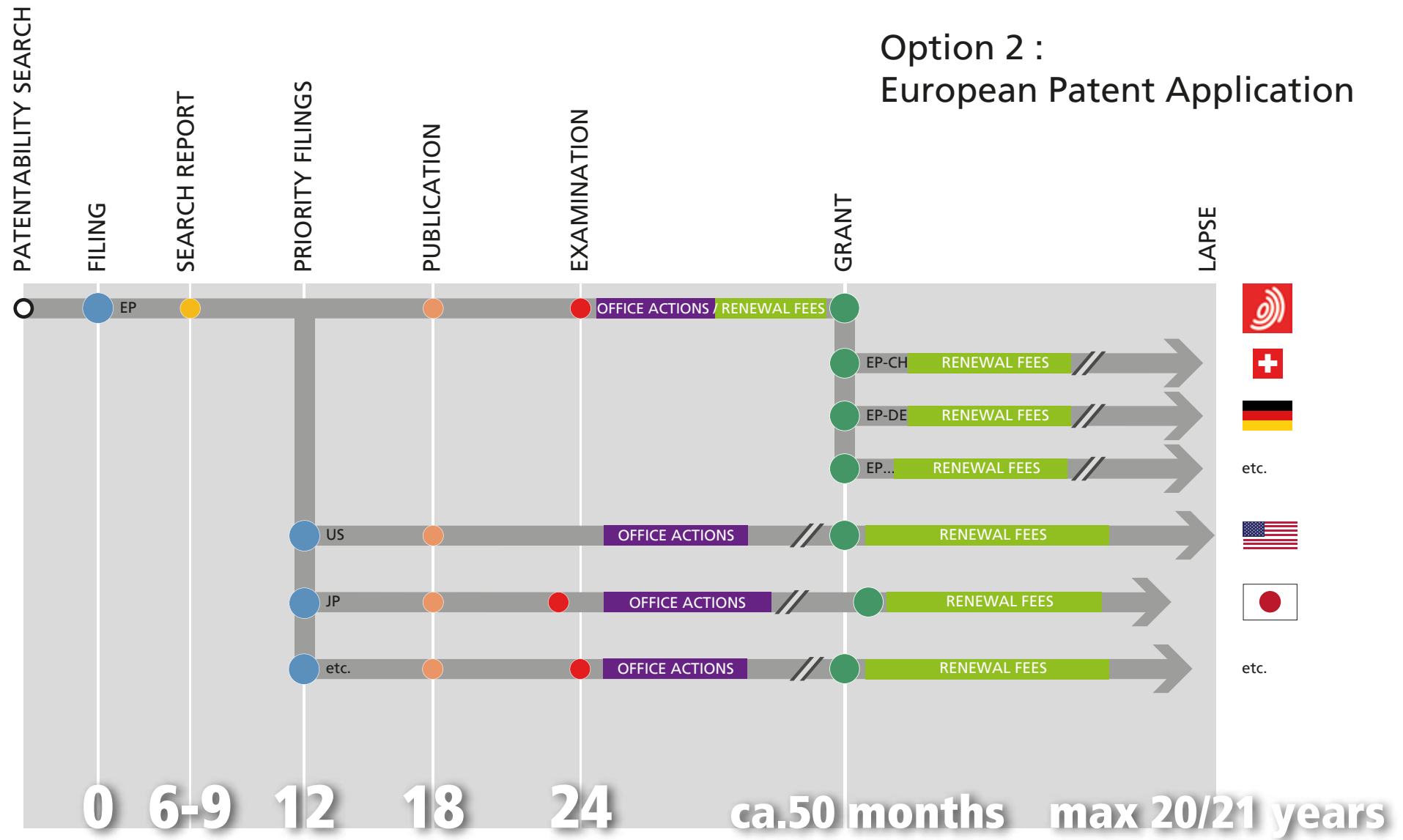
### Recommended if :

- The initial costs need to be limited
- The invention does not fulfill the more stringent criteria of the European patent
- An official EPO search report is desired before deciding on the countries to be protected
- The invention might evolve considerably during the first 12 months; a definitive application should include these improvements
- An effective protection of 21 years is desired
- The Swiss market is important and it is essential to obtain the best possible protection in this market

### To be avoided if :

- The total cost for obtaining a European patent should be reduced (as the costs of a Swiss application are added to those of a European application, this solution will prove, after only 12 months, more expensive than a direct European application)
- It is almost certain that the invention will no longer evolve after filing

## Option 2 : European Patent Application



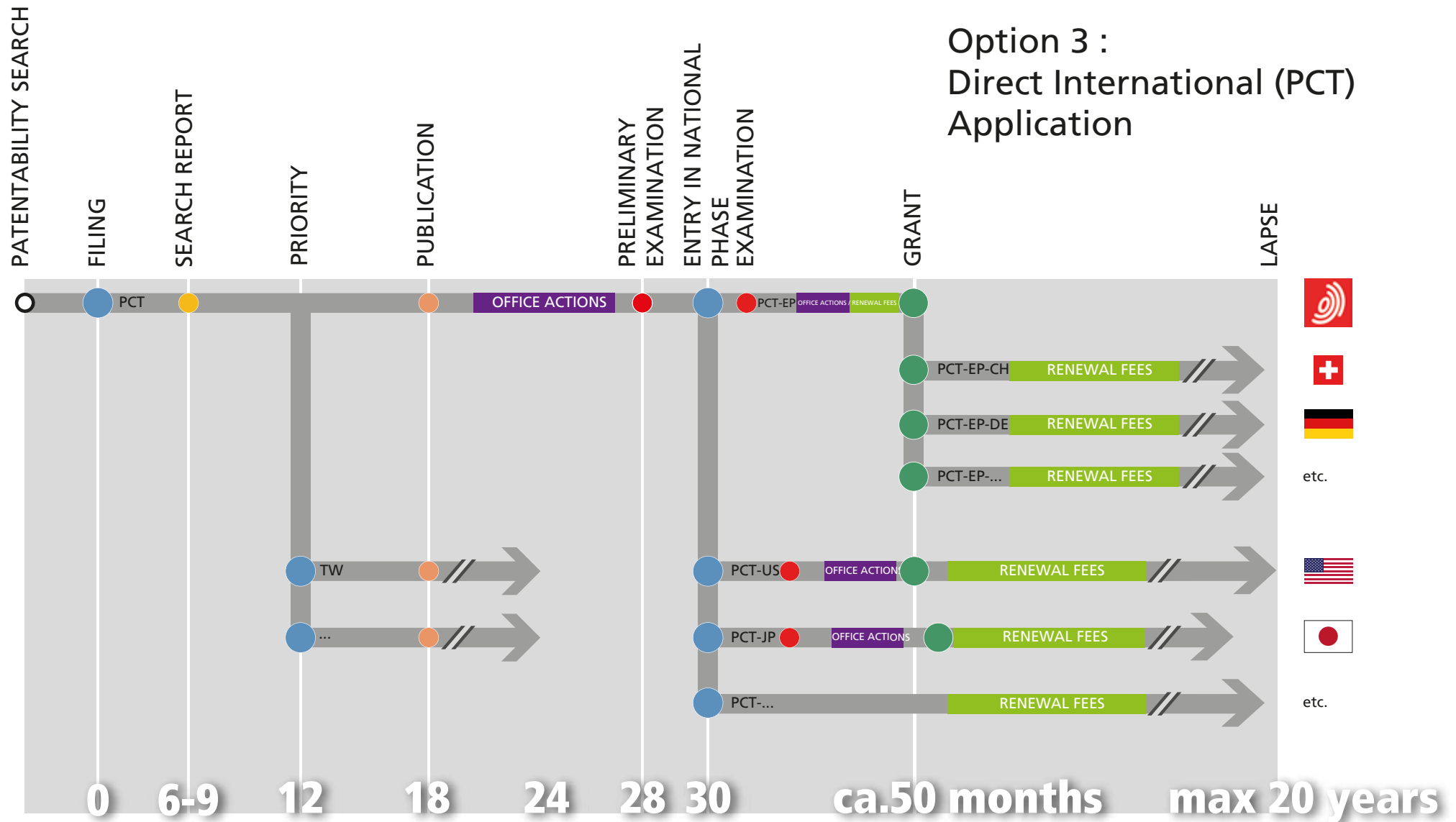
## First filing Option 2 : European Patent Application

### Recommended if :

- The total costs for obtaining the patent should be kept to a minimum
- The risk of the application being abandoned in the near future is low
- There is little probability that the invention will evolve considerably during the first year
- It is clear from the outset that a patent limited to Switzerland is not sufficient
- An early grant is an advantage

### To be avoided if :

- The initial costs should be limited
- The invention is likely to evolve after initial filing
- The invention does not fulfill the rather stringent criteria of the European patent
- An effective protection of 21 years rather than 20 is an advantage



## First filing option 3 : Direct International (PCT) Application

### Recommended if :

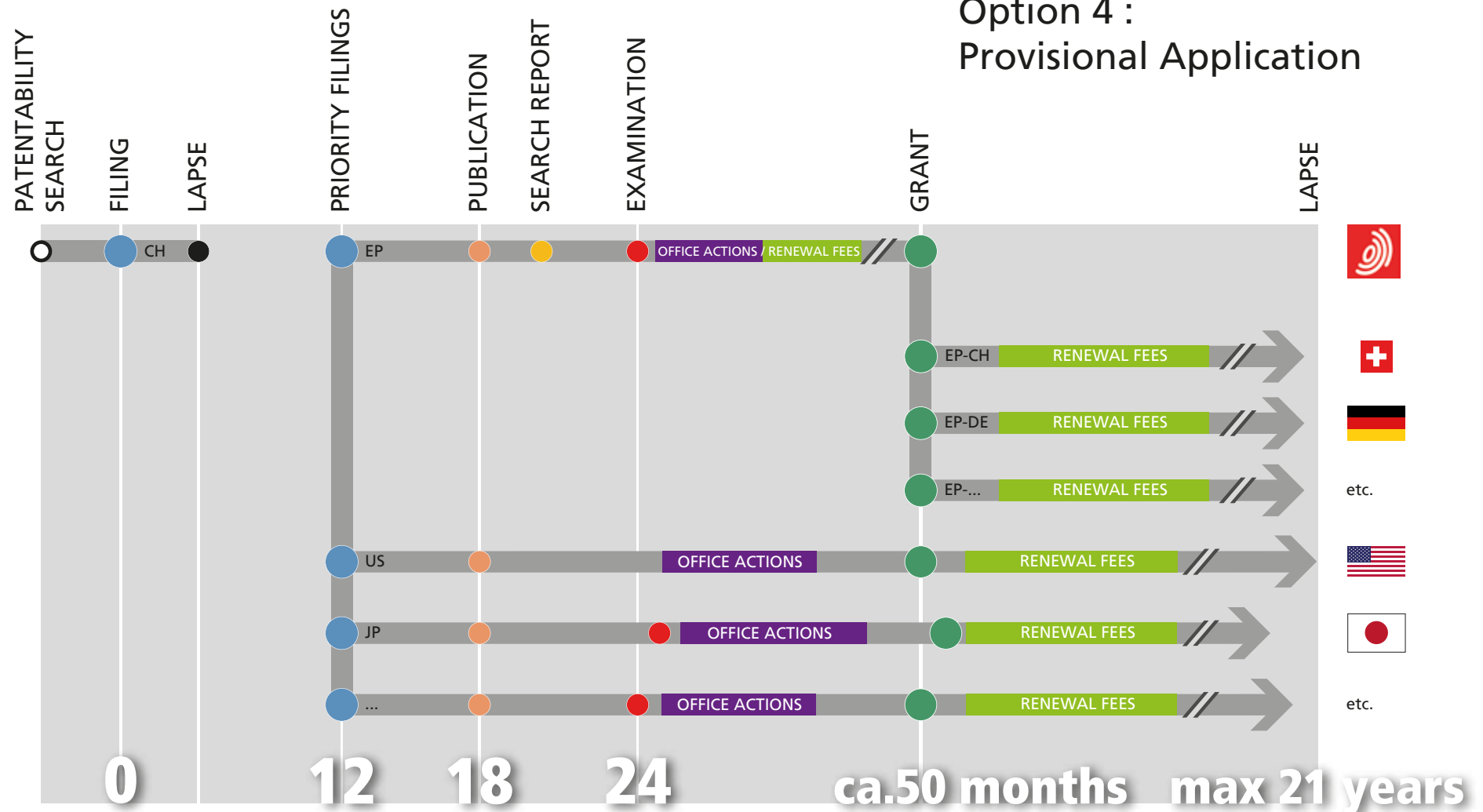
- The main costs should be deferred as long as possible
- Considerable expense is to be avoided during the first 30 months without having to give up the option of protecting the invention in a large number of countries
- It is difficult to predict the success of the product
- There is a significant risk of the invention becoming abandoned during the first 30 months
- The definitive selection of the countries in which the invention is to be protected should be deferred as long as possible
- Protection is desired in a large number of countries
- It is important to be able to budget the costs accurately during 30 months
- A rejection is to be avoided at all costs during the first 30 months

### To be avoided if :

- The initial costs should be limited
- The total costs until grant should be limited
- The number of countries in which the invention is to be protected is limited
- The invention is likely to evolve during the 12 months after filing and it is possible that the text will have to be completed
- An early grant is an advantage
- An effective protection of 21 years is desired



## Option 4 : Provisional Application





## First filing option 4 : Provisional Application

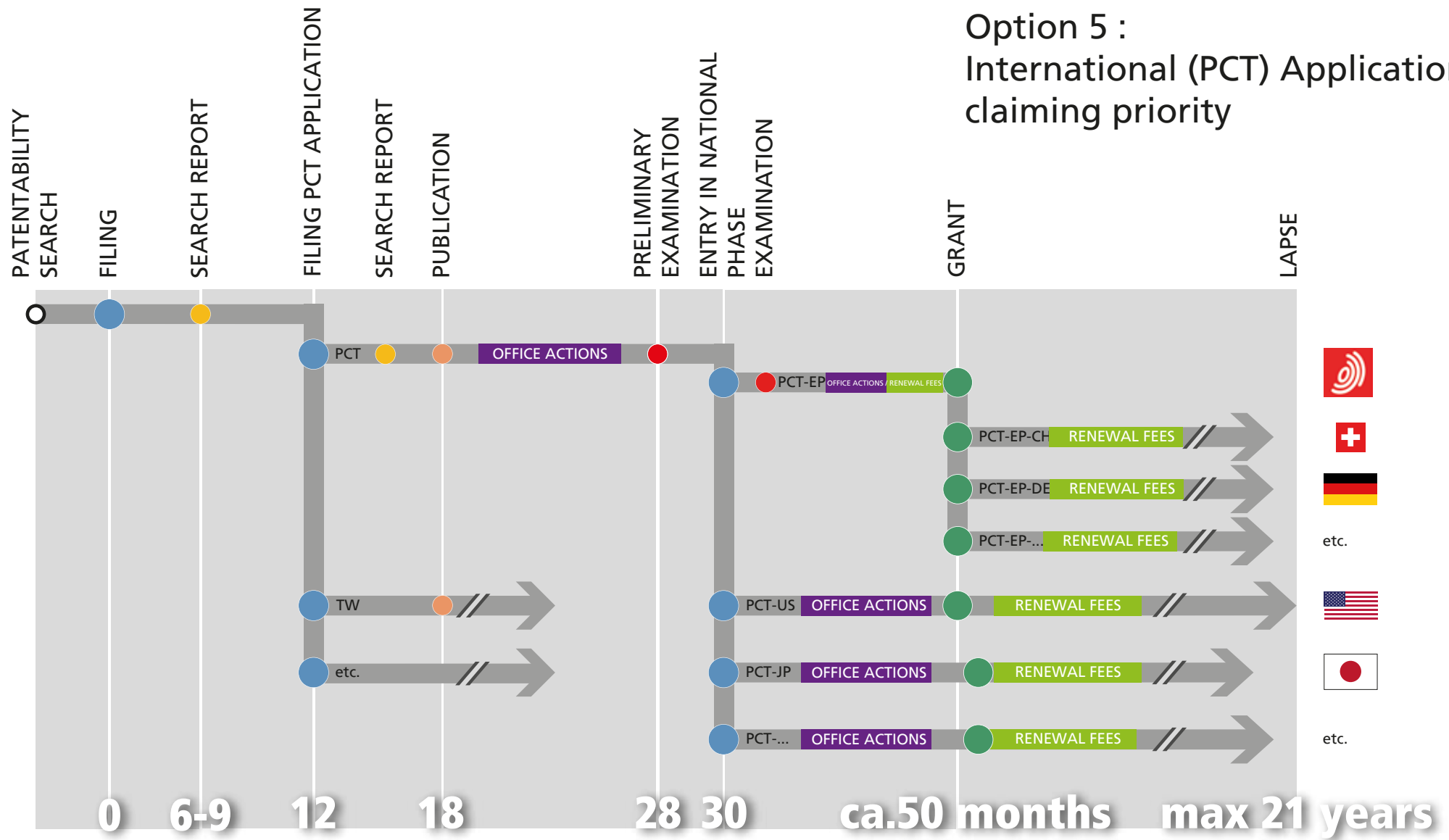
### Recommended if :

- The initial costs should be kept to a minimum
- The time available does not allow for the preparation of a definitive application
- The invention will probably evolve after filing
- The risk of the invention becoming abandoned is important
- An effective protection of 21 years is desired
- Grace period in the US is required

### To be avoided if :

- The initial costs should be limited (as the costs of the provisional application are added to those of the subsequent application(s), this solution will prove more expensive after only 12 months)
- The invention is already quite advanced and the markets requiring protection are already well known
- An official search report is required at an early stage before deciding on the definitive strategy
- An early grant is desired

## Option 5 : International (PCT) Application claiming priority



## Filing option 5 : Priority application, then International (PCT) Application after 12 months

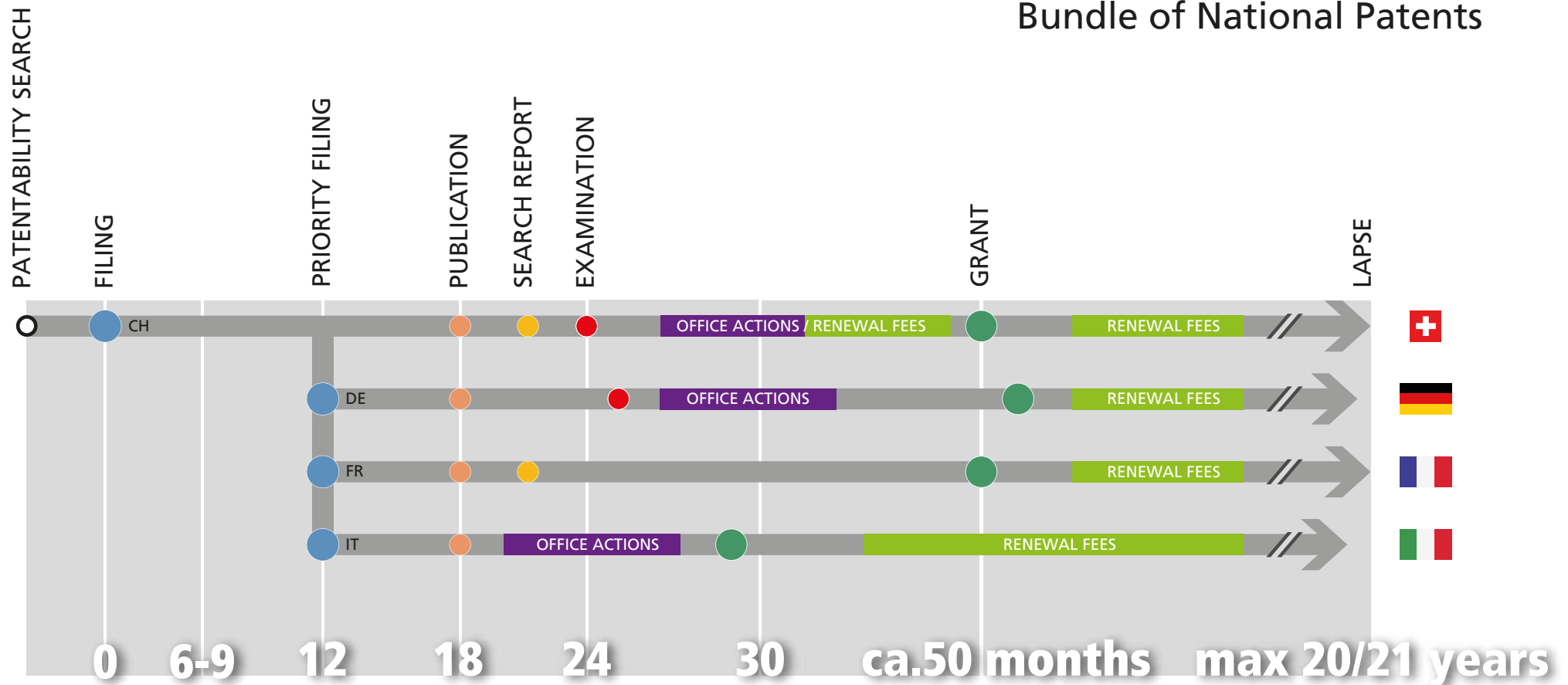
### Recommended if :

- All the costs must be deferred as long as possible
- The initial costs must be limited, for example by filing an initial application without fees
- The costs at 12 months must be reduced
- Considerable expense is to be avoided during the first 30 months without having to give up the option of protecting the invention in a large number of countries
- It is difficult to predict the success of the product
- There is a significant risk of the invention becoming abandoned during the first 30 months
- The definitive selection of countries in which the invention is to be protected must be deferred as long as possible
- The invention will definitely evolve after filing and a definitive application after 12 months will have to include variants and improvements conceived in the meantime
- The Swiss market is important and it is essential to obtain the best possible protection in this market (only for an initial application in Switzerland)
- It is important to reduce costs during the first 30 months
- An effective protection of 21 years is desired
- A rejection is to be avoided at all costs during the first 30 months
- The application is part of a wider patent portfolio and considerable flexibility is essential

### To be avoided if :

- The total costs until grant should be limited
- The countries in which the invention is to be protected can be selected early
- An early grant is an advantage

## Option 6 : Bundle of National Patents



## Filing option 6 : Bundle of National Patents

### Recommended if :

- A protection in up to 4 European countries is sufficient
- A European or international patent would be difficult to obtain

### To be avoided if :

- A protection in more than 4 European countries is needed

**P&TS SA**

Av. Jean-Jacques Rousseau 4  
Case postale 2848  
CH-2001 Neuchâtel

Tel. + 41 327271427  
[info@patentattorneys.ch](mailto:info@patentattorneys.ch)  
[www.patentattorneys.ch](http://www.patentattorneys.ch)

**P&TS AG**

Nordstrasse 9  
CH-8006 Zürich

Tel. +41 442673919  
[info@patentattorneys.ch](mailto:info@patentattorneys.ch)  
[www.patentattorneys.ch](http://www.patentattorneys.ch)