Building a Competitive Edge: Protecting Inventions by Patents and Utility Models

- Topic 4 -

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Training of the Trainers Program on Effective Intellectual Property Asset Management by Small and Medium Sized Enterprises (SMEs)

Organised by the World Intellectual Property Organisation (WIPO) and the Business and Property Registration Agency (BPRA), Revolutionary Government of Zanzibar

16th June 2014

Overview

- Introduction
- Protecting Inventions - Patents
- Utility Models
- Infringement
- Patent Search
- Concluding Remarks

Introduction

Intellectual Property Value Proposition

Seed / IP

Maize / Products

Food

Biofuel

Chemicals / medicines

Maize as a commodity

Opportunity

Patents
Copyright
Design Registration
New Plant Varieties
Trade Secrets
Trademarks

NEW / IMPROVED

Products

Services

Socio-economic Returns

Introduction

Intellectual Property Value Proposition – South Korea

The intellectual property system was an important catalyst for the development of indigenous technology by Korean companies, several of which have become global market leaders. Korea's spectacular transformation from a poor farming economy in the 1960s with a per capita income of less than US $100 to a highly industrialized country with a per capita income of US $12,000 today, resulted from a systematic economic and trade development policy that included incentives for technological innovation and the development of domestic intellectual property assets.

Chulsu Kim, Integrating Intellectual Property into the National Development Policy: the Korean Experience, keynote address at WIPO/ KIPO Ministerial Conference on Intellectual Property for Least Developed Countries

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Introduction

Intellectual Property Examples

Patents
(material), formulation, use of formulation, trademark, copyright

Trademarks
(logo)

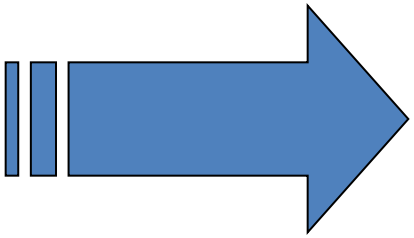
Copyright
(art-work on logo, text format).

Apple/Samsung

- **Design / Patents / Trademarks**
(Aesthetic, Invention, Trademark)

Introduction

Defining Intellectual Property

Intellectual Property  creations of the mind!

Two broad categories:

Industrial property: inventions (patents), trademarks, industrial designs, geographic indications of source

Copyright: literary and artistic works (e.g. novels, poems and plays, films, musical works, artistic works - drawings, paintings, photographs, sculptures; and architectural designs.

Introduction

Patent System - Articulating the Monopoly

1603 British courts ruled that … *patents only good when they benefit the public as a whole*

"…… any man

……. by his own charge and industry or by his own wit or invention

……..doth bring any new trade into the realm or any engine tending to the furtherance of a trade that was never used before and that for the good of the Realm;

…… the King may grant to him a monopoly patent for some reasonable time … otherwise not"

Protecting Inventions

Overview of Types of Intellectual Property

	What does it protect?
❑ **Patents**	Inventions / underlying principles
❑ **Designs**	Look – aesthetic features
❑ **Trademarks**	Brand
❑ **Copyright**	Work
❑ **Know-how**	Secret information

Protecting Inventions

Overview of Patents

- **Basis of Protection:** Protection to incentivise disclosure recognise human ingenuity
  - Paris Convention
  - National Laws (e.g. **THE PATENTS (REGISTRATION) ACT, G.N. No. 457 of 1994)**
  - Treaties (**Patent Co-operation Treaty (PCT))**
- **Duration of Rights:**
  - **20 year,** subject to fees
  - **Tanzania:** expire at end of 10th year extensible for another 10 years

NATURE OF RIGHTS

NEGATIVE RIGHT:
To exclude others
1. **Manufacture**
2. **Exercise**
3. **Use**
4. **Dispose**
5. **Import**

- **Licence to Sue**

NB: DON'T NEED A PATENT TO PRACTICE AN INVENTION!-

- Patents are **territorial**
  - Ultimately need to file patent in each country of commercial interest

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Protecting Inventions

Reasons for Seeking Protection

- IP an Asset
- Therefore Basis of Protection
  - Recouping R&D investments
  - Facilitates licensing
  - Negotiating tool
  - Financing opportunities (venture capitalists, etc)
  - Market exclusivity and expansion
  - Freedom to operate
  - Higher market value and publicity

Protecting Inventions

What is Patentable? - Tanzania

PATENTABILITY (ss 7-13)

7. Definition

(1) For the purposes of this Act, "invention" means a solution to a specific problem in the field of technology and may relate to a product or process.

(2) The following shall not be regarded as inventions within the meaning of subsection (1)–

(a) discoveries, and scientific and mathematical theories;

(b) plant or animal varieties or essentially biological processes for the production of plants or animals, other than microbiological and the products of such processes;

(c) schemes, rules or methods for doing business, performing purely mental acts or playing games;

(d) methods for the treatment of the human or animal body by surgery or therapy, as well as diagnostic methods; but shall not apply to products for use in any of those methods;

(e) more presentation of information.

8. Patentable inventions

An invention is patentable if it is new, involves an inventive step and is industrially applicable.

Protecting Inventions

What is Patentable? - Zanzibar

CHAPTER I
PATENTS

Matters excluded from Patent protection.

3.(1) The following shall be excluded from patent protection:

(i) discoveries, scientific theories and mathematical methods;

(ii) schemes, rules or methods for doing business, performing purely mental acts or playing games;

(iii) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practiced on the human or animal body;

(viii) the human body and all its elements in whole or in part;

(ix) inventions, the prevention within the territory of Zanzibar of the commercial exploitation of which is necessary to protect order public and morality including to protect human, animal or plant life or health or to avoid serious prejudice to the environment; such exclusion shall not be made merely because the exploitation of those inventions is prohibited by law;

(x) pharmaceutical products and processes until January 1, 2016 or the expiry of such later period of extension agreed upon by the World Trade Organization Council for TRIPs.

Protecting Inventions

What is Patentable? - Zanzibar

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Protecting Inventions

What is Patentable? - Zanzibar

Patentable inventions.

4.(1) An invention shall be patentable if it is new, involves an inventive step, is industrially applicable and has not been excluded from patentability under the Zanzibar law.

(2)(a) An invention shall be new if it is not anticipated by prior art or where a theoretical person who is highly skilled in the relevant area could not derive the invention from a combination of publications;

(b) Prior art shall consist of everything disclosed to the public, anywhere in the world, by publication in tangible form including patent applications where such applications are subsequently published or by oral disclosure, by use or in any other way including material in any deposit institutions, prior to the filing or, where appropriate, the priority date, of the application claiming the invention;

(c) For the purposes of subsection (2)(b) of this section, disclosure to the public of the invention shall not be taken into consideration if it was by reason or in consequence of an abuse committed by a third party with regard to the applicant or his predecessor in title.

Protecting Inventions

Patenting Criteria

“Statutory” subject matter

- **Novel / New** (Absolute Novelty)
  - Not anticipated by prior-art on or before filing of application for invention
  - Patent and non-patent disclosures
- **Involves an inventive step**
  - Not obvious
  - In light of all matter available at time
  - Compare with Novelty
  - Two different concepts – Novelty is 1st
- **Industrially applicable**

Protecting Inventions

State of the Art

- Not **state of the art** before priority date of invention

- **State of the art:**
  - **all matter** (whether a product, a process, information about either, or anything else) which has been made available to the public
  - In **any way** (oral description, by use, etc.)
  - matter contained in an application, open to public inspection, for a patent, notwithstanding that that application was lodged at the patent office and became open to public inspection on or after the priority date of the relevant invention
  - secretly and on a commercial scale

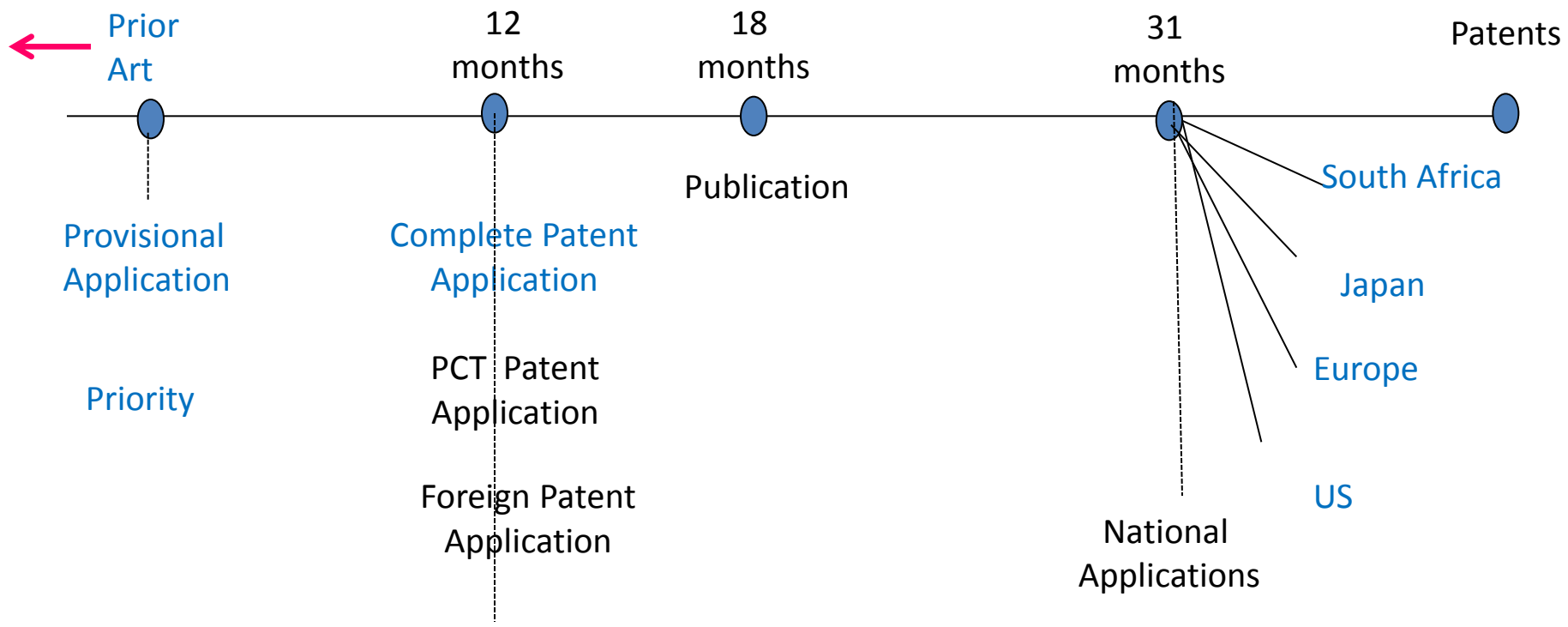
Protecting Inventions

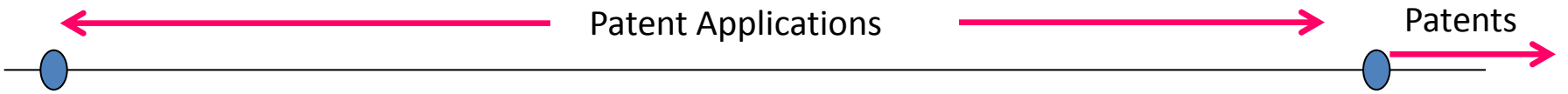
Obviousness / Utility

- Inventive Step
  - not obvious to a person skilled in the art
  - having regard to prior art as at priority date of the invention
- Industrially applicable
  - Can be manufactured
  - Otherwise industrially used

Protecting Inventions

Patent Application Process





Protecting Inventions

Patents and Applications

Hope!

The Brat is here!

PATENT APPLICATION:

- **Provisional patent application**
- **PCT application**
- **Convention / Non-convention application**

PATENT:

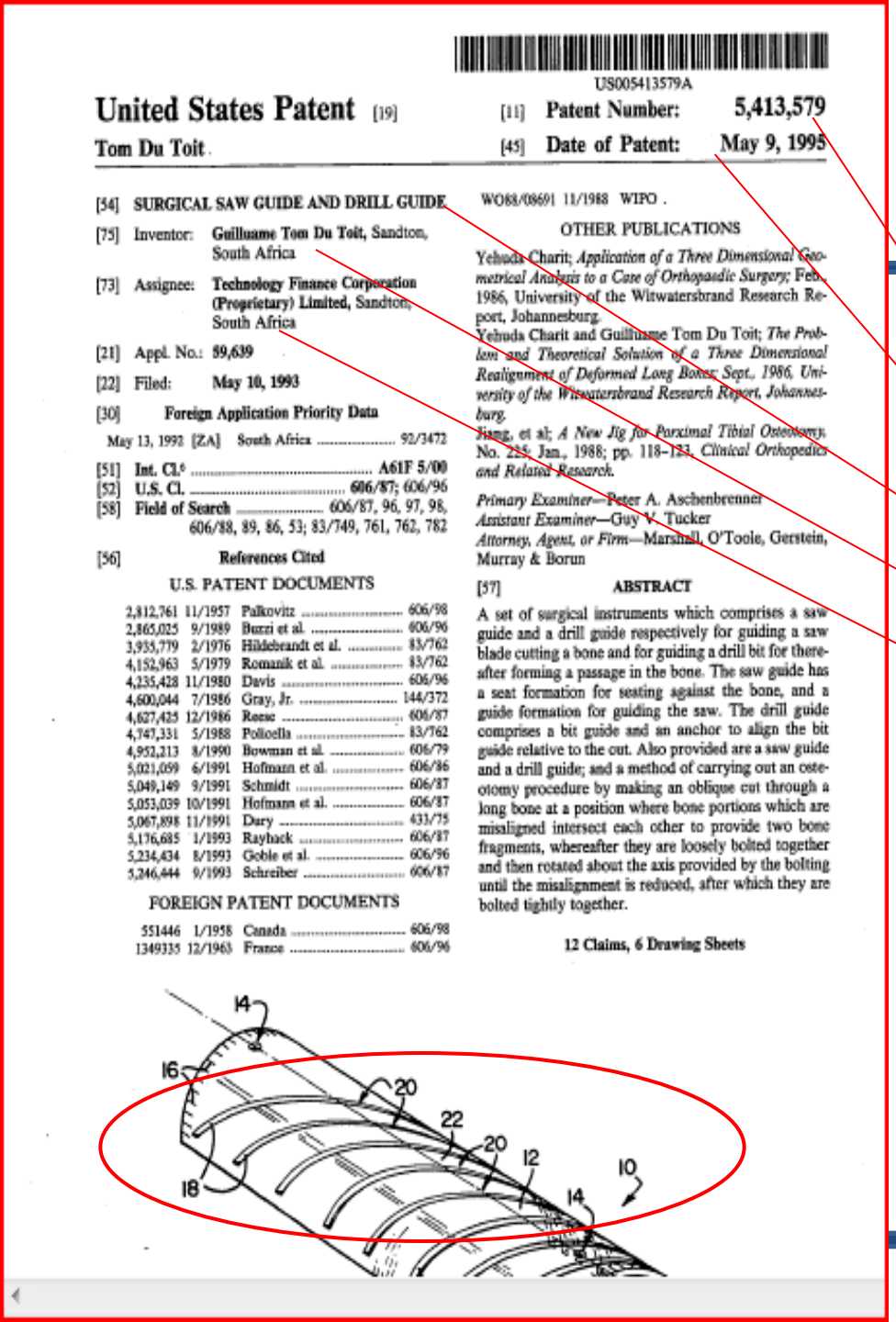
e.g.

- **US patent**
- **EP patent (limited rights)**
- **National Patents**
  - **South African patent**
  - **Tanzania patent, Zanzibar patent, etc.**

Protecting Inventions

Review of Patent Document

- Cover page information
  - Bibliographic information, including non-binding abstract
- Diagrams
  - In the context of the specific description
- Specification
  - Field of Invention; background and Consistory clauses
  - Example(s) / embodiment(s) of the invention (Specific Description)
- Claims
  - Numbered sentences typically at the end of the patent document
  - Define the invention and the extent of the monopoly



US005413579A

United States Patent [19]

Tom Du Toit

[11] **Patent Number: 5,413,579**

[45] **Date of Patent: May 9, 1995**

[54] **SURGICAL SAW GUIDE AND DRILL GUIDE**

[75] Inventor: **Guilluame Tom Du Toit**, Sandton, South Africa

[73] Assignee: **Technology Finance Corporation (Proprietary) Limited**, Sandton, South Africa

[21] Appl. No.: **59,639**

[22] Filed: **May 10, 1993**

[30] **Foreign Application Priority Data**

May 13, 1992 [ZA] South Africa 92/3472

[51] **Int. Cl.**[6] **A61F 5/00**

[52] **U.S. Cl.** **606/87**; 606/96

[58] **Field of Search** 606/87, 96, 97, 98, 606/88, 89, 86, 53; 83/749, 761, 762, 782

[56] **References Cited**

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2,865,025	9/1989	Burri et al.	606/96
3,935,779	2/1976	Hildebrandt et al.	83/762
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4,235,428	11/1980	Davis	606/96
4,600,044	7/1986	Gray, Jr.	144/372
4,627,425	12/1986	Reese	606/87
4,747,331	5/1988	Polloella	83/762
4,952,213	8/1990	Bowman et al.	606/79
5,021,059	6/1991	Hofmann et al.	606/86
5,049,149	9/1991	Schmidt	606/87
5,053,039	10/1991	Hofmann et al.	606/87
5,067,898	11/1991	Dary	433/75
5,176,685	1/1993	Rayback	606/87
5,234,434	8/1993	Goble et al.	606/96
5,246,444	9/1993	Schreiber	606/87

FOREIGN PATENT DOCUMENTS

551446	1/1958	Canada	606/98
1349335	12/1963	France	606/96

WO88/08691 11/1988 WIPO .

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Yehuda Charit; *Application of a Three Dimensional Geometrical Analysis to a Case of Orthopaedic Surgery;* Feb., 1986, University of the Witwatersbrand Research Report, Johannesburg.

Yehuda Charit and Guilluame Tom Du Toit; *The Problem and Theoretical Solution of a Three Dimensional Realignment of Deformed Long Bones; Sept., 1986, University of the Witwatersbrand Research Report, Johannesburg.*

Jiang, et al; *A New Jig for Porximal Tibial Osteotomy,* No. 225, Jan., 1988; pp. 118–123, *Clinical Orthopedics and Related Research.*

Primary Examiner—Peter A. Aschenbrenner
Assistant Examiner—Guy V. Tucker
Attorney, Agent, or Firm—Marshall, O'Toole, Gerstein, Murray & Borun

[57] **ABSTRACT**

A set of surgical instruments which comprises a saw guide and a drill guide respectively for guiding a saw blade cutting a bone and for guiding a drill bit for thereafter forming a passage in the bone. The saw guide has a seat formation for seating against the bone, and a guide formation for guiding the saw. The drill guide comprises a bit guide and an anchor to align the bit guide relative to the out. Also provided are a saw guide and a drill guide; and a method of carrying out an osteotomy procedure by making an oblique cut through a long bone at a position where bone portions which are misaligned intersect each other to provide two bone fragments, whereafter they are loosely bolted together and then rotated about the axis provided by the bolting until the misalignment is reduced, after which they are bolted tightly together.

12 Claims, 6 Drawing Sheets

Patent Document

Bibliographic Information

- Patent / Publication Number
- Publication Date
- Title
- Inventor
- Applicant

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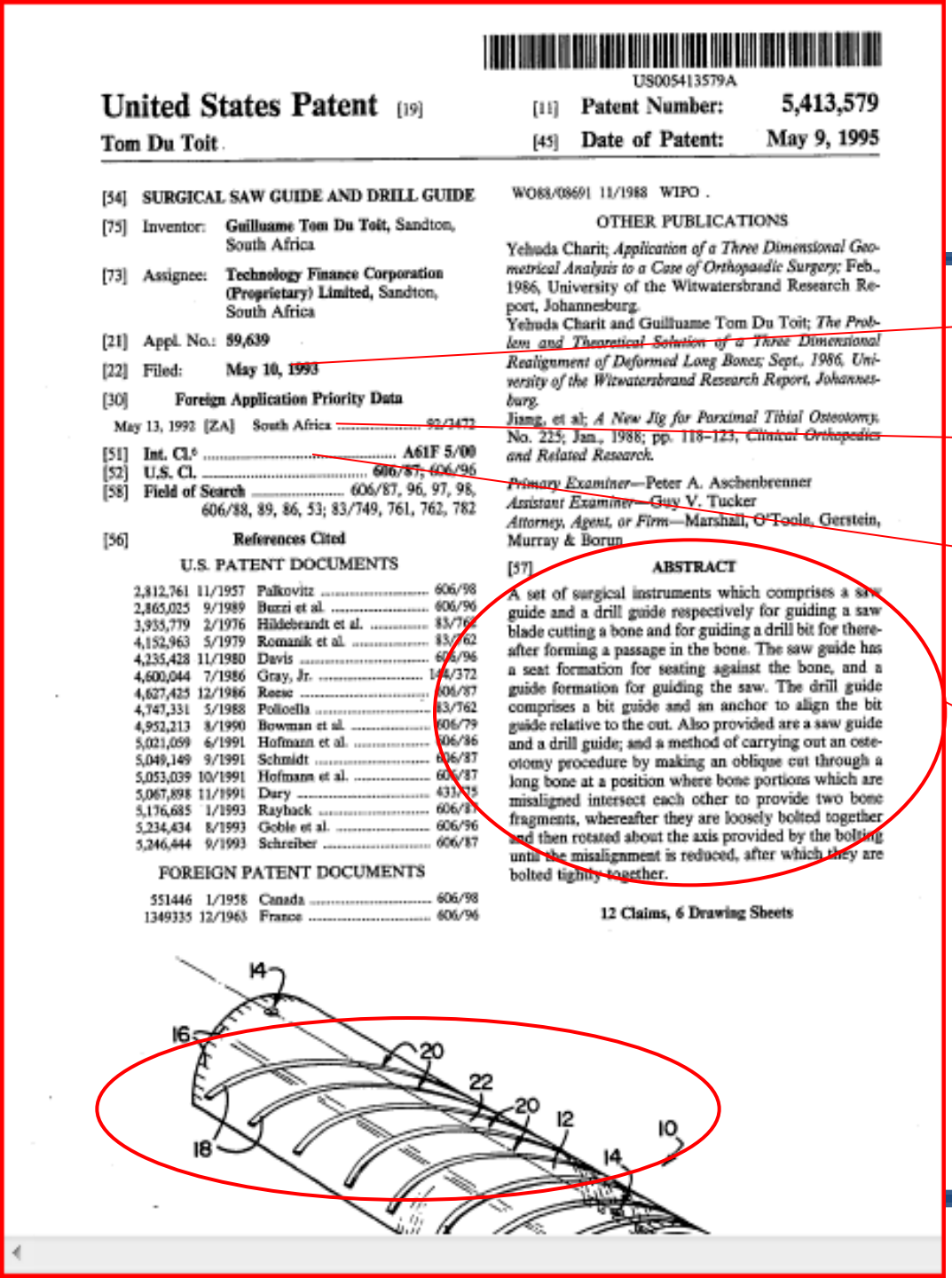
Patent Document



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12 Claims, 6 Drawing Sheets

- Filing date
- Priority data
- International patent classification
- Abstract

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SURGICAL SAW GUIDE AND DRILL GUIDE

BACKGROUND OF THE INVENTION

FIELD OF THE INVENTION

THIS INVENTION relates to surgical instruments. More particularly it relates to a set of such instruments for use in an osteotomy procedure; to a saw guide and a drill guide forming part of the set; and to a method of carrying out an osteotomy procedure.

SUMMARY OF THE INVENTION

According to the invention there is provided, for use in an osteotomy procedure, a set of surgical instruments, the set comprising:

a saw guide for guiding a saw while it makes an oblique cut in a long bone to divide it into two fragments; and

a drill guide for guiding a drill bit while it forms a passage in said bone after an initial part of said cut has been made in the bone by the saw, the saw guide and drill guide having respective constructions whereby:

the saw guide has a seat formation having a concave side for abutting a long bone to be cut, so that the long bone seats in the seat formation, and a guide formation for aligning a saw blade relative to a long bone seating in the seat formation and for guiding the saw blade while it initiates the making of the cut in the bone; and

the drill guide comprises a bit guide and an anchor connected to the bit guide for insertion into the initial part of the cut in the bone when the initial part of the cut has been made, thereby to align the bit guide relative to the cut, the bit guide defining a guide path for receiving a drill bit and for aligning the drill bit perpendicular to the initial part of the cut while the drill bit forms the passage in the bone.

By an oblique cut is meant a transverse cut which is not substantially normal to the longitudinal direction of the bone.

In one embodiment, the saw guide may be in the form of a channel, which provides the seat formation. The guide formation may in this case be in the form of a slot in the channel, the slot extending transversely to the channel. The width of the slot will be selected to match the thickness of the blade of a standard hand-held hacksaw with a close working clearance, the hacksaw being operated by hand using a detachable handle, as motor-

to a long bone to be cut. In a particular embodiment of the invention there may thus be a plurality of said saw guides having said seat formations in the form of channels, at least some of the channels having said slots which, when each channel is viewed from the convex side thereof in a direction perpendicular to the longitudinal midline thereof, are inclined at angles to said longitudinal midline which are different from one another; and there may be a saw guide having a seat formation in the form of a channel which has a plurality of said slots therein, which slots when viewed in a direction perpendicular to the longitudinal midline thereof, are inclined at angles to said longitudinal midline which are different from one another.

Furthermore, a plurality of saw guides may be provided, of various cross-sectional dimensions, to cater for bones of different cross-sectional dimensions or thicknesses so that there is, for commonly encountered bone sizes, at least one saw guide in the set which can receive a bone to be cut in its interior with a sufficiently close fit.

It will be appreciated that, when the saw guide is part-cylindrical, eg semicylindrical, in shape, any slot of the type in question therein will be able to receive a flat plane intersecting the cylinder of the guide and will follow a path along the surface of the saw guide which is part-elliptical in shape, and each slot is preferably formed so that its centre, midway between its ends, is intersected by the short axis of the ellipse of which it forms part. In this case, when the saw guide or guides of the set provide a plurality of slots, the slots may be formed so that the long axes of the ellipse of which they form part, make various acute angles relative to the polar axes of the associated saw guides. These angles may be selected to vary from close to 90° , when the ellipse in question is nearly circular, down to 30° or less, when said ellipse is elongated.

The number of slots provided by the saw guide or guides of the set is conveniently selected to permit guiding of a saw at a series of progressively varying said angles,such that there is a slot suitable for making, for practical purposes, a cut at any desired angle. For example, a total of 5–15, eg 8–10, slots may be provided by the set, whose said angles vary at progressive, eg regular, intervals from slightly more than 90° or slightly less than 90° down to 30°.

Each saw guide should preferably have a pair of axially spaced openings therethrough, for receiving fasteners, such as screws, for fixing the saw guide to a

Specific Description

- Background
- State of the art
- Problems that the invention solves
- Summary description of the invention

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made cut, so that the bit is perpendicular to the partially made cut; and it may include the step of, after the fragments are bolted tightly to each other, of locking the bone fragments against relative rotation therebetween. Locking the fragments against relative rotation therebetween may be by inserting a locking member into the bone fragments so that the locking member intersects and bridges the cut; and inserting the locking member may be by forming a slot in the bone fragments which intersects the cut, and inserting a locking member in the form of a locking plate into the slot.

BRIEF DESCRIPTION OF THE DRAWINGS

Thus, the method described above can conveniently be carried out using the set of instruments, in particular the saw guide and drill guide, of the present invention.

The invention will now be described, by way of example, with reference to the accompanying diagrammatic drawings, in which:

FIG. **1** shows a schematic three-dimensional view of a saw guide forming part of a set of surgical instruments according to the invention;

FIG. **2** shows a similar view of another saw guide according to the invention;

FIG. **3** shows a schematic plan view of the guide of FIG. **2**;

FIG. **4** shows a three-dimensional view of a drill guide according to the invention;

FIG. **5** shows an underside plan view of the guide of FIG. **4**;

FIG. **6** shows a three dimensional views of the saw guide of FIG. **1** in use;

FIG. **7** shows a three dimensional view of the drill guide of FIGS. **4** and **5** in use;

FIG. **8** corresponds to FIG. **4** but shows another embodiment of a drill guide; FIGS. **9** and **10** show, respectively in three dimensional view and in plan view, another embodiment of a saw guide, which is adjustable, in use;

FIG. **11** shows a view, similar to FIG. **1**, of a development of the saw guide of FIG. **1**;

FIGS. **12** and **13** show views, similar to FIG. **9**, of a development of the saw guide of FIG. **9**;

FIG. **14** shows a view, similar to FIG. **1**, of a modified form of the saw guide of FIG. **1**; and

FIG. **15** shows, in schematic sectional side elevation, a pair of bone fragments clamped together at the end of an osteotomy procedure in which the set of instruments of the present invention has been used.

tween the holes **14**. If the guide **10** is viewed in a direction parallel to a radius of the body passing through the midpoint at **20**, the slot will make an acute angle of about 60° relative to the polar axis of the body **12**, said radius coinciding with the short axis of the elliptise of the path followed by the slot. The slot **18** is about 1 mm in width, for use with a hacksaw blade of about 0.5 mm thickness, to provide a working clearance.

In FIGS. **2** and **3** the same reference numerals are used for the same parts as in FIG. **1**, and the construction shown in FIG. **2** is the same as that of FIG. **1**, except that there are eight slots **18** arranged in series instead of the one shown in FIG. **1**. Each slot **18** in FIG. **1** follows an elliptical path of the type described above with reference to FIG. **1** selected such that, when the guide **10** is viewed in a direction parallel to the radii passing through the midpoints **20** of the slots **18**, the acute angles made by the slots **18** relative to the polar axis of the body **12** will vary from about 60° for the slot **18** at the one end of the series to a little less than 90° at the other end of the series, the angles varying progressively at regular intervals of about 4°-5° from 60° to close to 90°.

Turning to FIGS. **4** and **5**, reference numeral **24** generally designates a drill guide according to the invention. The guide **24** comprises a flattened, elongated stem **26** having a thickened end portion **28** at one end thereof, of increased width relative to the remainder of the stem **26**. An anchor plate **30**, which is elongate rectangular in outline, is fast at one of its longer edges to the end edge of the portion **28**, at one end of the stem **26**, so that it projects at a 90° corner at 32, to one side of the stem **26**. The opposite long edge of the plate **30** has a curved indentation **34**.

At its opposite end the stem **26** is provided with a bit guide **36** in the form of a block-like post **36** having a plurality of straight parallel passages **38** therethrough. The post **36** projects to the same side of the stem **26** as the plate **30**; and the passages **38** are parallel to the stem **26**, extending in the long direction of the stem **26**. The passages **38** are spaced in series parallel to one another, and perpendicular to the plate **30**, the series extending in a direction perpendicular to the stem **26**. The passages **38** are directed towards the indentation **34** which is intersected by projections of the passages **38**.

The guides **10** and the guide **24** are of surgical stainless steel.

In FIG. **6** the saw guide **10** of FIG. **1** is shown in use guiding a saw blade **40** of about 10–12 mm width and 0.5 mm thickness during the cutting of a long bone **42** to be

Drawings

- Brief description of drawings

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the saw guide and drill guide, of the present invention.

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FIG. **8** corresponds to FIG. **4** but shows another embodiment of a drill guide; FIGS. **9** and **10** show, respectively in three dimensional view and in plan view, another embodiment of a saw guide, which is adjustable, in use;

FIG. **11** shows a view, similar to FIG. **1**, of a development of the saw guide of FIG. **1**;

FIGS. **12** and **13** show views, similar to FIG. **9**, of a development of the saw guide of FIG. **9**;

FIG. **14** shows a view, similar to FIG. **1**, of a modified form of the saw guide of FIG. **1**; and

FIG. **15** shows, in schematic sectional side elevation, a pair of bone fragments clamped together at the end of an osteotomy procedure in which the set of instruments of the present invention has been used.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

In FIG. **1** of the drawings, reference numeral **10** generally designates a saw guide according to the invention. The guide **10** has a seat formation in the form of a channel having a body **12** which is of hollow semi-cylindrical shape, having a semi-circular cross-section. The body **12** has, on its longitudinal mid-line, a pair of longitudinally spaced screw holes **14**, respectively adjacent its ends, and at each end thereof, a series of circumferentially spaced graduations **16**.

The body **12** is further provided with a slot **18** therethrough, the slot following an elliptical path along the surface of the body, so that the slot **18** can receive and guide a flat planar saw blade along a flat plane intersecting the body **12**. The slot **18** is arranged so that it has a midpoint at **20**, midway between its ends, which is intersected by the midline **22** of the body **12** extending beguide **10** is viewed in a direction parallel to the radii passing through the midpoints **20** of the slots **18**, the acute angles made by the slots **18** relative to the polar axis of the body **12** will vary from about 60° for the slot **18** at the one end of the series to a little less than 90° at the other end of the series, the angles varying progressively at regular intervals of about 4°-5° from 60° to close to 90°.

Turning to FIGS. **4** and **5**, reference numeral **24** generally designates a drill guide according to the invention. The guide **24** comprises a flattened, elongated stem **26** having a thickened end portion **28** at one end thereof, of increased width relative to the remainder of the stem **26**. An anchor plate **30**, which is elongate rectangular in outline, is fast at one of its longer edges to the end edge of the portion **28**, at one end of the stem **26**, so that it projects at a 90° corner at 32, to one side of the stem **26**. The opposite long edge of the plate **30** has a curved indentation **34**.

At its opposite end the stem **26** is provided with a bit guide **36** in the form of a block-like post **36** having a plurality of straight parallel passages **38** therethrough. The post **36** projects to the same side of the stem **26** as the plate **30**; and the passages **38** are parallel to the stem **26**, extending in the long direction of the stem **26**. The passages **38** are spaced in series parallel to one another, and perpendicular to the plate **30**, the series extending in a direction perpendicular to the stem **26**. The passages **38** are directed towards the indentation **34** which is intersected by projections of the passages **38**.

The guides **10** and the guide **24** are of surgical stainless steel.

In FIG. **6** the saw guide **10** of FIG. **1** is shown in use guiding a saw blade **40** of about 10–12 mm width and 0.5 mm thickness during the cutting of a long bone **42** to be straightened and having two misaligned portions **44**, intersecting at 46, whose misalignment is to be reduced. The guide **10** is first attached to the bone **42** by at least one, and if practically possible by a pair of screws (not shown) passing through the holes **14**. A cut **48** is then made by the saw **40** partially (eg about ⅔ of the way) through the bone **42**. The saw guide **10** and saw **40** are then removed, and the drill guide **24** is inserted as far as possible into the cut **48** (see FIG. 7), and is manipulated along the cut **48** so that one of the passages **38** extends along a line which intersects the cut **48**, perpendicular thereto, as close as possible to the centre of area of the cut in the bone **42** which would be made by projecting the cut **48** all the way through the bone **42** to cut it into two fragments **44**, corresponding to the misaligned portions **44**. A drill bit **50** is then guided by this passage to drill a passage through the bone and intersecting the cut **48**.

Description

- Description of preferred embodiments / examples

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Claims

I claim:

1. A set of surgical instruments, for use in an osteotomy procedure, the set comprising:

a saw guide for guiding a saw while it makes an oblique cut in a long bone to divide it into two fragments; and

a drill guide for guiding a drill bit while it forms a passage in said bone after an initial part of said cut has been made in the bone by the saw:

said saw guide including a seat formation having a concave side for abutting a long bone to be cut, so that the long bone seats in the seat formation, and a guide formation for aligning a saw blade relative to a long bone seating in the seat formation and for guiding the saw blade while it initiates the making of the cut in the bone, the saw guide being in the form of a channel having an outer side which is convex and an interior surface which provides the concave side of the seat formation; and

said drill guide including a bit guide and an anchor connected to the bit guide for insertion into the initial part of the cut in the bone when the initial part of the cut has been made, to align the bit guide relative to the cut, the bit guide defining a guide path for receiving a drill bit and for aligning the drill bit perpendicular to the initial part of the cut while the drill bit forms the passage in the bone.

2. A set as claimed in claim 1, in which the seat formation is in the form of a channel having a longitudinal midline and an interior surface which provides the concave side of the seat formation, and an outer side, opposite the interior surface, which provides the channel with a convex side.

3. A set as claimed in claim 2, in which the guide formation is a slot in the channel for receiving a saw blade while it initiates the making of the cut in the bone, the slot extending transversely to the channel.

- Claims

Protecting Inventions

Utility Certificate - Tanzania

- Similar to the patent
  - less stringent patentability requirements
  - new and industrial applicability
- No examination
- Expires without any possibility of renewal at end of 7th year

PART XVI

UTILITY CERTIFICATES (ss 73-75)

73. Applicability of provisions relating to patents

(1) Subject to section 74, the provisions of Parts I to XV and XVII shall apply, *mutatis mutandis,* to utility certificates or applications as the case may be.

(2) Where–

(i) the right to a patent conflicts with the right to a utility certificate in the case referred to in section 14(3);

(ii) a patent and a utility certificate are interdependent within the meaning of section 54; or

(iii) recidivism is alleged having regard to section 70,

the said provisions shall apply as if the word "patent", wherever it occurs, were replaced by the words "patent or utility certificate".

[s. 72]

74. Special provisions relating to utility certificates

(1) An invention is eligible for a utility certificate if it is new and industrially applicable.

(2) Sections 8 and 10 shall not apply in the case of inventions for which utility certificates are requested.

(3) Section 27 shall not apply in the case of applications for utility certificates.

(4) Utility certificates shall be registered in a separate part of the register.

(5) A utility certificate shall expire, without any possibility of renewal at the end of the seventh year after the date of the filing of the application.

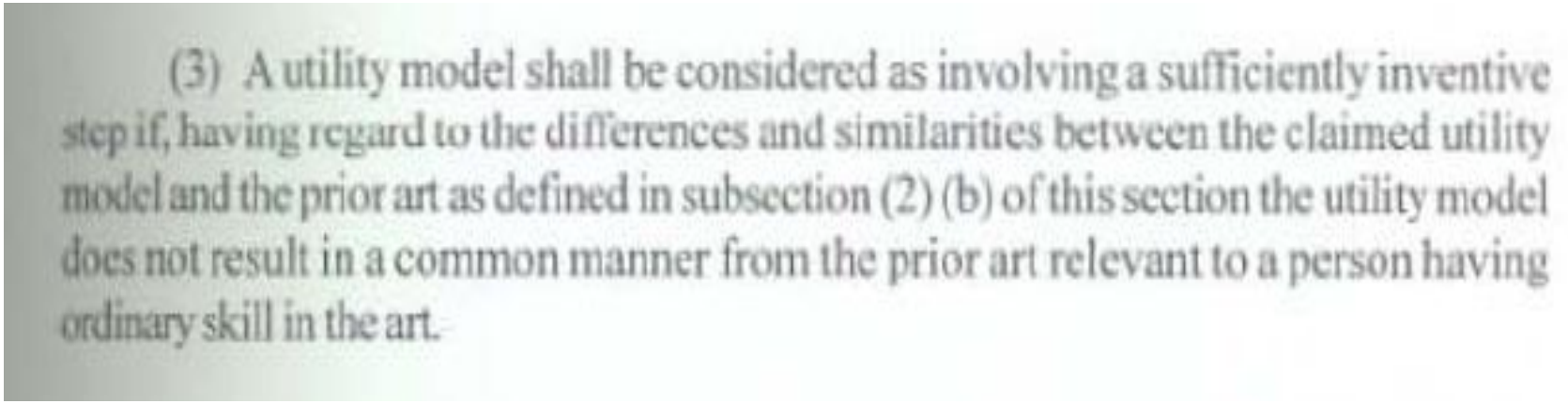
(6) Section 39(1), (2) and (6) shall not apply in the case of utility certificates.

(7) In proceedings under section 64, the court shall invalidate the utility certificate on any of the following grounds–

Protecting Inventions

Utility Certificate - Zanzibar

- Similar to the patent
  - less stringent patentability requirements
  - New, involves sufficiently inventive step and industrial applicability



(3) A utility model shall be considered as involving a sufficiently inventive step if, having regard to the differences and similarities between the claimed utility model and the prior art as defined in subsection (2) (b) of this section the utility model does not result in a common manner from the prior art relevant to a person having ordinary skill in the art.

- 10 year duration

Protecting Inventions

Examples of Patentable Subject Matter

Identifying features that can be protected:

Central bore receiving fluid

Protecting Inventions

Examples of Patentable Subject Matter

Identifying features that can be protected:

Central bore receiving fluid

Central bore solid writing element

Roller regulating outflow from reservoir

Actuator for moving nib in/ out of housing

Infringement / Freedom To Operate

Approach

- Valid Patent and in-force
- Infringe a valid claim
- Check if any amendments required on basis of foreign equivalents
- Ascertain Act of infringement
- Legislative provisions
  - Groundless threats of infringement
  - Grace period – 9 months in South Africa

1. **Manufacture**
2. **Exercise**
3. **Use**
4. **Dispose**
5. **Import**

Patent Search

Novelty searches

- All prior art (patent + non-patent literature (Google, etc.))
- As far back as prior art can go - **fundamental enquiry** - Is this new?

Freedom to operate / Infringement Searches

- Patent documents in past 20 years (valid and in force)
- Focus on claims
- To infringe - All claim integers to be present in 1 patent document

Tools

- Proprietary
- Open / publicly available, e.g. patentscope

S&Z

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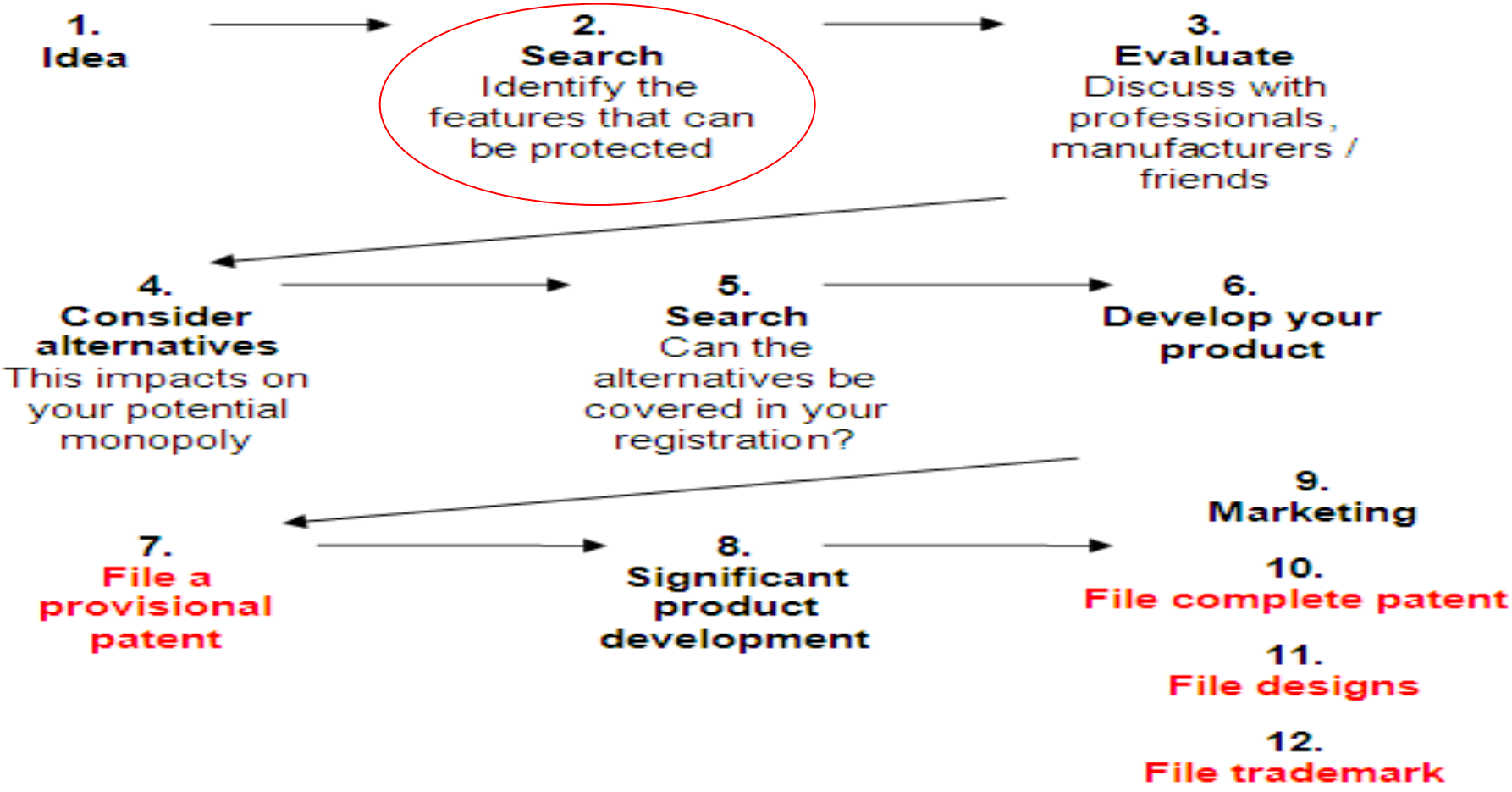
Patent Search

From Idea to Market



Concluding Remarks

- To patent or not - a business decision
- Patents territorial
- Utility certificates
  - broad participation in intellectual property system
  - No inventiveness requirement
- Enforcement requires a proven act of infringement
- Patent search, an important tool

THANK YOU

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