

# How Long Does a Patent Last and What Do Different Types Entail?

*Knowing about the US Patent law happens to be the very first step to learn how long is a US patent good for*

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Your intellectual property rights are protected when you obtain a patent. But for how long?

There are four different patent types: Utility patent, provisional patent, design patent, and the plant patent. The two primary types of patents are the U.S. utility patent and a design patent. According to the United States Patent and Trademark Office (USPTO), a utility patent is typically granted for 20 years from when the utility patent application is filed. The patent holder will have to pay periodic maintenance fees to sustain the enforceability of the patent. A design patent is generally granted protection for 14 years measured from the date

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Independence means you decide according to the law and the facts”

*Stephen Breyer United States Supreme Court*

the design patent is granted.

## What is a Patent?

A patent is a term a new variety of people have questions about almost every day. While most people are aware that patents are an integral part of intellectual property rights, not everybody is aware of the facts or can even claim to know in-depth what one is. According to Wikipedia, "A patent is a set of exclusive legal rights granted by a sovereign state or intergovernmental organization to an inventor or assignee for a limited period of time in exchange for detailed public disclosure of an invention."

## More Information About How Long a Patent Lasts

The news about the tech giant Apple winning a Patent infringement war over its rival Samsung made headlines in 2016. However, in this landmark patent issues litigation, Apple was only awarded about \$120 million instead of the whopping \$2.2 billion it originally claimed. The matter was decided by the courts in accordance with '35 U.S.C. 289 of the US Patent Act.'

The exclusivity for the producing or using the concerned product that is patented, its process, or design is limited for a period of time. The details of patent protection are conveyed via a legal patent letter.

'How long does a patent last' is a fairly common question and is difficult to get a straight answer for without seeking legal advice from a law firm or the U.S. patent office itself. It is important to know about various kinds of intellectual property protection before you can find the correct reply to this subject matter. Remember that the law of the United States of America recognizes a number of different patents at present. Each of them remains valid for a stipulated period of time.

Before you are granted patent rights and become a patent owner, there are quite a few things to consider as you begin to understand how long are patents good for, including earliest filing date, non-provisional application versus provisional patent application, provisional filing date, patent extensions, public domain and any third parties IP rights.

### Type of Patent

Knowing about the US Patent law happens to be the very first step to learn how long is a US patent good for. Each kind varies sharply depending on the nature of the patent. A design patent remains in force for as long as 14 to 15 years from the date that it had been granted the right. It depends on the date of filing as well. However, most individuals are interested in the utility kind when they expect an answer to the query of how long do patents last.

In the United States, a utility patent is granted for processes, compositions, and machines. This is also the most common type of patent filed and is valid for 20 years, which answers the most often asked question about the validity of a patent. However, the period is assessed from its first filing date. The matter gets intensely complicated if you have chosen to file for the patent multiple times.

### Filing Date

The date of filing is all-important here. Remember that your first filing date is called your priority date, and each filing date is included in the records made available publicly. Going through the databases that are available to the public would give you access to the date that had been recorded by the patent office at the time of filing. It is easy to calculate the validity of the patent; therefore once you are apprised of the filing date of a specific patent. Unfortunately, there is no restriction on filing and, a single patent can be filed on several occasions making the calculation slightly complicated.

## Provisional Patents

Applying for a provisional patent is a common way of securing the filing for a utility patent. Think of it as the first step of the patent protection process. In fact, many companies, as well as individuals, opt for a provisional patent so as to include an informal provisional patent application on file. This will allow you a breather of up to a year.

You can use the time effectively to fine-tune your products and machines. You are also welcome to find investors and create prototypes for your creations, meanwhile. The process may be advantageous to a certain extent but comes with certain drawbacks as well.

The validity of your patent will be counted from the earliest date, i.e., the date of provisional application. The patent will be due to expire a year in advance, therefore. You must thus be sure of taking the right date into consideration while calculating the validity of the patent.

## Pending Patents

Many people are familiar with the phrase "patent pending," but what does that actually mean?

The life of your patent is limited of course, but the period of 20 years may be further reduced due to its pending status. The first filing date happens to be pivotal as the entire process will be hinged on it.

Although your patent remains valid from the date mentioned yet, you will not be able to enforce it until and unless the patent office issues it for you. Fortunately, you will be awarded a 'patent term extension' should an unnatural delay in patent claims occur due to a fault of the patent office.

If you've been searching for "patent lawyers near me," then look no further. Paul and Paul is the

premier patent attorney you are looking for. We can help you with your patent questions and issues! Contact us today at (866) 975-7231 for a free case consultation.

For Further Reading

Related topics and resources that may also interest you are:

U.S. Patent and Trademark Office

European Patent Office (EPO)

The Patent Cooperation Treaty (PCT)

International Patent Law and International Applications

What are Trade Secrets and how can an IP lawyer help with them?

Will the Trademark Office allow you to trademark a hashtag?

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