

# Ideas, Innovations and Patents

It could be said that a patent is the ultimate in knowledge transfer to our industry partners and is thus the tangible return on their investment in TIFN (Top Institute Food and Nutrition). Patents are also a tangible measure of our innovative success for our financier, the Ministry of Economic Affairs. TIFN has two internal patent coordinators who work with patent attorneys from the Nederlandsch Octrooibureau in Ede.

## Why patent?

As Dr Monique Vingerhoeds, Patent Coordinator for Sensory and Structure explains: "We can't patent knowledge generated or theories substantiated by our research but we can patent specific practical uses or applications of that knowledge." A patent protects by excluding others from making, using, selling or distributing a patented product, or applying a patented process without permission, for a period of up to 20 years. TIFN has filed some 50 patent applications, but not all of these have resulted in published patents.

Starting with the initial filing, the process takes about 18 months, including a period of a year after the filing date, in which the European Patent Office makes an extensive search to check and verify that the invention as claimed in the patent application is, indeed, novel and inventive in view of the prior art. Complete secrecy is essential during this priority year, because extra examples and data may need to be delivered in order to strengthen the patent application.

"We can only proceed with a specific patent if one or more of the TIFN partners want to take it over," continues Dr Greer Wilson, Patent Coordinator for Bioingredients and Functionality. "But before it gets to that stage, TIFN has already made an initial investment which might range anywhere between 50,000 and 100,000 Euros, including the cost of filing, the patent attorney and (additional) experimental work."

## Competitive intelligence

Secrecy means that the scientists involved cannot publish their research findings nor present papers or posters at scientific meetings. This is a hardship for the scientists, as Dr Wilson makes clear. He is also quick to point out that patenting is an integral part of the research process these days in many universities and research institutes. It is especially important for TIFN, with our mandate of scientific excellence and industrial relevance.

Being responsible for a patent, or better still several patents, builds a scientist's reputation and demonstrates innovative ability. Dr Wilson suggests that a patent or two on a CV is every bit as good as the same number of publications – or even better! It is incentive enough to sit out the 18-month publication embargo. He suggests that even if you can't present your findings, attending conferences provides opportunity for "competitive intelligence", for absorbing new ideas.

## Publication embargo

Dr Vingerhoeds suggests that while the publication embargo is a fact of life, you might be able to use the time to good advantage. For example, quick filing provides rapid protection of your idea and this idea can be supported with data generated during the priority year after which a publication on these data can be submitted. If a patent application is filed with sufficient supporting data, it is often not necessary to provide additional information during the priority year, which gives time for other research work to be done. Of course,

the situation is different for each patent application and the patent coordinators, Dr Vingerhoeds and Dr Wilson, can advise you on the best approach for your patent.

### Patent attorney

What does the patent attorney do, we asked Dr Ard Ellens. "Our task is to write a patent that gives optimal protection to an invention and that will stand up to scrutiny by the Patent Office. In fact, a patent should be written in sufficient detail so that each possible aspect of the invention is well protected and disclosed in such a way that another party could reproduce that invention. That's the deal - the invention is disclosed to the public as soon as the patent application is published and in return the applicant can prevent others from using his invention.

Surely, a patent could only be written by a scientist? Exactly, stresses Dr Ellens. "In the Netherlands, a patent attorney has to be a scientist or engineer, or first and foremost have the appropriate technical qualifications. In addition, he or she has to have legal training and qualifications for this task." Dr Ellens himself holds a PhD in chemistry and his firm of patent attorneys works in various areas, one of which is food and biotechnology patenting.

As well as writing patents, Dr Ellens and his colleagues from Nederlandsch Octrooibureau provide other services to TIFN. As he explains: "Before writing a patent, we work with the TIFN patent coordinators in the search to determine

whether a patent has already been filed or published. We also support TIFN in developing patent strategies by investigating research areas that would be most fruitful for TIFN to pursue."

"Working with TIFN is interesting yet rather complex," concludes Dr Ellens. The patent processing is complex since TIFN files patents that will ultimately be used by its partners, so we also have to take their interests into account. But this makes working with TIFN a challenging and stimulating experience.

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Top Institute (TI) Food and Nutrition is a unique public/private partnership that generates scientific breakthroughs in food and nutrition. This results in the development of innovative products and technologies that respond to consumer demands for safe, tasty and healthy foods.

In TI Food and Nutrition the research is organized in three main programmes; 'Nutrition and Health', 'Sensory and Structure' and 'Bioingredients and Functionality'. The programme projects are guided by industry and research partners jointly. All research is carried out in the laboratories of the research organizations by multidisciplinary project teams.