

Dear Researcher,

Ramot is responsible for managing the intellectual property assets of the Tel Aviv University for the benefit of the faculty members and the University at large.

Recently we have encountered several cases where technologies were unintentionally disclosed in a manner that prevented Ramot from filing a patent. Therefore we would like to summarize again the types of disclosures that prevent filing of a patent application.

Activities that prevent subsequent filing of a patent:

- 1) The publication of Journal articles (also on the web). Researchers should be aware that many journals and scientific societies often place material on the web prior to written publication, creating an increased potential for loss of patent rights.
- 2) Publication on popular media (newspaper, radio) having enough details to enable another scientist to repeat the experiments.
- 3) MSc and PhD theses catalogued at the library
- 4) Abstracts, posters, lectures or any projected material, which are distributed or discussed at non-confidential meetings, conferences, seminars, forums or researcher's web site
- 5) Grant applications once awarded are put into the public domain and may also constitute a public disclosure.

The key factors which determine whether disclosure of scientific data represents a public disclosure which can be construed as prior art include the nature of the disclosure and whether what was disclosed teaches a skilled person in that field to carry out the invention. In cases of uncertainty, it is usually best to seek the advice of the patent counsel at Ramot.

The Grace Period in US

In the United States, patent applications may be filed up to one year after an invention's first public disclosure by the inventors. In contrast, most foreign countries require that patent applications be filed before any public disclosure of an invention. Therefore, a patent application filing prior to any publication or oral disclosure preserves both U.S. and foreign patent rights.

In spite of the above activities that prevent subsequent filing of a patent application, there are a few [activities that do not prevent subsequent filing of a patent application](#):

- 1) Submission of an article's draft for review (up until the first publication on the web).
- 2) Submission of a grant proposal (up until its allowance is published and constitute a public disclosure, e.g. grants approved by the NIH).
- 3) Disclosure to a company or potential investors under confidentiality agreement (CDA, NDA).
- 4) Disclosure to a closed forum which is not open to the public (your group, the group of a colleague) as long as it is clear that the meeting is not open to the public and that the first slide or all slides are marked with the term "confidential".

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