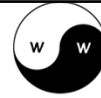


Grace period is bad for legal certainty

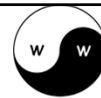


Reinier Wijnstra
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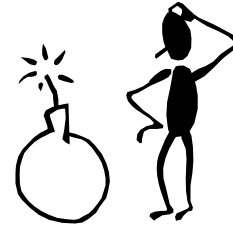
Grace period is bad for legal certainty

- Grace period increases uncertainty for third parties
- Grace period introduces risks for inventors
- Grace period impedes educating the public



Grace period increases uncertainty for third parties

- Longer uncertainty than current 18 months
- Uncertainty about scope of invention
- Uncertainty about status prior art



To reduce risk, only narrow scope of protection should be allowed

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Grace period introduces risks for inventors

Inventors think publishing is harmless, but.....

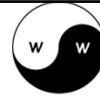
- They get a more narrow scope
 - No broadening by leaving out preferred features
 - No generalisation of features
- Third party may be inspired, and:
 - Gets prior use right
 - Publishes his alternative which becomes prior art
 - Gets his own patent
- Republishing of original idea in different form and different author(s) may become prior art

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Grace period impedes educating the public



What message to give to (future) inventors?

- There is a grace period, so you don't need to file right away, but *bla bla bla bla*

OR:

- Always file before you publish

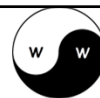


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Grace period is bad for legal certainty



So let us harmonise by
abolishing grace period world wide

Thank you for your attention!

Time for discussion

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