

## *Patents in Macau*

### **What is a patent?**

Any inventions, in any area of technology, pertaining to products or processes for obtaining products, substances or compositions, even if they involve a product composed of biological matter or that contains biological matter or a process that permits the production, processing or use of biological matter, shall be patentable provided that such inventions are a novel, involve an inventive step (if, for a person skilled in the art, the result is not obvious from the prior art), are industrially applicable if its subject matter can be manufactured or used in any type of industrial or commercial activity), do not belong to any of the categories of excluded subject matter. Patents are valuable assets and therefore should be protected.

Invention patents and utility patents focus on the improvement of the function, technology adopted, manufacturing technique, users' convenience, etc. of a product. However, the technical level of a utility patent is lower than that for invention patent.

### **Why should you register?**

You should register your patent to protect it against unauthorized use by third parties, and it will entitle you to sue for infringement through the courts. Failure to register could allow third parties to register an identical or similar idea or invention which could prevent you from using or registering your own idea or invention.

You should also bare in mind that a patent registration will enable you to exploit your patent commercially through licensing and that the registrations are tangible assets that are capable of being transferred for value.

Macau is an independent jurisdiction from the People's Republic of China and therefore you need to obtain protection in both jurisdictions. A registration in the People's Republic of China will not grant you any protection in Macau.

### How to register?

It is advisable to perform a patent search before filing the application in order to make sure that there are no existing applications or registrations similar or identical to your idea or . A search is even more important when developing a new trade or service mark or using an existing one in a new market.

In Macau, as in most of the countries and regions, a separate trade or service mark application is required for each mark in each class in which you require protection.

Applications for registration are delivered in the Economic Services of the Macau SAR Government either by a:

- Individual holder of a Macao SAR Resident Identity Card;
- Company incorporated in Macau SAR; or by
- A lawyer, a Macau resident or a corporation appointed as a proxy through a "Power of Attorney".

### What we need and what will be the timeline?

To register a **invention patent** in Macau the following information will be necessary:

- Name, nationality and address of the applicant;
- Name, nationality and address of the inventor/author;
- Specifications of the Invention;
- Claims on what is considered the novelty and on the characteristics of the invention;
- Abstract of the invention;
- Drawings necessary to ensure a complete understanding of the written description;
- Summary description of the invention (preferably of not more than 150 words or 400 characters);
- Power of attorney.

To register a **utility patent** in Macau the following information will be necessary:

- Name, nationality and address of the applicant;
- Name, nationality and address of the inventor/author;
- Title or description summarizing the object of the invention;
- Claims on what is considered the novelty and on the characteristics of the invention;
- Abstract of the invention;
- Drawings;
- Summary description of the invention (preferably of not more than 150 words or 400 characters);
- Power of attorney.

If priority is claimed, then the applicant must provide the information regarding the country, date and number of the earlier application. Within 3 months from the application the priority document must be submitted.

For an **invention patent** the Economic Services is taking 3 years from receipt of application to registration and 2 years for a **utility patent** provided that there are no deficiencies in the application and no objections are raised by the Economic Services or any third party.

From the day that we receive the complete information provided by you and the duly notarized power of attorney, our firm will take 5 working days to draft and submit the necessary application to the Economic Services.

#### **How much it will cost?**

If you desire we will be able to provide our schedule of fees in regards to Industrial Property. In this regard we work on a fixed fees basis and no extra fees would be incurred unless we have received your permission to incur the costs in advance.



### About BN Lawyers

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