

Are there useful guidelines for publication that minimize the possibility of the statutory bar?

Specific advice should always be sought from VPRIT or CSURF to avoid prior publication problems. However, the following guidelines may help in planning publication:

1. If it is believed that a certain invention may be patentable, the inventor may write or talk about the very broad aspects of the invention, carefully avoiding information that would be enabling. Speculation for the record about the possibility of inventing something is not a good idea as there is the danger of someone stealing the idea and there is the possibility of losing patent rights before they have been perfected.
2. If an enabling publication is made, most foreign rights will be lost but a U.S. patent application may still be filed within one year of the date of such publication.
3. Ideally, U.S. patent protection should be sought prior to publication or disclosure. This would secure early protection in the U.S. and gain a year in which to consider the desirability of foreign patents.