

# CAS STN<sup>ext</sup>® COFFEE LECTURE

## Utility Models – Significant but often neglected

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# Utility Models - Overview

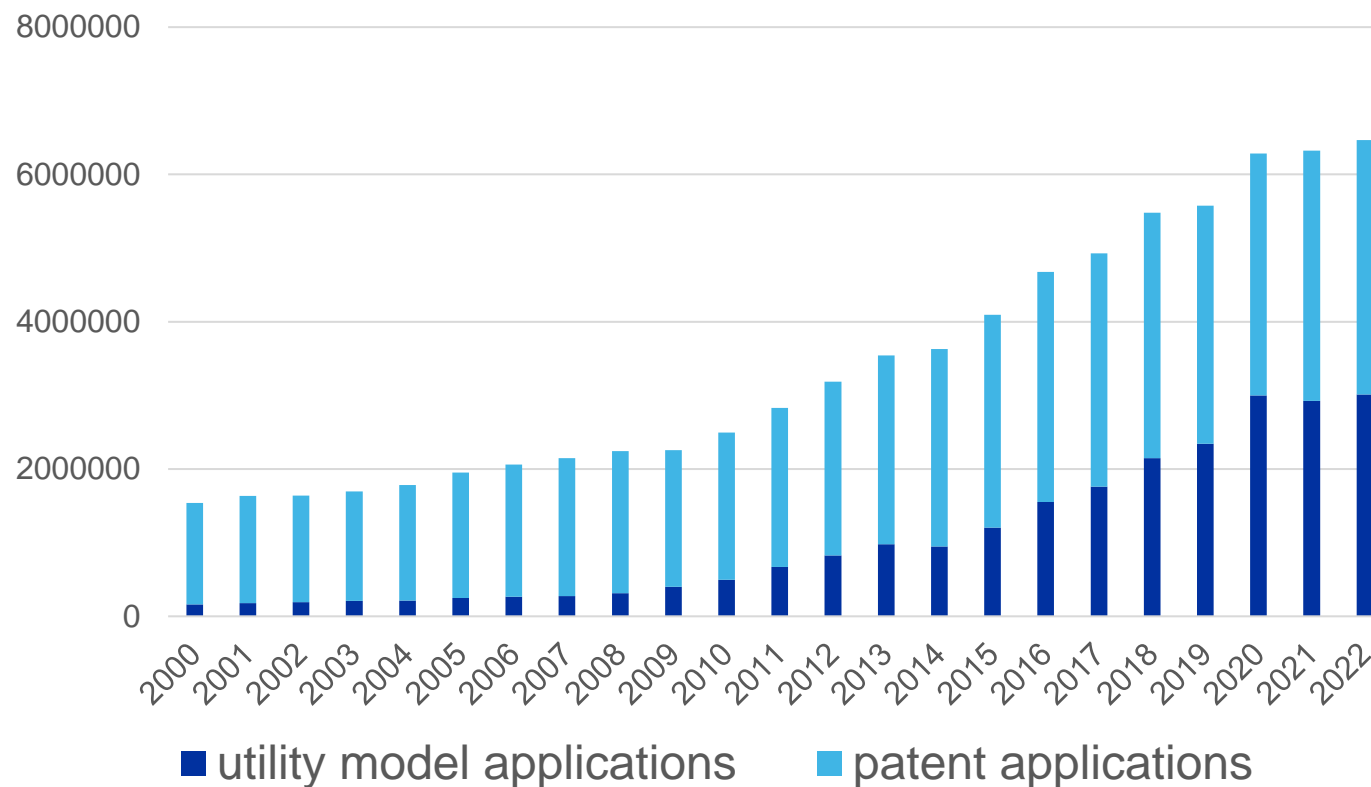
## Second-tier patent system

- Simpler, faster, and cheaper protection method compared to patents
- For protection of inventions as small improvements to/ adaptations of existing products, or products that have a short commercial life
  - also referred to as **minor invention**, short-term patents, innovation patents, utility certificates or petty patents, “Gebrauchsmuster” in DE, AT
  - with national differences for UM systems
  - often used by local inventors
- Most filed in China, Japan, the Republic of Korea, Taiwan, but also in the Russian Federation and Germany
- UM filings at the Chinese patent office have accounted for >90% of all global UM filings in the last 10 years

# Total Patent Applications and Utility Models

Worldwide\*

\*Data source: <https://www3.wipo.int/ipstats>, as consulted online on 30.07.2024



**In 2022, the number of utility model applications almost equals the number of patent applications.**

# Utility Model Availability

UMs eligible in 78 countries

- Selected countries that allow registration of utility models:
  - China, Japan, Korea, Taiwan, Thailand
  - Russian Federation
  - Germany, Spain, Italy and other European countries
  - Turkey, Ukraine
  - Brazil and other Latin-American countries
- Not available in the US, UK or Canada

Full list: [https://www.wipo.int/web/patents/topics/utility\\_models](https://www.wipo.int/web/patents/topics/utility_models)

# Utility Models Granting Process

[https://www.wipo.int/web/patents/topics/utility\\_models](https://www.wipo.int/web/patents/topics/utility_models)

## Patents

- Exclusive right granted for 20 years
- Patentability requirements: novelty, industrial applicability, inventiveness & disclosure
- Typically **2-5 yrs** until granting
  - In-depth examination on patentability

→ **Profound protection**

## Utility models

- Granted for a **shorter term** (6-10 yrs)
- Less stringent patentability requirements; only novelty & industrial applicability
- **Shorter** + less complex **granting procedure**
  - Often **no substantive examination**
- Fees to obtain and maintain are lower
- Cancellation proceedings usually less complex

→ **Faster but lower protection**

# Utility Models on CAS STNext

DWPI, INPADOC, CAplus, patent fulltext files

- Utility models are covered in **DWPI, CAplus, INPADOC** + selected **fulltext databases** e.g. CNFULL, JPFULL, KRFULL
  - Timely coverage of UMs in patent fulltext files (bibliographic data, claims and key terms in English)
  - Value-add information in DWPI and CAplus
  - Broad coverage of UM in INPADOC/FAM, also including legal status + status indicator
- Both in DWPI, CAplus and INPAFAMDB, significant intellectual effort ensures the assignment of utility models to existing patent families if applicable

# CAplus Example

## Patent Family record compiling both patent applications and UMs

AN 2023:74973 CAPLUS Full-text  
DN 181:297005  
TI Battery cell for lithium ion battery  
IN Damitz, Thomas Gerhard Wilhelm  
PA Peop. Rep. China  
DT Patent  
PI

PATENT NO.	KIND	DATE	APPLICATION NO.	DATE
WO 2023280104	A1	20230112	WO 2022-CN103629	20220704
CN 215988841	U	20220308	CN 2021-21511617	20210705
CA 3224848	A1	20230112	CA 2022-3224848	20220704
KR 2024000417	U	20240304	KR 2024-7000018U	20220704
EP 4367735	A1	20240515	EP 2022-836855	20220704
JP 3247221	U	20240627	JP 2024-600004U	20220704
US 20240313258	A1	20240919	US 2024-18576620	20240104

PRAI CN 2021-21511617 U 20210705  
WO 2022-CN103629 W 20220704

PSPI

PATENT NO.	KIND	STATUS	STATUS DATE
WO 2023280104	A1	Alive	20230119
CN 215988841	U	Alive	20220324
CA 3224848	A1	Alive	20240125
KR 2024000417	U	Alive	20240328
EP 4367735	A1	Alive	20240516
JP 3247221	U	Alive	20240704
US 20240313258	A1	Alive	20240926

The patent kind code **U** refers to a utility model.

The **Status Indicator** provides information on the status of each patent publication (alive, dead, transitional, indeterminate).

# DWPI Example

## Value-add information for utility models

```
AN 2024-A6165P [2024084] WPINDEX Full-text
TI Gasification plant for hydrogen production used in landfills, dumps and or
private or public land, has disposal of municipal solid waste that arrives
without need for large investments and claim is given by rights of
drawings and projects
DC E36
IN ALVES J
PA (JULI-I) JULIO A
CYC 1
PI BR 202022014262 U2 20240130 (2024084)* PT 13[3]
ADT BR 202022014262 U2 BR 2022-202022014262U 20220719
PRAI BR 2000-14262U 20220719
IPCI C01B0003-24 [I,A]
CPC C01B0003-24
AB BR 202022014262 U2 UPAB 20241018
NOVELTY - The plant has disposal of municipal solid waste (MSW) that
arrives without the need for large investments and the claim is given by
the rights of the drawings and projects, development of the plants,
...
```

The patent kind codes **U#** or **Y#** or **Z#** typically refer to utility models. Consult => **HELP KIND** to see which kind codes cover utility models for each country and database.

For searching UMs, the patent kind code field /PK can be utilized:  
=> **S BRU#/PK**  
Alternatively, search by document type **U/DT** (not available in CPlus).



# INPADOC Example (1/2)

## Information on protection period and expiration date

```
AN 72841448 INPADOCDB ED 20150423 EW 201517 UP 20240801 UW 202431 Full-text
FN 65868973
TIDE Substrat fuer eine optoelektronische Vorrichtung.
TL German
PA SEFAR AG
PAS SEFAR AG, CH
UO SEFAR AG
UOS Sefar
DT Utility Model
PI DE 202011110597 U U1 20150325 German
PIT DEU1 UTILITY MODEL
DAV 20150325 printed-with-grant
STA GRANTED
DF 20150430
XPD 20210531
STI DEAD
AI DE 2011-202011110597U U 20110510 DEU Application for a utility model
PRAI DE 2011-202011110597U U 20110510 DEU Application for a utility model
(N,20150423)
DE 2011-102011050249 A 20110510 DEA3 Prior application claimed for a
division (Y,20140224)
```

Both **document type** (/DT) and **patent information type** (/PIT) fields are given as “Utility Model”.

An „**U**“ is attached to the **publication number**, which also needs to be included in searching:  
=> S JP3248717U/PN  
(This also applies to DWPI and patent fulltext files for any utility model document)

The **expiration date** (/XPD) provides information on the protection period of the utility model.

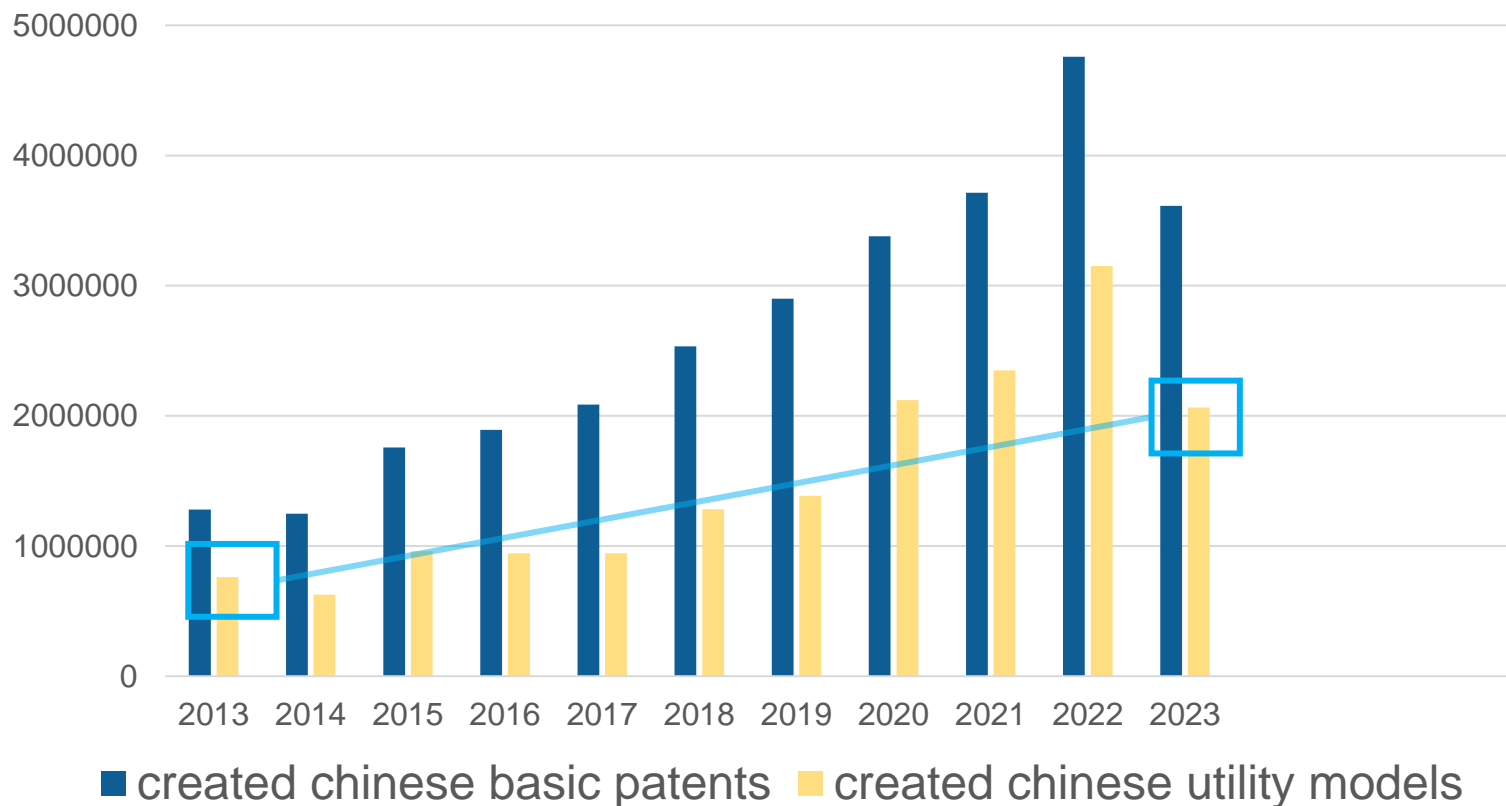
# INPADOC Example (2/2)

## Legal status information

20110510 DEU	Application for a utility model DE 2011-202011110597U U 20110510 APP Application Information .....20150521
20150325 DEU1	UTILITY MODEL <b>DE 202011110597U U1 20150325</b> GRA Granted Publication .....20150423
...	
20150505 DER150	+ UTILITY MODEL MAINTAINED AFTER PAYMENT OF FIRST MAINTENANCE FEE AFTER THREE YEARS FEE Fee Payment U PAYMENT .....20161006
...	
20210531 DER071	- EXPIRY OF RIGHT EXP Expiry H IP RIGHT CESSATION .....20210610

# >90% of all Worldwide Utility Models are Filed in China

Number of Chinese Records entering DWPI in 2013-2023



The number of **utility models in China** has almost **tripled** in the last 10 years, they make up more than half of the patent inventions.

# Chinese Dual Filings

Dual filings also available in Taiwan, Germany

- The Chinese patenting system allows for **parallel filings of a patent application and a utility model** containing the same invention on the **same day** (since 2009)
  - Once a patent is granted, the utility model **must** be abandoned
- Quicker protection with utility model, stronger patent protection with patent grants
- These two documents usually **do not share any application number or priority information**, so typically they would be in two separate patent families.
- CAplus, DWPI and INPADOC/FAMDB databases try to pull these disparate documents into the same patent family – “non-convention equivalents”
  - dual filings share the same **filing date** and **technical content**, but title and applicant names can differ

# Chinese Dual Filings in DWPI

```
L4 ANSWER 1 OF 1206712 WPINDEX COPYRIGHT 2024 CLARIVATE on STN
AN 2024-14132W [2024013] WPINDEX Full-text
TI Comprehensive index tester for testing effectiveness of outburst
prevention measures, has front surface of tester shell assembled with
internal camera, and front surface of tester shell is assembled with touch
screen and key selecting area
DC S03; T04
IN CAO Y; HAN B; LI H; LI Y; LIAO W; LIU Z; QIN Z; XU X
PA (CHLY-C) CHINA COAL TECHNOLOGY & ENG GROUP SHENY; (CHLY-C) CHINA COAL
TECHNOLOGY & ENG GROUP SHENYA; (SHAN-N) SHANXI CHANGPING COAL IND CO LTD
CYC 1
PI CN 117420047 A 20240119 (2024013)* ZH
CN 220380940 U 20240123 (2024013)# ZH
ADT CN 117420047 A CN 2023-10690072 20230612 CN 220380940 U CN 2023-21485127U
20230612
PRAI CN 2023-10690072 20230612
CN 2023-21485127U 20230612
```

**Non-convention equivalents:**  
For utility models in dual filings  
often no priority information is  
given.  
They are marked with #.

Note that these two documents  
share the same application  
date but have different  
applications numbers.

# Chinese Dual Filings in INPAFAMDB

## Abandonment of utility model when patent is granted

```
AN 83179181 INPAFAMDB EWF 202120 UWF 202350 EDF 20230504 UPFB 20231214 UPFC
20230601
TI Clothes hanger capable of quickly airing clothes.
INS ZHANG ZHENSHENG
PAS ZHANG ZHENSHENG
PATENT FAMILY INFORMATION

+----- Publications -----+ +----- Applications -----+ +- STI +-
CN 112779739 A 20210511 CN 2021-10005100 A 20210105 A
CN 112779739 B 20231110
CN 218910883 U U 20230425 CN 2021-20016936U U 20210105 D

+----- Priorities -----+
CN 2021-10005100 A 20210105
CN 2021-20016936U U 20210105

LEGAL STATUS
20231110 CNAV01 - PATENT RIGHT ACTIVELY ABANDONED
[CN 2021-20016936U U 20210105]
WTH Withdrawal, Refusal, etc.
H IP RIGHT CESSATION
.....20231130
```

The patent application referring to the utility model has been abandoned on the day the patent was granted.

# Summary

- Utility models are a patent form that gains increasing importance, in particular in China
  - Traditionally used for minor inventions/merely improving an existing product which are not eligible for full patent protection, or for products which might be outdated in the market quickly
  - low-barrier protection of innovations for SMEs
  - used as short-term or preliminary protections
- In China and Germany, **dual filing strategies** of both UMs and patents **complement each other in timely protection**
  - Significant intellectual effort by the databases producers ensures dual filing pairs in one patent family
- Finally, companies should evaluate competitive UMs and consider **cancellation proceedings** in case of missing novelty or infringements



# Thank you

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Product Specialist IP

## CONTACT

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