



Secure Freedom
to Operate



Block Competitors
from Issuing



Reduce Unnecessary
Expenses



Block Others from
"Picket-Fencing"

Why Defensively Publish?

Published non-patent literature, used in conjunction with patents, strengthens an IP portfolio and protects your company's freedom to operate. Not all IP strategies fit all organizations, but all strategies should include defensive publication.

Builds prior art

Protect your non-core, non-commercial, and operational innovations:

- Freely practice the disclosed technology, methods, systems, etc.
- Reduce overall infringement risk
- Defend against assertions of overly broad patents
- Strengthen the foundational patents in your portfolio

Cost-effective

Defensive publishing saves the cost of a full patent application and still protects the IP. If you are not likely to use the innovation itself to secure a market advantage or recoup the cost of development and patenting through licensing, sale, or direct exploitation, then defensive publication is the best commercial option. Defensive publishing cost-effectively:

- Secures your freedom to operate/practice in the subject domain
- Blocks a competitor's patent from issuing
- Reduces unnecessary prosecution and filing expenses
- Precludes others from "picket-fencing" around your foundational patents

Acts fast & buys time

Once uploaded to IP.com's database, an article becomes prior art within minutes. The date of public disclosure is the *bar date*: the discloser has one year from the publication date to file either a patent application or a provisional patent application. A provisional patent application establishes an early filing date that allows the filer twelve months to file a patent application.

A defensive publication can establish a bar date that expires in one year; filing of a provisional application after that adds another year. Therefore, it is technically possible to delay the actual patent application for up to two years and to prevent others from acquiring a patent on your invention at all.

Tests the market

Defensive publishing allows you to test the validity and commercial appeal of an invention before committing to the expense of the patenting process. In this way, intellectual property laws can be combined to form strategies for maximum business advantage.

Why Defensively Publish with IP.com?

Largest online prior art database

- Contains patent and non-patent literature as resources for thousands of searches

Publicly & globally available

- A multilingual source searched by examiners, inventors, attorneys, R&D, university personnel, government agencies, and more

Editing services

- Technical writers focused on defensive publication translate invention disclosures to articles prepared for discovery, understanding, and use

Publication Features & Processing

Any document that contains an enabling description of an invention or technology can perform as a defensive publication. This can include, but is not limited to, invention disclosures, technical disclosures, technical white papers, product manuals, and conference papers or presentations in most original or PDF formats.

To produce unique and discoverable material, the Prior Art Database system:

1. Creates digital fingerprints
2. Bundles components into a downloadable zip file
3. Provides third-party notarization to verify public accessibility
4. Assigns a publication identifier

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