

Publish or Perish vs Patent and Prosper

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Scientists are judged by their publication rate and the phrase “Publish or Perish” is the cliché often cited as a rule to live by. In this article we will explain why scientists should also think “Patent and Prosper” instead of only “Publish or Perish”.

Imaging funding your own research!

That is what a patent on your great invention can do for you.

Despite the existence of laws not only enabling, but also in many instances requiring, that publicly employed scientists commercialize their research, a deep wariness of patenting is still found in many academic environments. The wariness is often based on myths, the most common of which are dispelled in this article. Having a patent on your great invention may provide a source of income, count as a publication on your CV, and establish collaborations with industry partners – this is why all scientists ought to consider patenting before publishing.

Patenting does not rule out publishing – but the order of event is important. If you are thinking about patenting, you need to wait with publishing until your patent application is filed. If you do not, your own article will make it difficult, or even impossible, to obtain a patent on your great invention.

Common patent myths:

If I patent, my science will be kept a secret

This statement reveals a complete misunderstanding of the patent system. The word “patent” comes from the Latin word “patere”, which means “to lay open” – in other words to make what is disclosed in the patent available to the public. All patent applications are published 18 months from the date of filing and are publicly available in searchable patent databases.

Furthermore, once you have filed your patent application, you can publish a scientific article detailing your science. In other words: applying for a patent is a genuine two-for-one situation as it may give you two publications (with different scope) for the same research.

If I patent, I can't publish my science

This is a common misinterpretation of the phrase many journals employ in their guidelines for authors, which often state that *articles submitted must be original research which has not been reported or submitted elsewhere*. This does not preclude patenting. You may however need to inform the journal of your financial interest in having your research published – the publication of your research article is likely to cause the value of your patent application to rise.

If I patent, my science is not benefitting the public

This only holds true if you do not make use of your patented invention. As a patent holder you have the right to forbid others to make or use your invention. You also have the right to license out the invention to interested parties, who can help you commercialize your invention – i.e. make it available to the public.

In fact, very often the opposite is true: if you do not have a patent on your invention nobody is interested in commercialising and making your invention publicly available. With e.g. pharmaceuticals there are many years of expensive trials before the product enters the market. Obviously, the companies which make these investments wish to ensure – as far as possible – that an income will arrive, and they can only be sure of this if the drug is not copied and sold cheaply by competitors. The companies that make the investments can only be sure of this, if the drug is patented.

If I patent, I cannot apply for grants as the grant proposal is published

In Denmark, for example, the law provides that all public institutions must give access to their archives and this includes the research councils. For this reason, it is a common misunderstanding that scientists cannot apply for public funding as the grant proposals will become publicly available. This is true only to the extent that if you write that the concept is being considered or is in process of being patented, access to your proposal is limited and thus it is not publicly available.

In other words: you are free to apply for grants – and to either commercialize or sell or license the rights to your invention through your patent. Imagine: A patent on your great invention may provide funding for your own research!

Conclusion

Patents are a tool for commercialising inventions and may provide a source of income for future research. Why limit yourself to publishing a one-of scientific article when a good invention may also be eligible for patenting? Why only get fame, when you can get fame and a fortune? "Patent and Prosper" goes hand in hand with "Publish or Perish" – as long as you remember to patent BEFORE you publish.

Want to learn more about the patent process? You are more than welcome to contact our expert Pernille W. Gojkovic



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