

# Patent protection of nanomaterials and nanotechnology related inventions

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Nanomaterials and nanotechnology related patent applications are not examined differently from patent applications belonging to other fields: patent requirements must be fulfilled in order for the application to be granted.

Applicant has to specify in the claims what he understands to be “nano” in order to avoid clarity objections. Furthermore, prior art could become novelty destroying if a broad interpretation of the claim was made.

As selection inventions, nanomaterials and nanotechnology related inventions cannot merely rely on size. The simple fact of miniaturizing without the presence of an additional effect does not involve inventive step. However, if an invention provides a new technical advantage which was not found in the prior art and it was not obvious for a skilled in the art, the miniaturization could be considered inventive.

The highly sophisticated methods and tools for manipulating materials in the nanometre, or even molecular, range may go beyond the knowledge of the person of average skill in the field, therefore, the application as a whole must disclose the invention in such a way that a person skilled in the art can carry it out.

Examples of nanomaterials and nanotechnology related inventions will be carefully presented and discussed in view of patent requirements.

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References

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[1] <http://www.epo.org/news-issues/issues/classification/nanotechnology.html>

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Figures

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**Figure 1**

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**Figure 2**

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