

Patents: displaying your rights using webmarking

Marking a product to show it has patent protection could help stop accidental infringement of a patent. It may also help with obtaining damages from an infringer.

Currently in the UK the terms 'patent pending' or 'patent applied for' can be used on products to show that a patent has been applied for. Once there is a granted patent, the product can be marked as patented. In both cases, the patent number and country of the application or patent should be displayed.

Displaying rights can be done via webmarking or physically marking. The webmarking option can reduce burdens and costs for business and individuals because webmarking means only the patent information on the website needs to be updated rather than on the products. Patent holders should ensure clear and accessible information is provided on any webpage that is to demonstrate patent protection. Any web address provided on a product must direct the reader to a webpage which clearly associates the product to the relevant patent or patent application number.

The UKIPO has produced [guidance on webmarking of patent products](#). Following the guidance should help ensure an infringer cannot claim they were unaware of a patent at the time of infringement. In summary patent holders which to use the webmarking system should ensure that:

- Clear and accessible information is provided on the webpage
- It can be ascertained from the webpage which patents apply to which product/s
- Products are clearly identified and display relevant model numbers/variants
- Web pages are kept as up-to-date as possible to reflect patent details for each product/s
- Note that QR codes alone will not themselves provide ALL members of the public with notice of patent rights
- Finally, webmarking potentially provides a convenient and effective way to show the patent protection relating to your products in the UK and beyond. Although this notice is related to the recent UK changes, webmarking is already available in other countries, including the US.

If you have a query relating to webmarking of products in the UK or another country our experts at HGF are on hand to provide you with more information on displaying your patent rights.