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CSE332

INDUSTRY ETHICS AND LEGAL ISSUES



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-Patents



- **Patent:** A legal grant by the government for new inventions.
- **Monopoly Rights:** Grants exclusive rights to the inventor for a defined period.
- **Disclosure Requirement:** The inventor must fully disclose the invention.
- **Legal Protection:** Prevents others from using, making, or selling the invention without permission.

- Patent rights are territorial
- Term: 20 years from date of filing
- **Aim**
 - Encourage industrial development
 - Encourages complete disclosure
 - Prevents duplication
 - Focus on commercial relevance
 - Prevents exploitation of researchers
 - Revenue generation
 - Source of technical information

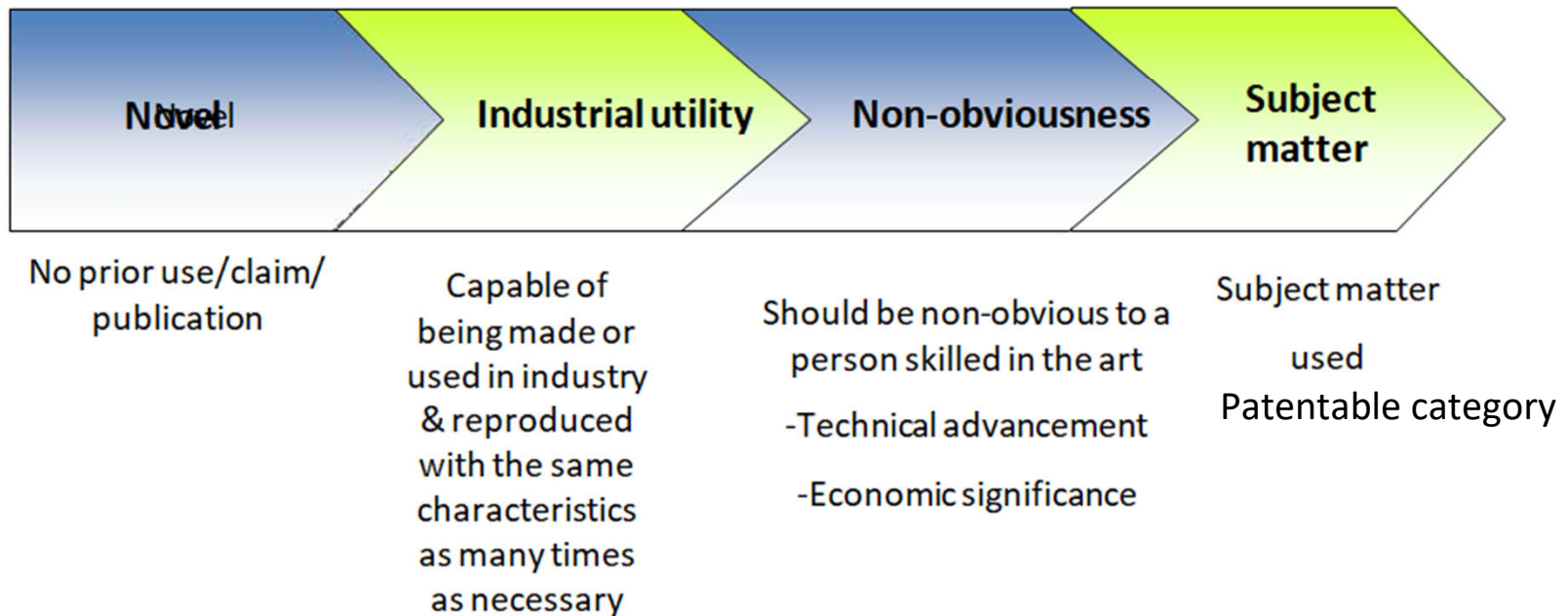


What Can Be Patented

- ❖ **Process or Method**
- ❖ **Machine or Apparatus**
- ❖ **Article of Manufacture**
- ❖ **Composition of Matter**
 - « **Chemical Compounds**
 - « **Physical Mixtures**
- ❖ **Improvements of Any of the Above**



Patentability Criteria





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Novelty

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- Novelty mean that the subject matter **SHOULD NOT BE**
 - PUBLISHED IN **ANYWHERE IN THE WORLD** PRIOR TO THE PATENT APPLICANT INVENTING IT (if it was published in a different country, it **still affects novelty** globally)
 - IN **PRIOR PUBLIC KNOWLEDGE OR PRIOR PUBLIC**, BUT NOT NECESSARILY PATENTED OR PUBLISHED



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Novelty

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- USE, SALE, MANUFACTURE, & DEVELOPED **ANYWHERE IN THE WORLD**
- CLAIMED BEFORE IN A PATENT SPECIFICATION **ANYWHERE IN THE WORLD**

Novelty Search

- The Novelty Search is conducted to see whether the invention
is anticipated by any prior art



What are Anticipations

Meaning w.r.t. to Patents:

- Any description of the invention which destroys the element of novelty of the invention





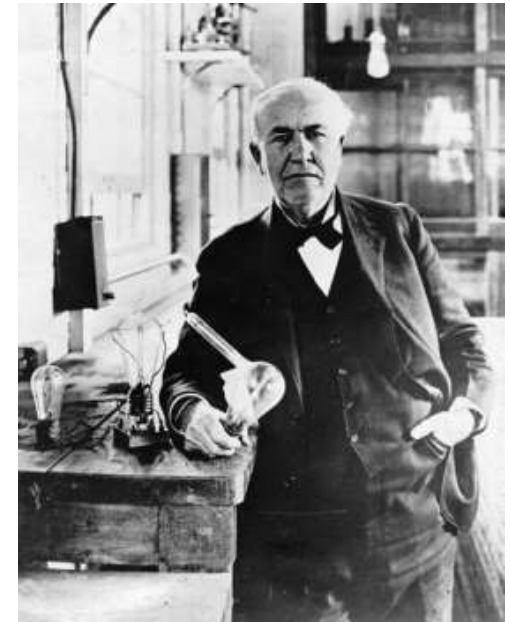
Application for patents

Who can file a patent?

Section 6: Persons entitled to apply for patents

- *True and first inventor of the invention*
- *Assignee of true and first inventor*
- *Legal Representative of a deceased person who immediately before his death was entitled to make such application*

Application submitted either alone or jointly with other person.





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INTELLECTUAL
PROPERTY **INDIA**

Types of Applications

- **Ordinary Applications** - First-time patent filing, No priority claim
- **Convention Application**- Claiming priority from a foreign country, Must be filed within **12 months**.
- **Patent of Addition Application**- Improving an already patented invention, No separate renewal required



- **Divisional Applications-** When a patent application contains multiple inventions, Splits into separate applications
- **Patent Cooperation Treaty (PCT) International Phase Application-** Seeking international protection, One application covers multiple countries
- **PCT National Phase Application-** After PCT International filing, Must file in individual countries



Documents required for filing of A Patent Application

1. Application for Grant of Patent in [Form 1](#) in duplicate
2. Complete/Provisional specification in [Form 2](#) in duplicate
3. Statement and Undertaking in Form 3.
4. Power of Attorney in [Form 26](#) (in original) ; (if filed through attorney)
5. Declaration of Inventor-ship in [Form 5](#)
6. Requisite Statutory fees (copy of the Priority cheque / DD).
7. Covering letter- indicating the list of documents



Contents of Specification

- Title of the invention
- Field of the invention
- Background of the invention (PRIOR ART)
- Object of the invention
- Summary of the invention
- Brief description of drawings, if any
- Detailed description of the invention
- Examples
- Claims- not required in provisional
- Abstract- not required in provisional



Types of Application

Provisional application

- 1) Get early priority
- 2) Not expensive
- 3) Quick
- 4) Title/Description
- 5) No claims
- 6) Cannot be filed in case of conventional/PCT/Divisional application
- 7) Filing provisional application is an optional but an advisable step



Types of Application

Complete specifications

Where an application for a patent is accompanied by a provisional specification, a complete specification shall be filed within twelve months from the date of filing of the application,. E.g.

Example

Provisional application: 01-12-2008

Complete specification: 01-12-2009