



L P U

NAAC  
GRADE **A++**

---

# **CSE332**

# **INDUSTRY ETHICS AND LEGAL ISSUES**

---

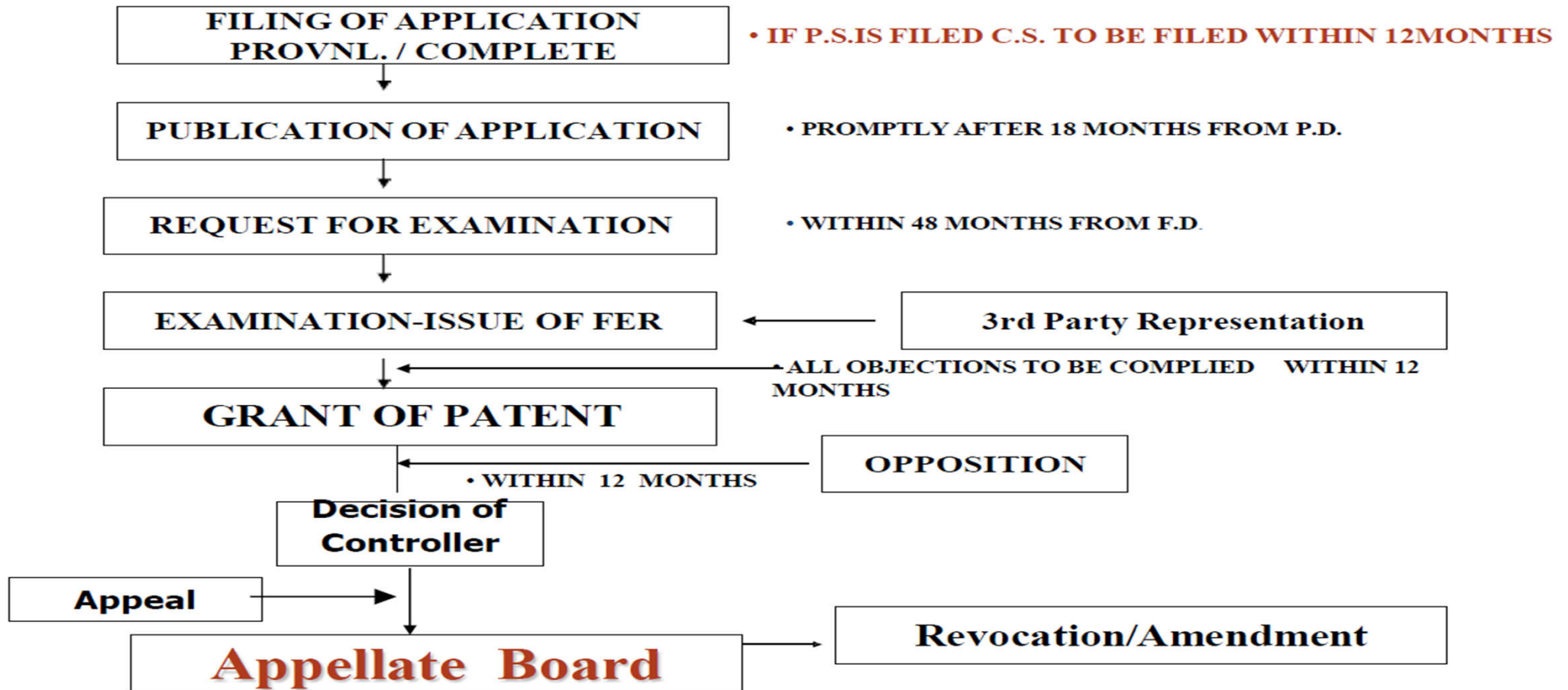


L P U

NAAC  
GRADE **A++**

# -Patents

## Stages from filing to grant of a patent





## Publication and Examination

### Rule 24-B: Examination of application

Examination request for divisional application:

1. **48 months** from filing date or **priority date**, whichever or **6 months** from further application filing.
2. Controller refers to Examiner **within 1 month** from publication or examination request receipt date whichever is **earlier**.
3. Examiner prepares report **in 1-3 months**.



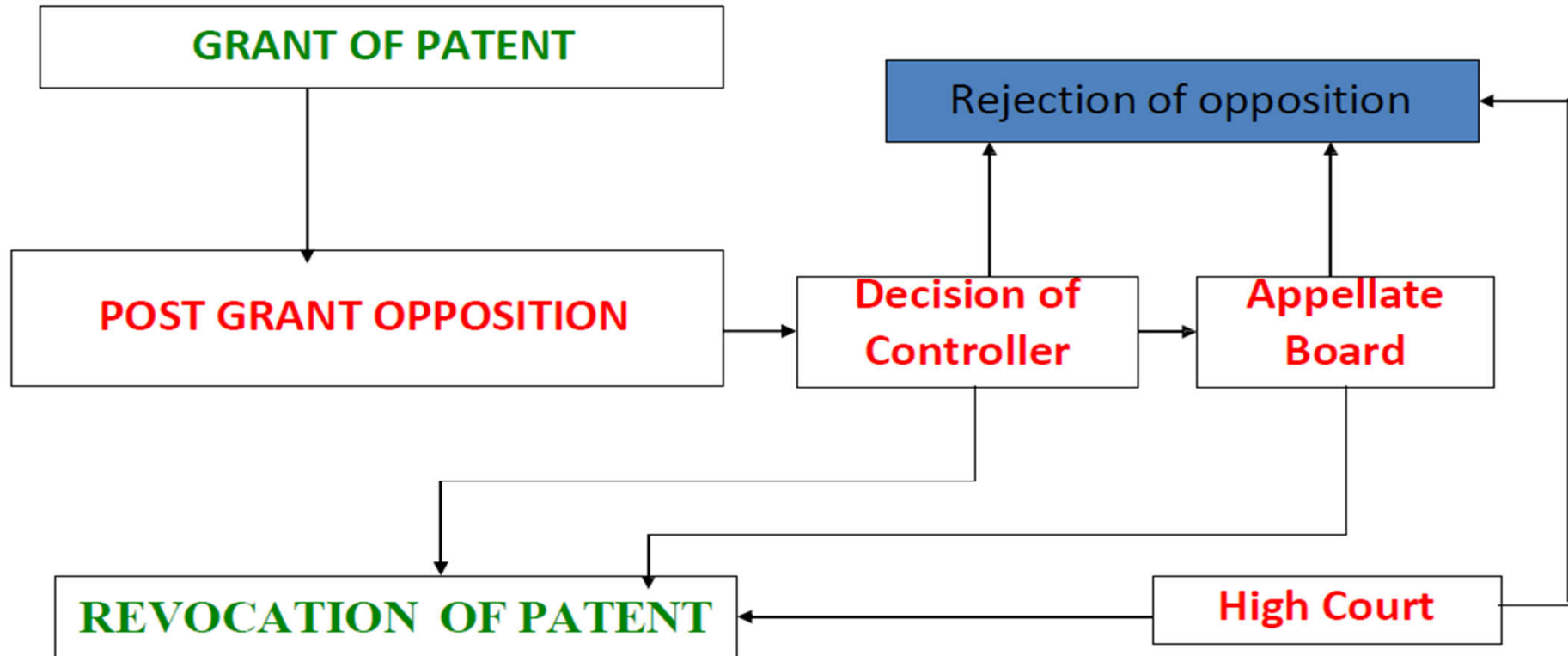
## Publication and Examination

### Rule 24-B: Examination of application (contd.)

1. Controller disposes examiner's report within **one month of receipt**.
2. First Examination Report sent **within 6 months** of examination request or publication.
3. If objections are raised, the applicant **must reply**.
4. If all requirements are met, the patent is **granted and published** in the patent journal..



## A PROCEDURE FROM FILING TO GRANT OF PATENT (Cont.)





## IMPORTANT FEES IN DIFFERENT PROCEEDINGS

Proceeding	Individual (₹)	Legal Entity (₹)
Application for Grant of Patent	1,000	4,000
Request for Examination of Application	2,500	10,000
Request for Publication	2,500	10,000
Substitution of Applicant	500	2,000
Notice of Opposition	1,500	6,000
Restoration of Lapsed Patent	1,500	6,000
Renewal Fees (for 20 years)	48,000	192,000

**Note: Professional Patent Drafting costs approximately ₹30,000**



## DUTIES OF PATENTEE

**Maintenance of the patent**

**Pay renewal fees**

**Every year till the end of the term**

**Time limit:**

**before end of the preceeding year ( 6months extn. Available )**

**Working of the patents:**

**Inventions are to be worked in India on commercial scale**

**Failing which compulsory license may be issued**





# Patent Infringement

1. Demand the infringer stop & pay damages for past infringement.
2. Offer a “Royalty”
3. Ignore the infringement or postpone action.
4. File a patent infringement lawsuit in court



# Litigation vs Licensing

If the objective is to stop a competitor from offering a product that infringes one's patent.

If the objective is to obtain royalty for the use of one's invention.

## Alternatives To Litigation



Litigations are costly and timely

Alternative dispute resolutions (ADR) include **Mediation & Arbitration**

**Mediation:** A neutral third party helps the patent owner and the alleged infringer reach a voluntary agreement.

**Arbitration:** A legally binding decision is made by an arbitrator, which is usually faster and cheaper than litigation.



## Trade-Related Aspects of Intellectual Property Rights(TRIPS) in the World Trade Organization Compliance

**TRIPS** Agreement elevated **IPR protection** internationally binding.

India signed TRIPS Agreement **in 1995** and implemented required changes.

India passed **TRIPS-compliant IP laws** for trademarks, copyright, designs, GI, and integrated circuits.