



A STEP-BY-STEP GUIDE TO PATENTING IN IRAN

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Contents

Preface.....	V
1 Applied methods of ideation in inventions.....	5
1-1 Factors Affecting Creativity.....	5
1-2 Characteristics of Creative Individuals.....	6
1-3 Creativity Development Methods	7
1-4 Ideation Techniques.....	8
1-5 The SCAMPER Technique	10
1-6 The 5 Whys Technique	11
1-7 Creative Illusion Technique.....	12
1-8 PMI Technique	13
1-9 “DO IT” Technique.....	14
1-10 “Water Lily Blossom” Technique.....	15
1-11 “What Would Happen If?” Technique.....	15
1-12 Assumption-Busting Technique	15
INVENTIONS.....	18
2-1 Definition of Innovation.....	18
2-2 Definition of Invention.....	19
2-3 Writing Patenting Proposals in Iran.....	21
2-4 Definition of Inquiry Authority or Invention Review Authority	28
2-5 Searching for and Reviewing Registered Inventions in Iran and across the World	28
2-6 Documents Required for Registering a Patent Application.....	32
2-7 Patenting and Associated Fees	32
2-8 A Step-by-Step Guide to Patent Application Registration	34
2-9 Application Follow-Up and Request Submission.....	50
2-10 Everything that is Going to Happen after Application Registration	50
2-11 Types of Record Status.....	51
2-12 Steps for Request Submission of Various Types	51
2-13 Different Types of Notice and Methods of Responding to them.....	53
2-14 Final Conclusion	57
List of Inquiry Authorities	59
The Attachment.....	67
References	69

PREFACE

This book aims to acquaint faculty, K-12 and university students, and all the researchers and inventors, interested in registering their designs, with the patenting process in Iran. For this purpose, different chapters intend to convey scientific and applied concepts vividly and serve as a tutorial for researchers. The main concern of this title is to explicitly express everything a researcher is required to know about the patenting process in Iran. We are proud to have taken a step toward creativity and research development for aficionados.

Team of Authors

1

APPLIED METHODS OF IDEATION IN INVENTIONS

1-1 Factors Affecting Creativity

There have been different concepts and meanings for the definition of “Creativity” throughout history. For instance, Torrance considers creativity a form of problem solving and defines creative thinking as a process of sensing problems or gaps in information, formulating hypotheses about resolving problems and deficiencies, evaluating, testing, revising and retesting hypotheses, and conveying the results. Rajaei regards creativity as a mental competency in generating novel ideas and introduces conjecture as the driving force behind creativity and sciences. In general, creativity stems from the fountain of human originality, consciousness, and unconsciousness. Despite the popular belief that places creativity at the heart of an idea and deems it valuable in culture development and localization of economic and human needs satisfaction, its essence is entirely captured by an ability to re-conceptualize and generate new ideas. Like other scientific phenomena, creativity has a unique definition and is associated with such parameters as cognitive and socio-environmental processes, individual characteristics, ingenuity, and psychological disorders. In fact, creative thinking occurs when people cease to view their surroundings from previously-adopted perspectives and relinquish previously-held assumptions. Creativity requires the simultaneous presence of a number of traits, e.g. intelligence, tenacity, unconventionality, and the ability to think in a particular manner. Finally, creativity emerges intrinsically without any preconceptions.

1-2 Characteristics of Creative Individuals

Creative individuals are generally visionary, and most of their ideas are based on imagination. According to Mendelsohn, differences in focus of attention are the cause of differences in creativity. If a person is able to attend to only two things at the same time, only one possible analogy can be discovered at that time. If he is able to attend to four things, six possible analogies can be discovered. Creative individuals exhibit defocused attention accompanied by low levels of cortical activation, whereas uncreative people display higher levels of focused attention, which prevents them from coming up with innovative ideas. Martindale and Eysenck have argued that creativity is a disinhibition syndrome. Creative individuals employ a variety of mostly unorthodox methods, which they believe will help them become more creative. Perhaps, the most common method is seclusion that verges on sensory deprivation, i.e. a condition that diminishes cortical arousal due to their hypersensitivity. Creative individuals display physiological overreaction. They generally cultivate self-learning changes in their minds, constantly perform needs assessment of their surroundings, and have unique characteristics elucidating their differences from others around them.

1-2-1- Intelligence

Creative individuals have good intelligence levels. However, high intelligence does not necessarily indicate creativity. It is the organization of intelligence that can develop creativity.

1-2-2 - Fluid Thought

Creative individuals can usually develop creativity in several ideas simultaneously based on different needs of their surroundings.

1-2-3- Perceptual Flexibility

Creative individuals can relinquish previously-accepted rules and presuppositions and establish new subjective frameworks.

1-2-4- Innovation

Creative individuals often have innovative thoughts and despise the idea of abandoning their thoughts undecorated with innovation.

1-2-6- Risk-Taking

Creative individuals are eager to find answers, even if they are negative or, according to others, lead to failure. They prefer to experience a specific path and benefit from its merits.

1-2-7- Concentration

Creative people generate ideas actively and diligently, both in their minds and in practice.

1-2-8- Knowledge

Creative people generally spend a great deal of acquiring current knowledge in order to enhance their subjective instrument range.

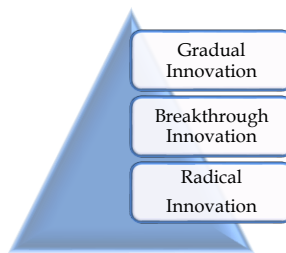
2

INVENTIONS

2-1 Definition of Innovation

Innovation is the use of new ideas drawn from creativity. It is the implementation of creative ideas delivered as new products or services. Innovation differs from ideation and invention; invention means the “creation of a new product”, whereas innovation transcends invention and is defined as the “introduction of a recent product”, which co-occurs with creativity and supply.

Levels of Innovation



2-1-1- Gradual Innovation

The financial and specialized foci of gradual innovation are on product and option enhancement. Competition-wise, this will lead the firm to enter a vulnerable stage in the long run, as innovation basically lies in creating new products. Condition enhancement will only attract consumers if the changes are made in line with a greater need.

2-1-2- Breakthrough Innovation

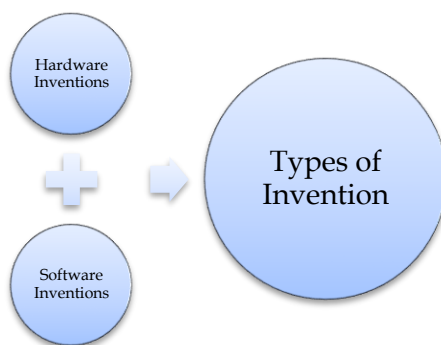
This type of innovation involves major changes in business and technology. In fact, new technologies are introduced to take consumers by surprise. Apple Inc., for instance, uses breakthrough innovation in manufacturing its products by complicating the competitive market for other companies. Given the enormous changes brought about by this type of innovation, it is initially met with a favorable reception by the public.

2-1-3- Radical Innovation

Radical innovation results from successful management in triggering changes in the business trend and in technology. Not only does this type of innovation generate high financial returns, but it also complicates the competition environment for other business competitors. It should be noted, however, that radical innovation occasionally creates great expectations of offering amazing products to customers, something which can be fatal for the management of businesses. Finally, this process is much costlier than the previous types of innovation.

2-2 Definition of Invention

According to Article 1 of the Patents, Industrial Designs and Trade Marks Registration Act, ratified on 10.29.2007, "An invention is the outcome of an individual(s)' mind that produces a certain product or a process for the first time and provides a solution to a specific problem in a certain line of specialty, technique, technology, industry and the like".



2-2-1- Advantages of Patenting

- Prospect of membership in Iran's National Elites Foundation and the use of granted facilities.
- Facilities for conscription (reduced-time exemptions, completing conscription at research centers in the vicinity of one's residence, possibility of conducting a research project in lieu of regular conscription for obtaining the certificate of completed military service even while studying).
- Exemption of medical school graduates from attending a compulsory medical service program as verified by the Iranian Ministry of Health and Medical Education.
- Inclusion in the National Organization for Development of Exceptional Talents and benefitting from the granted facilities.
- Facilitation of admission to domestic or abroad universities.

- Prospect of attending international festivals, competitions, and seminars and earning international medals.
- Greater credit for loans or raising funds.
- Ability to pursue legal proceedings against copycats and abusers.
- Positive points for the patent holding company or establishment.
- Utilization of facilities provided by technology and knowledge-based companies.
- Utilization of the Iran National Science Foundation.
- Product commercialization in a safe environment.

2-2-2- Term of a Letters Patent

According to the documents provided on the official website of Iran Patent Office (IPO), a patent certificate, i.e. a Letters Patent, is granted to the patent owner for designing a new invention for a limited term of 20 years. According to Article 16 of the Patents, Industrial Designs and Trade Marks Registration Act, approved in 2007, a Letters Patent shall expire 20 years after filing date of the application for patent. In order to maintain the Letters Patent during this period, an annual fee, shall be paid by the applicant. If the said annual fee is not paid duly, the patent application shall be deemed to have been withdrawn or the patent shall lapse.

2-2-3- Patentable Inventions at the Iran Patent Office

All inventions with the following qualities can be patented. According to Article 4 of the Patents, Industrial Designs and Trade Marks Registration Act, the following shall be excluded from the scope of the protection of a patent:

- a) Discoveries, scientific theories, mathematical methods, and works of art.
- b) Schemes, rules or methods for doing business, performing mental or social acts.
- c) Methods for treatment or diagnosis of human or animal diseases.

This subsection shall not include products falling within the scope of definition of the patent and those used in the aforesaid methods.

- d) Genetic resources and genetic components comprising the same as well as biological processes for the production of the same.
- e) Anything that has already been anticipated in industries and techniques, i.e. prior art.

Prior art is everything disclosed to the public, anywhere in the world, through written or oral publication by practical use or in any other ways prior to the filing or, where appropriate, the priority date of the application claiming the invention.

Disclosure to the public of the invention shall not prevent the grant of a patent, if it has occurred within six months before the filing date or, where appropriate, before priority date of the application.

- f) If the commercial exploitation of an inventions is contrary to Sharia Rules, public order or morality, it will not be patentable.

2-2-4- General Steps to Patenting in Iran

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