Patent Filling Process

Considering a general patent filling process in India, if an applicant wants to protect priority date and concept of idea of patent then that applicant can file a provisional application. As the invention is completed a Non-Provisional application (a.k.a complete specification in India) needs to be filed which is basically the actual patent application that gives complete description of invention. This non- provisional application needs to be filed within 12 months of filing of provisional application. Going by the simple process of patent office it will take 18 months to get application published from the first filling date.

Further, the patent needs to be examined by the patent examiner of the patent office, for this 48 months are given to file request for examination i.e. form 18 in India. Once the patent application is examined, they will come up with few objections or clarification and will submit a called as First Examination Report (F.E.R) to the patent filer or it’s attorney. Then a further action is required to over the office response, responding to the FER by making changes, eradicating objections or counterfeeting the FER. After submitting the response to the patent office they will again examine this report. If they have any objections they will issue another response and applicant might further need to apply. If they are satisfied with application they can grant and publish, but if they take any objection they can call for Patent Hearing.

For filling international application, once you have filed either a complete application or a provisional application, within a year you have to file international application. For this there are a few possible routes: (i)PCT (Patent Cooperation Treaty) (ii)Conventional Routes

Let us consider PCT as of now-

Basically PCT is just a route that facilitates to file application in different countries (it is not a patent authority). India is a part of this treaty, from this treaty we can file in around 150+ countries that are members of this treaty.

The PCT procedure includes:

**Filing:**you file an international application with a national or regional patent Office or WIPO, complying with the PCT formality requirements, in one language, and you pay one set of fees.

**International Search:** an “International Searching Authority” (ISA) (one of the world’s major patent Offices) identifies the published patent documents and technical literature (“prior art”) which may have an influence on whether your invention is patentable, and establishes a written opinion on your invention’s potential patentability.

**International Publication:**as soon as possible after the expiration of 18 months from the earliest filing date, the content of your international application is disclosed to the world.

**Supplementary International Search (optional):**a second ISA identifies, at your request, published documents which may not have been found by the first ISA which carried out the main search because of the diversity of prior art in different languages and different technical fields.

**International Preliminary Examination (optional):**one of the ISAs at your request, carries out an additional patentability analysis, usually on a version of your application which you have amended in light of content of the written opinion.

**National Phase:**after the end of the PCT procedure, usually at 30 months from the earliest filing date of your initial application, from which you claim priority, you start to pursue the grant of your patents directly before the national (or regional) patent Offices of the countries in which you want to obtain them.

Clearly this process is tideous , it requires a lot of paperwork and other such formalities. Apart from that you face a lot of hurdles, objections itself in the process of examining the patent and proving its patentabilty which further stretches the process.

For countering these issues we need to build a system which is more convenient and faster , that basically aims to reduce the time required for granting the patent and to also make the process of examining and correcting more smoother.