

# Intellectual Property Rights – Rinku Ma'am

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**12 October 2022**

बौद्धिक – विचारों से उत्पन्न

भौतिक प्रदार्थ पर अमूर्त अधिकार।

Salmond & John lock

16 November 2022

Types of Patents:

1. Production patent e.g. Dove soap.
2. Procedure patent -> the process has been patented.
3. Hybrid patent -> patents made by the combinations of other patents.
4. Patent of addition -> Patent for the new advance version of the product.
5. Secret patent -> Some product or procedure which is required to keep away for the safety or security of the country.
6. Dependent patent -> The patented product which is depends on the other patented product. The product can't be used until the use of existing patent.
7. Petty Patent -> Best from waste
8. Other patent -> Old patent law in UK allowed to provide a patent to someone who introduced the product even he himself is not the owner or the inventor of the product.

## **Criteria of Patent:**

1. Novelty (नवाचार) - New invention which is different from the knowledge we currently have.

Novartis vs UOI, 2007

F. Hoffmann La Roche Ltd. Vs Cipla Ltd. 2009

**21 November 2022**

Harwood vs Great Northern Railway Company 35 LJQB 27

Morgan & Co vs Wind over and Co 7 RPC 131

[इसको पेटेंट देने से माना कर दिया गया इस वाद में पेटेंट धारक ने एक गाड़ी के अगले हिस्से में पिछले हिस्से से मिली झूली स्प्रिंगों के लिये पेटेंट का आवेदन किया गया क्योंकि गाड़ी के पिछले हिस्से में पहले से ही उपयोग किया गया था।]

Williams vs Nile 1890 7 RPC 62

Udd vs Rafel (eye glass case) 13 RPC 730

Johns men wheels patent case 1967 RPC 479

[the patent was declared invalid]

Wind surfing international vs Tabar marine 1985 RPC 59

[Mr. Darbi and Mr Peter]

Dhanpad Seth & Others vs Neel Kamal Plastics Creds ltd.

[Patent revoked after the grant]

### **Patent at Industrial Applicability: -**

Darsy vs Allen 1602 NOY 182

Lanfox vs Kensington & Knights bridge electric lighting co ltd.

Edison & Swan electric lighting vs Holland 6 RPC 243

Morgan vs Seward 1 WPC 167

Auto vs Linford

### **Forming the subject matter**

**23 November 2022**

### **Chapter III**

### **Procedure for Registration:**

**Sec 6:** Persons entitled to apply for patents

**Sec 7:** Form of application –

Each application for one patent only.

Form should be applied at the patent office.

**Sec 8:** Information and undertaking regarding foreign applications.

**Sec 9:** Provisional and complete specifications

Within 12 months it should be complete

[Standipack pvt ltd v Oswal trading co ltd & others]

**Sec 10:** Contents of specifications

[Lallubhai Chakubhai Jariwala v Chimanlal Chunilal & Company]

**Sec 11:** Priority dates of claims of a complete specification

[Bilcare ltd vs The supreme Industries ltd]

## **28 November 2022**

Sec 11a to 20

## **29 November 2022**

### **Chapter VIII**

### **Grant of Patents and Rights Conferred Thereby**

Sec 43: Grant of patents

Sec 48: Rights of Patentee

[Rajprakash vs Mangat ran Choudhary & Others, AIR 1978 Delhi 1]

Sec 49: यदि कोई विदेशी यान जो की भारत में है एवम् यह यान विदेश में रजिस्टर्ड है और इसमें आकस्मिक किसी पेटेंट का प्रयाग कर लिया हो बिना इजाज़त लिए तो उसको पेटेंट का अतिलंगन नहीं माना जाएगा।

## **5 December 2022**

Term of patent is 20 years for national and international

Sec 54 to 64

## **6 December 2022**

Licensing

Sec 67 to 72 – Took just overview

Compulsory Licensing:

Sec 82 to 94

Sec 84 – format 17

Sec 94 – format 21

## **12 December 2022**

Sec 99 to 103, 116 to 117H

Patent related to the central govt use like army products.

Sec 100 – Any person authorized by central govt or govt self will make a use the patent

**Appellate Board** – same board as available in Trademark board.

- He should have 5 years of experience as controller
- He should have 10 years of experience as Registered patent agent or possessed a degree in engineering or technology or master degree in Science.

## **13 December 2022**

Sec 104 to 108

Sec 104 - Jurisdiction

Sec 104 A, Sec 105

Case under sec 108:

- National research development corporation of India New Delhi vs Delhi Cloth mills company ltd (AIR 1980 Delhi 139).
- Ram Narain Kher vs Ambassador Industries New Delhi & Ors (AIR 1976 Delhi 87)