

Patents – Part 2



1. Patent Filing Procedure in India

What is Patent Filing?

Filing a patent means officially submitting your invention to the patent office to seek legal protection. In India, this process is managed by the Indian Patent Office, which is part of the Office of the Controller General of Patents, Designs, and Trademarks.

Steps to File a Patent in India:

1. Patent Search:

- Before you file, you need to check if your invention is already patented. This step helps you avoid spending time and money on an invention that isn't eligible for a patent.
- You can perform a patent search using India's patent search website: Indian Patent Advanced Search System (InPASS).

2. Drafting the Patent Application:

- This is where you document your invention in detail, including how it works and why it's new and unique. In most cases, it's a good idea to work with a patent attorney for this step.

3. Filing the Application:

- You can file a patent application online through the Indian Intellectual Property (IP) India Portal.

- You need to decide between filing a **Provisional** or **Complete** specification. A provisional application gives you a year to develop your idea fully. The complete specification includes all details and claims about the invention.
- 4. **Publication of the Patent Application:**
 - The application is published in the official patent journal 18 months after filing. If you want faster publication, you can request early publication.
- 5. **Examination:**
 - After publication, the application is examined by a patent examiner, who checks if it meets all patent requirements.
 - This involves comparing it to other patents and assessing if it's truly novel and non-obvious.
- 6. **Response to Objections:**
 - If the examiner raises any objections, you have an opportunity to respond and make necessary changes to the application.
- 7. **Grant of Patent:**
 - If the examiner is satisfied with the application, the patent is granted, and you receive a certificate.

2. Components of a Patent Application

A patent application in India consists of several key parts:

1. **Title:**
 - A clear and concise title describing the invention.
 - Example: "A Solar-Powered Portable Water Purification Device."
2. **Abstract:**
 - A brief summary of the invention, usually no more than 150 words.
3. **Description:**
 - A detailed explanation of the invention, including drawings, materials used, and steps involved.
 - Example: If your invention is a new kind of water filter, this section would describe how it filters water and the materials used.
4. **Claims:**
 - The most crucial part, as this defines what aspects of your invention you want to protect.
 - Example: Claiming that the filter uses a specific blend of natural and synthetic materials to achieve purification.
5. **Drawings/Diagrams:**
 - These help explain your invention and show how it works.
6. **Background and Prior Art:**
 - Describes what similar inventions already exist and how yours is different.
7. **Disclosure:**

- In India, the patent application must include complete disclosure. This means you must fully describe how the invention works so that others skilled in the field can recreate it.

3. Timelines and Costs

Timelines:

- **Provisional Patent:** If you file a provisional application, you have up to 12 months to submit the complete specification.
- **Examination Process:** Generally, this takes 1 to 3 years, depending on the workload and any objections raised.
- **Total Time to Get a Patent:** It can take between 2 to 5 years from the filing date to get a patent granted.

Costs:

- **Filing Fees:** For individuals, it costs around ₹1,600 to file a patent application, while for small entities or startups, it's around ₹4,000.
- **Examination Fees:** These vary depending on the type of applicant but are around ₹4,000 for individuals.
- **Attorney Fees:** While optional, working with an attorney can add additional costs of ₹30,000 to ₹50,000.

Helpful Links:

- Indian Patent Office - Patents Information
- Fee Schedule for Patent Applications in India

4. Famous Patent Examples in India

1. **Neem-Based Pesticide:**
 - Scientists developed a pesticide from the neem tree, which has natural pest control properties. This invention was patented, showcasing India's rich biodiversity.
2. **Basmati Rice Strains:**
 - India has patented specific strains of basmati rice, protecting them from being copied by foreign companies.
3. **Narendra Modi Jacket (Design Patent):**
 - The distinctive design of the "Modi Jacket" was patented as a fashion design, giving it a unique identity.
4. **Pulse Polio Vaccine Delivery System:**
 - Patented technology developed to distribute polio vaccines, which played a significant role in making India polio-free.

Mini Game: Types of Patents

Below are some words or scenarios. Identify the type of patent they relate to:

1. **New smartphone design with a holographic screen**
 2. **Genetically modified mango tree that produces mangoes with enhanced vitamin C**
 3. **Eco-friendly process to convert plastic waste into fuel**
 4. **A unique ergonomic chair design that provides better back support**
 5. **New way to make biodegradable plastic using banana peels**
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Answers:

1. **Design Patent**
2. **Plant Patent**
3. **Utility Patent**
4. **Design Patent**
5. **Utility Patent**