



Law Guru

PATENT



- ❖ Meaning of Patent
- ❖ Essentials and Types of Patent
- ❖ Example of patentable items
- ❖ Indian position on Patent
- ❖ Differences between Copyright and Patent

PATENT



Meaning

A patent is a form of intellectual property that gives its owner the legal right to protect his invention from making, using or selling by others without his permission.

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Essentials

1. Purpose shall be useful
2. Originality
3. Non obvious

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Types of Patent

Three major types of patent

1. Design Patent :- Anyone who creates a new design for a product can apply for a design patent.



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Types of Patent

Three major types of patent

2. Patent Plant :- Botanists involved in grafting and crating new hybrid plant forms can apply for a plant patent.



Hybrid Plant



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Types of Patent

Three major types of patent

3. Utility Patent :- Anyone who invents or discovers “any new and useful process, machine or any new useful improvement.

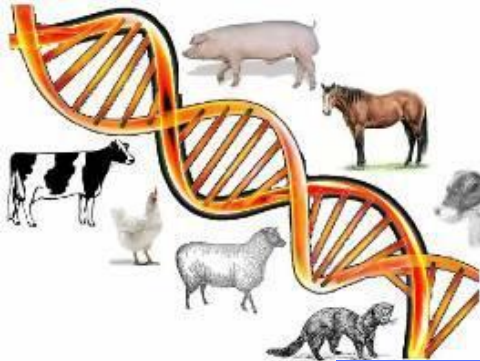
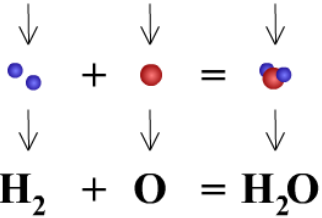


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Patentable items

2 Atoms of Hydrogen + 1 Atom of Oxygen = 1 molecule of Water



Hardware



Software



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Duration

Generally, a patent work is protected for the period of 20 years.

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Indian position on Patent

The legal protection in the form of patent in India is more than one and half century old as patent protection in India was first introduced in 18th century. Patent law was governed by British patent law 1852. Immediately after the independence, Independent India passed its own patent legislation called Indian Patent Act, 1970.

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Indian position on Patent

Object of Patent law India :- Patent are granted to encourage invention and to secure the invention.

To enable patentee to enjoy a monopoly for the importation of the patented article.

Case Law :- **Bishwanath prasad radheyshyam vs. H.m Industries**

Supreme Court held that “the object of the patent law is to encourage scientific research, new technology and industrial progress.

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Differences between Copyright and Patent

Copyright

- ❖ Copyright is a right that gives exclusive right to the owner to protect the creative work.
- ❖ Govern by Indian Copyright Act, 1957

Patent

- ❖ Patent is a right that gives it's owner legal right to protect his invention.
- ❖ Govern by Indian Patent Act, 1970

Thank You
For
Watching