

What is Patent ?

A Patent is an intellectual property right relating to inventions and is the grant of exclusive right, for limited period, provided by the Government to the patentee, in exchange of full disclosure of his invention, for excluding others, from making, using, selling, importing the patented product or process producing that product for those purposes.

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Essentials of Patent

- Patents granted for an invention
- INVENTION means a product or process which is -
 - New (Novel)
 - Involving Inventive Step (Non-obvious)
 - Utility
- Capable of Industrial Application

Who can file Patent Application in India...?

Either alone or jointly:

- By any person claiming to be true and first inventor(s).
- By any person being the assignee of person claiming to be true and first inventor(s).
- By the legal representative of any deceased person who can immediately after his death is entitled to make such application.

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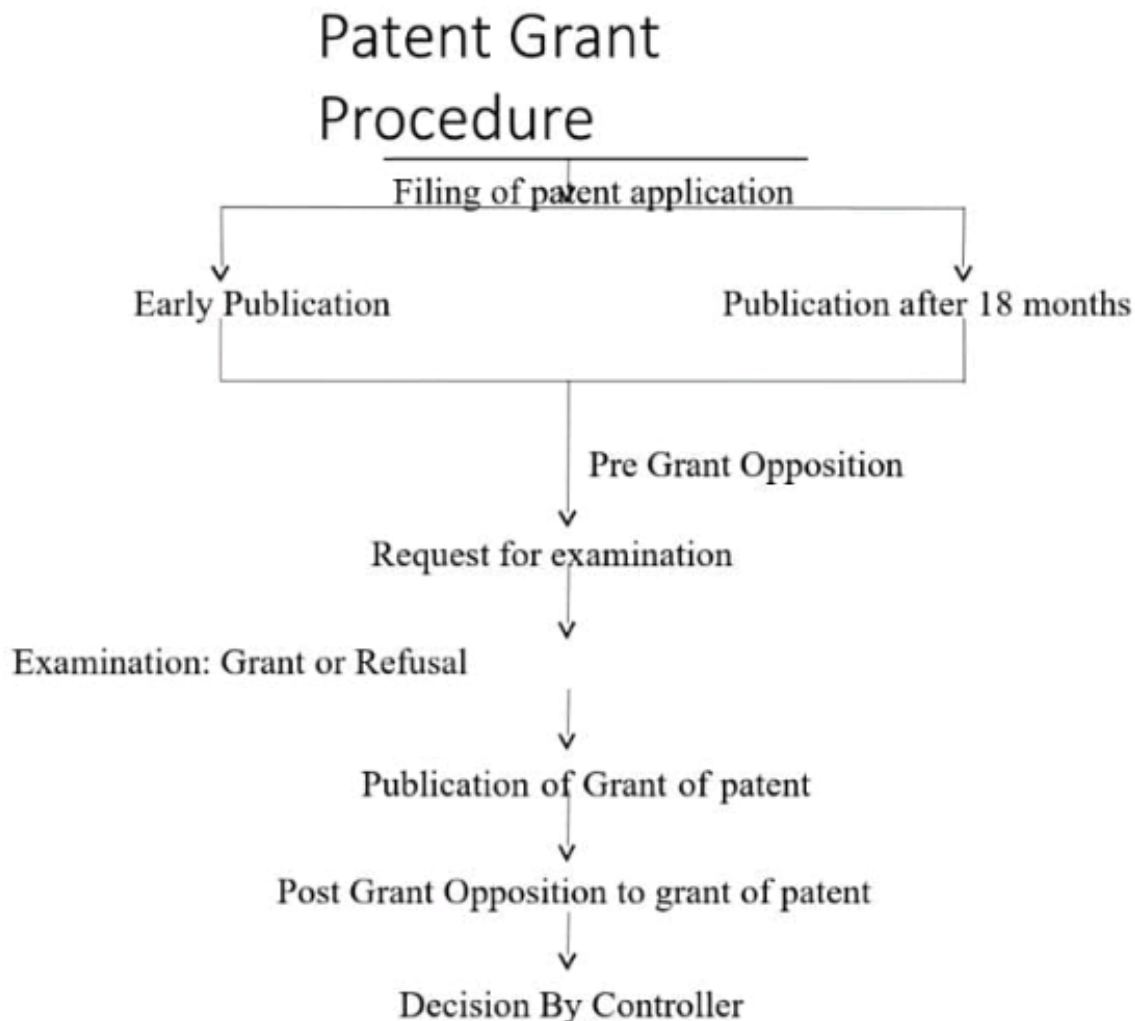
Types of Applications

- Ordinary Applications
- Convention Application
- Patent of Addition Application
- Divisional Applications
- PCT Application

The patent application passes through the following stages

- A. Filing
- B. Publication
- C. Examination
- D. Opposition
- E. Grant

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Filing of the Patent Application

- Application for patent can be filed only on the payment of full fee.
- Filing fee is charged on the basis of number of pages and number of claims made in the patent document.
- No extra fee is charged up to 30 pages and 10 claims.
- Power of attorney-if applicable.
- Application, Specification and other documents should be either in Hindi or English language.
- If application discloses sequence listing of nucleotides and/or amino acids, it should be filed in electronic form.

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Some imp. fees for filing a patent application in India

No.	Action	Limits, conditions and timelines	Official Fees	
			Individual	Legal entity
1.	Filing of patent application along with provisional/ complete specification	For maximum number of pages 30 and maximum number of claims 10	Rs. 1,000/-	Rs. 4,000/-
		For each additional sheet	Rs. 100/-	Rs. 400/-
		For each additional claim	Rs. 200/-	Rs. 800/-
2.	Request for examination of patent		Rs. 2,500/-	Rs. 10,000/-
3.	Request for early publication		Rs. 2,500/-	Rs. 10,000/-
4.	Renewal fee (every year)	2 nd year to 6 th year	Rs. 500/-	Rs. 2,000/-
		7 th year to 10 th year	Rs. 1,500/-	Rs. 6,000/-
		11 th year to 15 th year	Rs. 3,000/-	Rs. 12,000/-
		16 th year to 20 th year	Rs. 5,000/-	Rs. 20,000/-

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Documents Required

- ✓ Application Form (Form 1)
- ✓ Proof of Right to Apply (Paragraph 9 of Form 1)
- ✓ Provisional or complete Specification (Form 2)
- ✓ Statement of Foreign Filing (Form 3)
- ✓ Declaration as to Inventorship (Form 5)
- ✓ Request for Early Publication (Form 9)
- ✓ Request for Examination of application for patent (Form 19)
- ✓ Power of Attorney, if Required. (Form 26)
- ✓ Certified Copy of Convention Application, if required
- ✓ Abstract of Invention
- ✓ Drawing(s), if any
- ✓ Fee in cash/by local cheque/by demand draft.

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Requirements for documents

- All documents & copies of document, except affidavits & drawings sent to the patent office or otherwise furnished to the Controller shall be written, typewritten or printed in English language (unless otherwise directed or allowed by the controller) in legible character size, with lines widely spaced upon one side only on strong white paper.
- The size of paper should be A4 size with a margin of 4cm on the top and 3cm on the bottom and right hand part thereof.

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Publication of Patent

Application

- Every application shall be published after expiry of 18 months from the date of filing or date of priority of the application except the following,
 - Application in which secrecy direction is imposed or
 - Has been withdrawn before 3 months prior to expiry of 18 months.
- However the applicant can make request for **early publication** prior to 18 months on **form 9** with prescribed fee of Rs.2500 or Rs.10000 by individual or legal entity respectively.

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Filing of Request For

Examination

- A request for examination can be filed in form 19 only within 48 months from the priority date or filing date whichever is earlier.

Grant of patent

- A patent will be granted to the applicant if -
 - The applicant has complied with the objections within the prescribed time.
 - No pre-grant opposition by representation is filed.
 - If filed, disposed of in favour of the applicant within the prescribed time.
- Patent will be granted and sealed with seal of office and notified in the official journal .

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Publication of Official Journal

- This journal is published every week.
- First issue was out on 21st January 2005.
- The price of journal is Rs.400 per copy.
- Available in the library of the Patent office for free inspection.

