

	US	Thailand	Japan	India	Australia
Inventor	<p><i>Under U.S. patent law, the patent application must identify the true inventor or inventors of the invention. Not only is this a prerequisite for an enforceable patent, but anyone who falsely states that she/he is the inventor in a patent application is subject to criminal penalties.</i></p>	<p><i>The inventor shall have the right to apply for a patent and to be named as such in the patent. The right to apply for a patent may be assigned or transferred by succession. The assignment of the right to apply for a patent must be in writing and shall require the signatures of the assignor and assignee.</i></p>	<p><i>The scope of the subject matter protected by the Utility Model Act is narrower than that protected by the Patent Act, and the level of technical complexity required by the Utility Model Act is lower than that required by the Patent Act. Confidential information, which is defined as technical or business information useful for commercial activities, such as manufacturing or marketing methods, that is kept secret and is not publicly known, can be protected under the Unfair Competition Prevention Act as trade secrets.</i></p>	<p><i>India's patent law operates under the 'first to file' principle – that is, if two people apply for a patent on an identical invention, the first one to file the application will be awarded the patent.</i></p>	<p><i>law governing the granting of a temporary monopoly on the use of an invention, in exchange for the publication and free use of the invention after a certain time. The primary piece of legislation is the Patents Act 1990. Patents are administered by the Commonwealth Government agency IP Australia. Australia is a member state of the World Intellectual Property Organization (WIPO), and compliant with Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). This makes Australian patent law broadly comparable with patent law in other major countries.</i></p>

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Specification	<p><i>it must be "enabling" and it must describe the "best mode" of the invention</i></p>	<p><i>(1) the invention is new; (2) it involves an inventive step; and (3) it is capable of industrial application.</i></p> <p><i>An invention is new if it does not form part of the state of the art. The state of art also includes any of the following inventions:</i></p> <p><i>(1) an invention which was widely known or used by others in the country before the date of application for the patent;</i></p> <p><i>(2) an invention the subject matter of which was described in a document or printed publication, displayed or otherwise disclosed to the public, in this or a foreign country before the date of the application for a patent;</i></p> <p><i>(3) an invention for which a patent or petty patent was granted in this or a foreign country before the date of application;</i></p> <p><i>(4) an invention for which a patent or petty patent was applied in a foreign country more than eighteen months before the date of the application and a patent or petty patent has not been granted for such invention;</i></p>	<p><i>Any mark that consists of a character, figure, sign, three-dimensional shape, colour, or any combination thereof, or a sound, that is used in connection with goods or services for commercial purposes can be registered and protected under the Trademark Act.</i></p>	<p><i>In 1930, further amendments were made to incorporate, inter-alia, provisions relating to grant of secret patents, patent of addition, use of invention by Government, powers of the Controller to rectify register of patent and increase of term of the patent from 14 years to 16 years. In 1945, an amendment was made to provide for filing of provisional specification and submission of complete specification within nine months.</i></p>	<p><i>An Australian patent provides protection only within Australia. To obtain similar protection in other countries you generally have two choices:</i></p> <ul style="list-style-type: none"> <li><i>File separate patent applications in each country. If you only intend to file in a few countries, this may be the most cost effective option.</i></li> <li><i>File a single international application under the Patent Cooperation Treaty (PCT) which is administered by the World Intellectual Property Organization (WIPO). This path gives your application automatic effect in 152 countries, including Australia, where your PCT application becomes an application for a standard patent.</i></li> </ul>

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Claims	<p>The patent application must include one or more claims which particularly point out and distinctly claim the subject matter which the applicant regards as the invention.</p>	<p>Any patentee may surrender his patent or any claim or claims there is in accordance with the rules and procedures prescribed in the Ministerial Regulations. In order to surrender a patent or any claims under the preceding paragraph, if the patent is jointly owned by two or more persons, the surrender shall be made with the consent of all patentees. If licenses have been granted under Section 38, 45, 46, 47 or 47 bis such surrender shall be made with the consent of all licensees.</p>	<p>If unregistered marks are widely-recognised or well-known, they can be protected under the Unfair Competition Prevention Act and/or the Civil Code.</p>	<p>(a) As the value of a patent depends largely upon the scope of the claims, special care is necessary to ensure that the claims are drafted to include neither more nor less than what the applicant desires to protect by his patent.  (b) Claims must not be too extensive so as to embrace more than what the applicant has in fact invented. A claim, which is too wide, encroaches upon the subject matter, which may be in public domain or belong to others.  o(c) However a claim must not be too narrow also because such a claim would not be sufficiently effective in preventing infringement of the patent. An infringer would go scot-free, if the claim were too narrow and, hence, the full benefit of invention may not accrue to the inventor.  o(d) Having many claims, where each one has a different scope, allows the applicant to have legal title to several</p>	<p>A claim is a statement that defines your invention or inventive concept. All standard and certified innovation patents must include claims in their specification (claims are optional for provisional application).  A claim should:</p> <ul style="list-style-type: none"> <li>• define clearly what you are seeking patent protection for. The words of your claim must distinguish your invention from what is already known to establish its inventiveness</li> <li>• set out all the essential technical features of your invention or inventive concept</li> <li>• be consistent with and supported by the description</li> <li>• be clear and concise</li> <li>• be written as a single sentence.</li> </ul>

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Drawings	<p><i>The patent application will also include one or more drawings of the invention whenever a drawing is required to understand the invention. Most applications, including those for software patents, will include a drawing showing or describing (in a flow chart, for instance) the crucial features of the invention.</i></p>	<p><i>A patent may be granted under this Act for a new design for industry, including handicrafts.</i></p>	<p><i>Under the Design Act, a “design” means the shape, pattern, colour, or combination thereof of an article which has an aesthetic sense. A graphic image that is provided for use in the operation of an article (limited to operations carried out in order to enable the article to perform its functions) and is displayed on the article itself or another article that is used with the article in an integrated manner, can also be protected by the Design Act.</i></p> <p><i>Unregistered designs can be protected under the Unfair Competition Prevention Act and/or the Copyright Act.</i></p>	<p><i>(1) Drawings, when furnished under section 10 by the applicants otherwise than on requisition made by the Controller, shall accompany the specifications to which they relate.</i></p> <p><i>(2) No drawings or sketch, which would require a special illustration of the specification, shall appear in the specification itself.</i></p> <p><i>(3) At least one copy of the drawing shall be prepared neatly and clearly on a durable paper sheet.</i></p> <p><i>(4) Drawings shall be on standard A4 size sheets with a clear margin of at least 4 cm on the top and left hand and 3cm at the bottom and right hand of every sheet.</i></p> <p><i>(5) Drawings shall be on a scale sufficiently large to show the inventions clearly and dimensions shall not be marked on the drawings.</i></p>	<p><i>There is no requirement for a specific number of views. However, you must provide sufficient views to fully display your design, which usually requires a number of views.</i></p> <p><i>We prefer traditional views (front, side and top) but will also accept perspective or isometric views. (See image below).</i></p> <p><i>All views must show exactly the same design. This particularly applies to colour, as colour is usually a visual feature of the design.</i></p>

