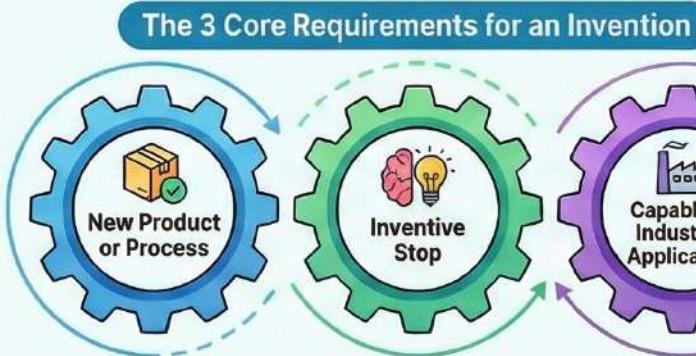


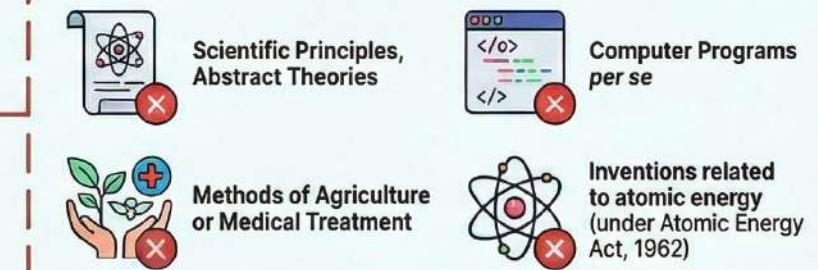
A Guide to India's Patents Act, 1970: Securing Your Invention

This infographic outlines the core principles of The Patents Act, 1970, defining what qualifies as an invention, key exclusions, and the patent grant lifecycle.

What Qualifies as an Invention?



Key Exclusions: What You Can't Patent



The Patent Grant Lifecycle



1. Filing the Application

The inventor or their assignee files an application for a single invention with the patent office.



2. Publication & Examination

The application is published, and an official examination must be requested to verify its compliance with the law.



3. Opposition

The public can challenge the patent grant before it's issued (pre-grant) or within one year after (post-grant).

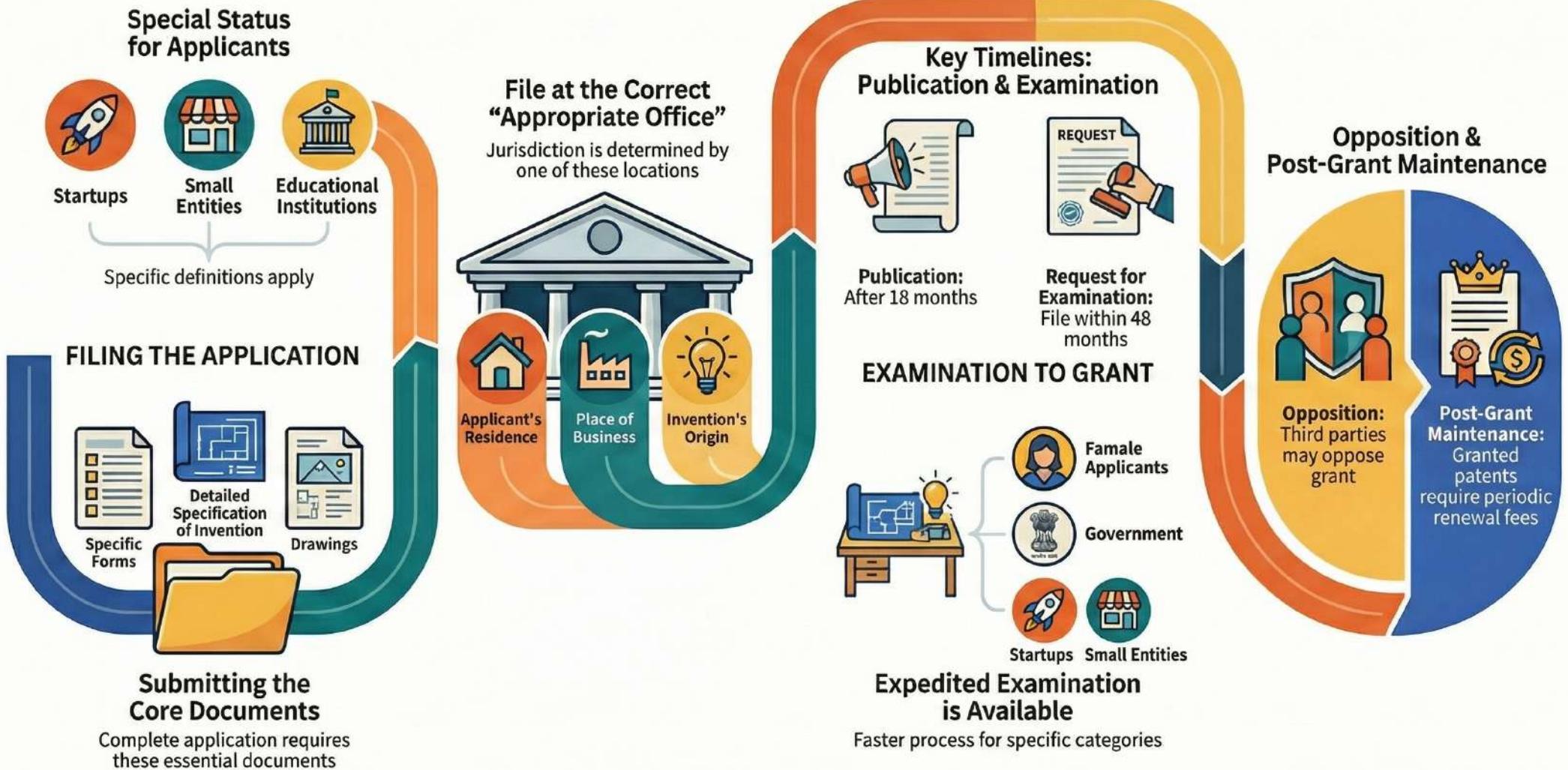


4. Grant and Term of Patent

If all conditions are met, the patent is granted for a term of 20 years from the application filing date.

Based on The Patents Act, 1970 of India

A Guide to India's Patent Process



INDIA'S PATENTS ACT, 1970: KEY CONCEPTS EXPLAINED

WHAT CAN BE PATENTED?



INVENTION

A new product or process that involves an inventive step and has industrial application.



INVENTIVE STEP

A feature with a technical advance that is not obvious to a person skilled in the art.



NEW INVENTION

An invention not previously published, used, or part of the 'state of the art' before filing.



KEY PLAYERS & LEGAL TERMS



PATENTEE

The person or entity officially registered as the owner or grantee of the patent.



PATENT

An exclusive right granted for an invention under the provisions of the Patents Act, 1970.



'TRUE AND FIRST INVENTOR' HAS A SPECIFIC MEANING

It excludes those who simply import an invention or have it communicated from abroad.

What Can't Be Patented in India? A Quick Guide

Under the authority of Intellectual Property India, The Patents Act, 1970 outlines specific categories that are not considered inventions for the purposes of granting a patent.

ABSTRACT CONCEPTS & NATURAL DISCOVERIES

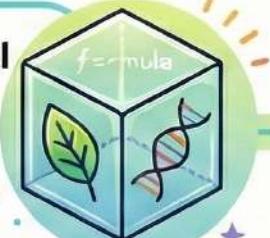


Ideas Contrary to Public Order or Natural Law

Inventions that are frivolous, against established natural laws, or harmful to public morality.

Discoveries of Natural Things & Scientific Principles

Includes abstract theories and anything already existing in nature, like plants or animals.



Abstract Methods, Algorithms & Artistic Works

Covers computer programs per se, business methods, mental acts, and aesthetic creations.



PATENTABILITY FILTER INDIA'S PATENTS ACT, 1970

SPECIFIC APPLICATIONS & MODIFICATIONS

Specific Excluded Fields



Includes methods of agriculture, medical/surgical treatments, and inventions related to atomic energy.



Minor Changes to Known Substances

New forms or uses of a known substance must show significantly enhanced efficacy.



Repackaging of Existing Knowledge

Covers simple rearrangement of known devices or inventions based on traditional knowledge.

How to Apply for a Patent in India: A Quick Guide

STEP 1: ESTABLISHING YOUR APPLICATION

Who Can Apply for a Patent?

The illustration shows three individuals standing on a tiered platform. The central figure is labeled 'True Inventor' and holds a lightbulb icon above their head. To the left is an 'Assignee' holding a document icon. To the right is a 'Legal Representative' holding a gavel icon.

True Inventor
Assignee
Legal Representative

One Application, One Invention

A stylized lightbulb is shown with internal gears, symbolizing a single invention. A callout box next to it says 'Single Invention & Prescribed Form'.

Single Invention & Prescribed Form

Disclose All Foreign Filings

An illustration of a globe with a magnifying glass focused on it, symbolizing global patent filings. Below the globe is a stack of papers labeled 'Foreign Applications'. A callout box says 'Inform Patent Office of similar applications filed abroad'.

Inform Patent Office of similar applications filed abroad
Foreign Applications

STEP 2: PREPARING YOUR SPECIFICATION

Provisional vs. Complete Specification

A diagram showing the progression of a patent application. It starts with a 'Provisional Specification' (represented by a document icon) leading to an 'Initial Filing' (represented by a clock icon). After 12 months, it leads to a 'Complete Specification' (also represented by a document icon).

Initial Filing (After filing...)
12 months
Complete Specification within 12 months.

What to Include in a Complete Specification

An illustration of an open book divided into three sections. The left section is labeled 'Description' with the sub-instruction 'Fully describe the invention'. The middle section is labeled 'Best Method' with the sub-instruction 'Disclose the best method'. The right section is labeled 'Claims' with the sub-instruction 'End with clear claims'.

Description Fully describe the invention
Best Method Disclose the best method
Claims End with clear claims

Securing Your Priority Date

An illustration featuring a large orange stamp and a blue calendar, symbolizing the importance of securing a priority date for a patent application.

Filing date establishes claim's priority against later inventions

INTELLECTUAL PROPERTY INDIA: THE PATENT APPLICATION JOURNEY



Provisional Rights are Granted

From publication date, the applicant gains rights as if a patent were granted.

Infringement Suits Must Wait

The applicant cannot start legal proceedings for infringement until the patent is officially granted.

Examination Must Be Requested

The application will be treated as withdrawn if the applicant fails to request an examination.



Examiner Conducts a Search

The examiner investigates if the invention has been anticipated by any prior publications or claims.



PHASE 2: EXAMINATION & DECISION

Controller Issues a Report

Based on the report, the Controller communicates objections, requires amendments, or refuses the application.



A Guide to Patent Opposition in India

PRE-GRANT OPPPOSITION (Before Patent is Granted)



- Who can oppose?**
Any person.
No requirement to demonstrate a direct interest.
- When to file?**
After publication, but before grant.
Opposition must be submitted during this specific window.
- Challenge a patent application before it is granted.**
Representation against the grant after publication.

- Who can oppose?**
Any "person interested".
Opposer must have a commercial or other direct interest.

- When to file?**
Within one year of the patent grant date.
Strict deadline for initiating the opposition.

- Challenge a patent after it has been granted.**
Formal notice of opposition given to the Controller.

POST-GRANT OPPPOSITION (After Patent is Granted)



GROUNDS FOR OPPOSITION



Not New or Inventive

Invention already published, known, used, or obvious.



Incorrect Ownership or Disclosure

Invention wrongfully obtained or lacks sufficient detail.



Not a Patentable Subject

Subject is not considered an invention under the Patents Act.

THE POST-GRANT OPPPOSITION PROCESS



NOTICE FILED

An interested person files a notice of opposition with the Controller.



OPPOSITION BOARD FORMED

The Controller constitutes a board to examine the opposition documents.



HEARING & FINAL ORDER

Controller orders to maintain, amend, or revoke the patent after hearing.

Don't Lose Your Patent! A Guide to Anticipation Exceptions in India

A visual guide to key exceptions to patent "anticipation" under India's Patents Act, 1970, protecting inventors from prior disclosure invalidation.

Grace Periods & Unauthorized Disclosures



Published Without Your Consent?

Your patent is safe if your work was stolen and published without permission.



Permitted Public Disclosures



Shared with the Government?

Communicating your invention to the government for investigation is not considered anticipation.

Safe After Provisional Filing

Public use or publication after filing a provisional specification won't invalidate your patent.



Displayed at an Official Exhibition?

You have 12 months to file a patent after displaying at a government-notified exhibition.



Presented a Paper at a Learned Society?

You have a 12-month grace period to file your patent after your presentation.



Invention Idea



Tested it in Public?

A public trial is allowed within 1 year before filing, if reasonably necessary.

Protecting National Security: India's Patent Secrecy Rules

Chapter VII of India's Patents Act, 1970, outlines special provisions for inventions relevant to national defense. These rules allow the government to restrict the publication and processing of patent applications to safeguard national security interests.

THE SECRECY PROCESS



Invention Flagged for Defense

The Patent Controller or Central Government can identify an application as defense-relevant.



Secrecy Order Issued

The Controller then prohibits or restricts publishing any information about the invention.



Reviewed Every 6 Months

The government must periodically reconsider if the secrecy direction is still necessary.



KEY RULES & CONSEQUENCES FOR INVENTORS



Patent Process is Frozen

The application cannot be published or granted while the secrecy order is active.



Restrictions on Filing Abroad

Residents of India must get a permit before filing for the same patent outside India.



Violation Voids the Application

Breaking secrecy or foreign filing rules results in the application being abandoned.

Understanding Your Patent in India: A Guide to the Patents Act, 1970



THE PATENT GRANT & ITS FOUNDATION

Patent Granted When Application is "In Order"



The patent office grants a patent once the application is found to comply with the Act.



Your Patent is Dated from the Filing Date

This date is crucial, not the date the patent was actually granted.



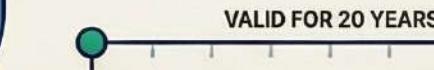
Granted Patents are Publicly Disclosed

The application and all related documents become open for public inspection after the grant.



RIGHTS, LIMITATIONS, AND TERM OF A PATENT

20-Year Term of Protection



A patent is valid for 20 years from the original application filing date.



Exclusive Rights to Your Invention

You can prevent others from making, using, selling, or importing your patented product or process.



GOVERNMENT USE



RESEARCH / TEACHING

Exclusive Rights to Your Invention

You can prevent others from making, using, selling, or importing your patented product or process.

The government may use the invention for its own needs, and others may use it for research/teaching.

A Quick Guide to Patents of Addition in India

A special type of patent in India for protecting improvements or modifications to an already patented main invention.

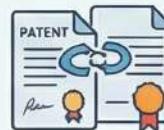


MAIN INVENTION
Already patented invention



PATENT OF ADDITION
For Improvements & Modifications
Linked Ownership:
Must be main invention patentee

CORE CONDITIONS & VALIDITY



Main Patent Must Be Granted First

Cannot be granted before the main invention patent is granted.



Application Timing is Key

Filing date must be same as or later than main invention's.



Unique Validity Standard

Cannot be invalidated simply for lacking "inventive step" over the main invention.

TERM & FEES



No Separate Renewal Fees

Renewal fees are not payable for a Patent of Addition.



Term is Tied to the Main Patent

Its term is equal to the remaining term of the patent for the main invention.



Can Become Independent

If the main patent is revoked, it can be converted into an independent patent.



Maximizing protection for innovation and its improvements under India's Patents Act, 1970.

A Guide to Amending Patents in India

THE AMENDMENT PROCESS: WHO, WHEN, AND HOW



An applicant or patentee can formally apply to the Controller to amend a patent.



A High Court may allow amendments during a revocation case, sometimes instead of invalidating the patent.



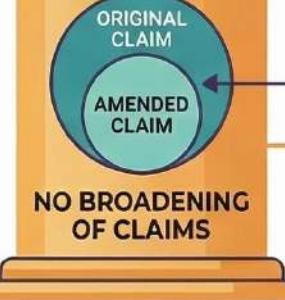
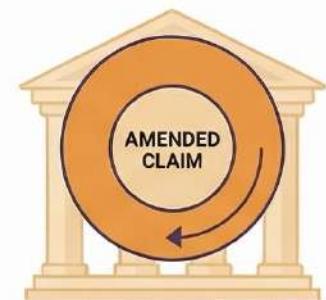
Post-grant amendment proposals may be published, allowing interested parties to formally oppose them.

THE GOLDEN RULES OF AMENDMENT (SECTION 59)

Amendments are strictly limited to disclaimer, correction, or explanation.

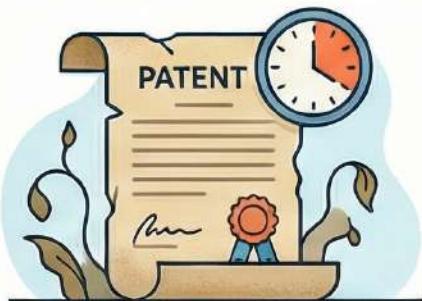


The amendment cannot introduce matter not disclosed in the original specification.



NO BROADENING OF CLAIMS





The Restoration Process



Step 1: File the Application

The patentee must apply within 18 months from the date the patent lapsed.

Step 2: Controller's Prima Facie Review

The Controller checks if the failure to pay was unintentional with no undue delay.



Step 3: Publication & Opposition

The application is published, and any person may file an opposition on specific grounds.

Step 4: Final Decision & Restoration

After a hearing, a favorable decision restores the patent upon payment of all fees.



Rights After Restoration



Protection for Third Parties

Rights are subject to conditions to protect persons who started using the invention during the lapse.



No Retroactive Infringement Claims

You cannot sue for infringement that occurred between the lapse date and publication date.

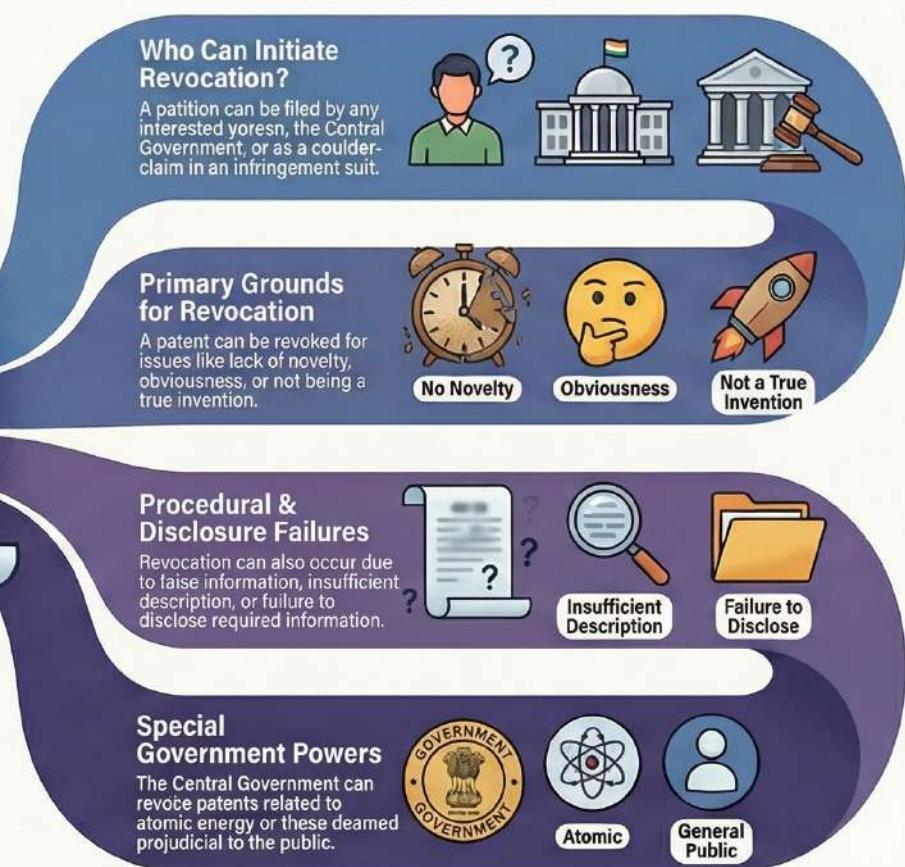
Ending a Patent in India: Surrender vs. Revocation

Two primary paths to terminate a patent's validity under India's Patents Act, 1970: voluntary surrender and involuntary revocation.

Patent Surrender: A Voluntary Process



Patent Revocation: An Involuntary Process



Understanding India's Register of Patents

The Official Record: What's Inside?

- **The Central Ledger for All Indian Patents**

It is the official record kept at the patent office to track patent ownership and validity.

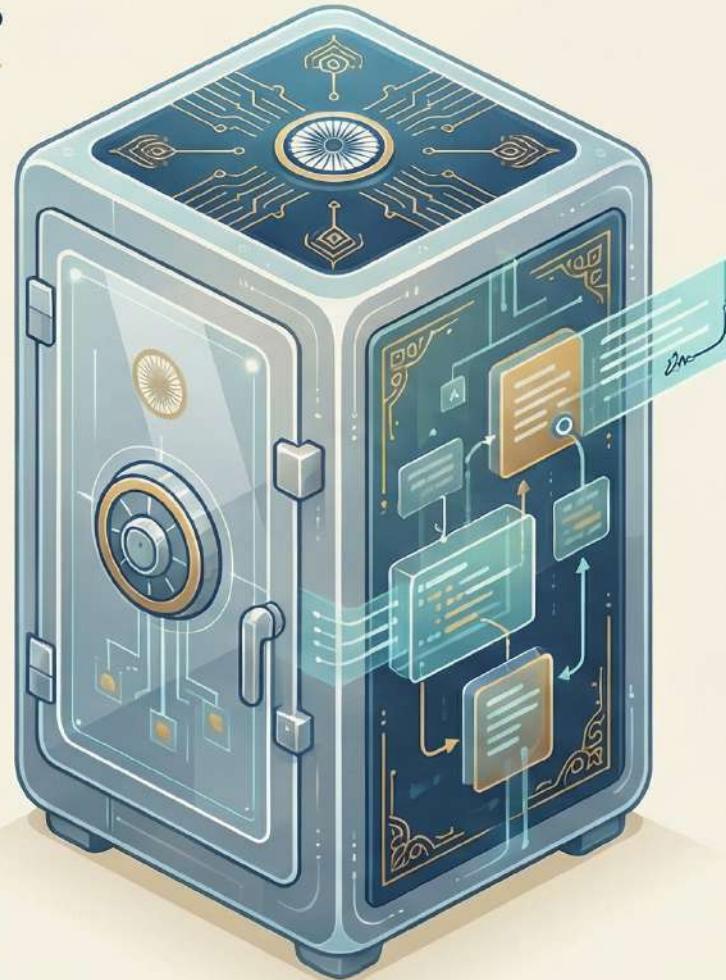


- **Core Information Recorded**

- Grantee names, addresses
- Assignments
- Licenses
- Extensions
- Revocations

- **Modern, Digital, and Legally Binding**

The register can be kept in electronic form and certified copies are admissible evidence in court.



Managing Patent Records

- **Transactions Must Be Written & Registered**

Assignments and licensess are invalid unless they are written documents recorded in the register.



- **Errors Can Be Officially Corrected**

An aggrieved person can apply to the Appellate Board to rectify any errors or omissions.



- **Open for Public Inspection**

The public has the right to inspect the register and obtain certified copies for a fee.

Understanding India's Patent Office: Structure & Rules



CONTROLLER GENERAL

Led by a Controller General

This single official also serves as the head for Designs and Trade Marks.

THE ORGANIZATION

HEAD OFFICE & BRANCH OFFICES

The government establishes locations to make patent registration accessible.



CENTRAL GOVERNMENT APPOINTS STAFF

Examiners and other officers are appointed to work under the Controller's direction.

RULES OF CONDUCT FOR EMPLOYEES



NO ACQUIRING PATENT RIGHTS

Employees are forbidden from holding interests in patents, except through inheritance.



STRICT INFORMATION CONFIDENTIALITY

Staff cannot share information unless officially authorized by law or a court.



CANNOT ASSIST WITH APPLICATIONS

Employees may not help prepare patent documents or conduct record searches.

THE POWERS OF INDIA'S PATENT CONTROLLER

JUDICIAL & INVESTIGATIVE AUTHORITY



Wields the power of a Civil Court

Can summon persons, demand documents, and receive evidence on oath.



Awards and enforces costs

Any order for costs is executable as if it were a decree from a civil court.



Controls how evidence is presented

Evidence is usually via affidavit, but the Controller can order oral evidence or cross-examination.



ADMINISTRATIVE & DISCRETIONARY FUNCTIONS



Corrects clerical errors in patents and documents

This can be done upon request or at the Controller's own initiative.



Provides applicants a right to be heard

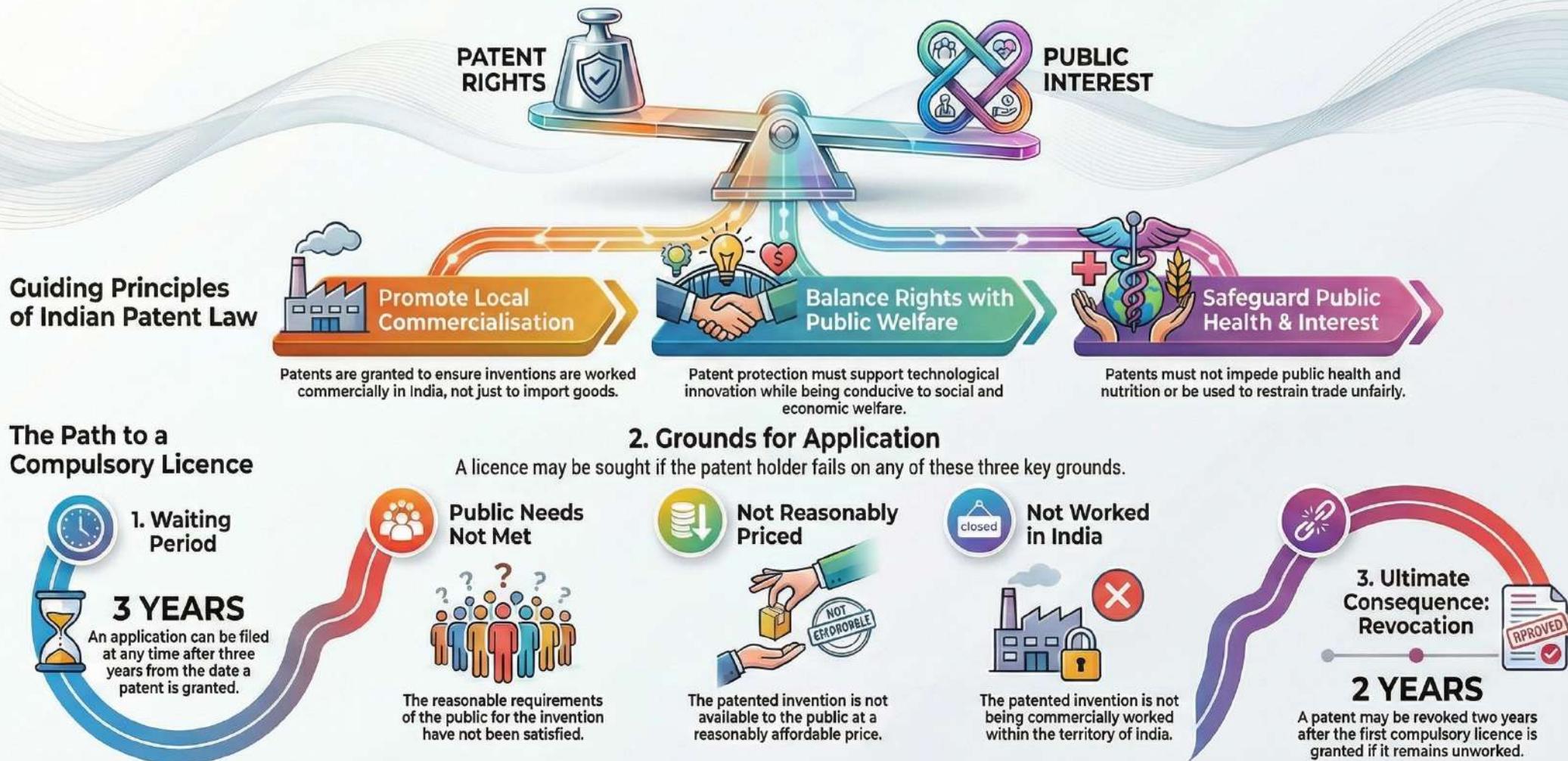
Must give an opportunity for a hearing before making an adverse discretionary decision.



Can grant extensions for deadlines

Has the authority to extend time for actions as permitted under the Act.

India's Compulsory Patent Licences: A Guide



India's Patents Act: The Government's Power Over Inventions

Chapter XVII of The Patents Act, 1970, grants the Central Government significant authority over patented inventions for its own purposes or public good.

POWER TO USE AN INVENTION

Government Can Use Patented Inventions

It may authorise use for its purposes anytime after a patent application is filed.



Compensation is Generally Required

The patentee must be paid adequate remuneration for the government's use.



Existing Private Agreements are Overridden

Any private licence or agreement restricting government use is considered void for this purpose.



POWER TO ACQUIRE AN INVENTION

Government Can Fully Acquire a Patent

If necessary for a public purpose, the government can acquire all rights to an invention.



Fair Compensation is Mandatory

The government must pay the patent holder a just compensation for the acquisition.



Disputes are Settled by the High Court

Any disputes regarding use, compensation, or acquisition can be referred to the High Court.

India's Patent Act: A Guide to Infringement Lawsuits

This guide simplifies key sections of India's Patents Act, 1970, governing legal procedures, rights, and reliefs for patent infringement.

Initiating a Suit & Key Rules



Suits must be filed in a District Court or higher.

If the defendant counter-claims to revoke the patent, the case is transferred to the High Court.



Burden of proof can shift to the defendant.

For process patents, the defendant may have to prove their process is different.



You can sue against groundless threats of infringement.

Reliefs include a declaration, an injunction against threats, and damages.

Defences, Reliefs & Exceptions



Main Defence: Any ground for revoking the patent.

A defendant can argue that the patent itself is invalid as a primary defence.



Court Reliefs: Injunctions, Damages, and Seizure.



Courts can stop the infringement and award financial compensation or profits made by the infringer.



Certain acts are not considered infringement.

Using a patent for regulatory approval or importing patented products from an authorised seller is permitted.

Understanding Patent Appeals in India: A Guide to the Appellate Board

The Appellate Board: Structure & Authority



The Sole Appeals Body for Patents

The Board is the designated authority for hearing appeals against patent decisions.



Courts Have No Jurisdiction

No court can interfere in matters that are appealable to the Board.

Technical Board Member Qualifications

Former Controller



At least 5 years serving as a Controller of Patents.

Registered Patent Agent



10+ years as an agent, plus an engineering/tech degree or a master's in science.

The Appeals Process: Key Procedures



3-Month Deadline to File an Appeal

An appeal must be filed within three months from the date of the decision.



Submit a Prescribed Form with Fees

Every appeal must use the official form and include required fees and documents.



Controller Can Participate in Proceedings

The Controller has the right to appear and be heard before the Appellate Board.

Penalties Under India's Patents Act, 1970

Chapter XX of India's Patents Act, 1970, details significant penalties for non-compliance to protect the integrity of the patent system. These penalties include substantial fines and imprisonment for various offences, holding both individuals and companies accountable.

DECEPTION & MISREPRESENTATION



Up to 2 years imprisonment for falsifying patent records.

Applies to making false entries or producing false copies of the register.



Fine up to ₹1 lakh for falsely claiming patent rights.

Includes marking products 'patented' or 'patent pending' without authorisation.



Up to 6 months imprisonment for misusing the name 'Patent Office'.

Punishes wrongfully using words that imply an official connection to the patent office.



NON-COMPLIANCE & UNAUTHORISED ACTIONS



Up to 2 years imprisonment for breaching secrecy provisions.

For failing to follow secrecy directions or applying for a patent abroad improperly.



Fine up to ₹10 lakhs for failing to supply information.

For refusing to furnish required information to the Controller or Central Government.



Heavy fines for practice by non-registered patent agents.

Up to ₹1 lakh for a first offence, rising to ₹5 lakhs subsequently.



CORPORATE LIABILITY



Companies and key personnel can be held responsible.

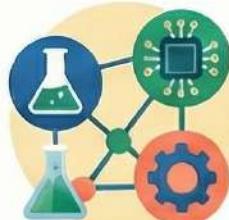
If a company commits an offence, the firm and its directors are liable.

A Guide to Patent Agents in India

Summarizes Chapter XXI of India's Patents Act, 1970. It provides a high-level overview of the official register, qualifications for entry, and the rules governing the practice of registered patent agents.

Becoming a Registered Patent Agent

Qualifying Degree



Core Eligibility Requirements

Must be an Indian citizen, over 21 years old, with a qualifying degree.



Pass the official qualifying examination



A degree in science, engineering, or technology from a recognized Indian university.

Pass the official qualifying examination



OR have 10+ years as an examiner/Controller.

Rights & Regulations



Official Rights of a Patent Agent

They can practice before the Controller and prepare all documents for patent proceedings.



Strict Practice Prohibitions

Only registered individuals can practice; companies and other corporate bodies are barred.

Grounds for Removal from Register



Professional misconduct



Criminal conviction



Registration errors.

A Guide to Filing International Patents in India

The Foundation: Who Can Apply & When?

You must file from a "Convention Country".

This is a country that grants Indian citizens similar patent rights and protections.



File within 12 months of your first application.

Your priority date in India will be the date of your first foreign filing.



No Reciprocity = No Patent Rights.

Citizens of countries not providing equal rights to Indians cannot get a patent in India.



The Application: Key Requirements



Submit a complete specification.

Your application must fully describe the invention from the very beginning.

Clearly state your priority claim.

You must specify the date and country of your original application.

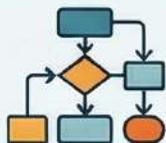
Provide original documents if requested.

Be prepared to submit verified copies and English translations of your foreign application.



India's Patents Act: A Guide to Miscellaneous Provisions (Chapter XXIII)

Simplifying key administrative and procedural rules from Chapter XXIII of India's Patents Act, 1970, covering contract conditions, controller powers, and government authority.



RULES FOR PATENT CONTRACTS & LICENSING



Unlawful Contract Conditions are Void

Clauses forcing the purchase of other goods or restricting use of other processes are illegal.

Restrictive Conditions Can Be a Defense

A defendant can use an unlawful contract condition as a defense in a patent infringement lawsuit.



Right to Terminate Contracts Post-Patent

A licensee can terminate a contract with 3 months' notice after the patent expires.



POWERS OF THE PATENT OFFICE & GOVERNMENT



Controller Can Demand Commercial Use Data

Patentees and licensees must report the extent to which a patent is commercially worked in India.

Examiner Reports are Confidential

Reports from patent examiners are not public unless a court orders their release for justice.

National Security Can Override Patent Rights

The government can withhold information or even revoke a patent to protect India's security interests.