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- **Patent infringement** is the commission of a prohibited act with respect to a patented invention without permission from the patent holder.
- It occurs when someone violates the patent rights an inventor has in his invention by making, using, or selling the invention without the patent owner's permission (or if the patent has been licensed), in a way not permitted by the license.

- **Direct Infringement**

A person **directly infringes** a patent by making, using, offering to sell, selling, or importing any patented invention, without authority, during the term of the patent.

- **Indirect Infringement**

It refers to the **unfair practice** that does not give a clear indication that the patent is bought and sold in the market.

- This can occur for instance when a device is claimed in a patent and when a third party supplies a **product** which can only be **reasonably used to make the claimed device**.
- Indirect patent infringement suggests that there was some amount of deceit or accidental patent infringement in the incident.

- ❖ Sell parts that can only be realistically used for a patented invention
- ❖ Sell an invention with instructions on using a certain amount that infringes on a method patent
- ❖ License an invention that is covered by another patent
- ❖ Sell material components that have been especially made for use in a patented invention and have no other commercial use



Infringements are considered during the term of patent and within the jurisdiction.

- **Contributory Infringement**

This occurs where **something less** than the whole patented invention is sold; in other words, where someone sells, offers to sell or imports some important part of a patented invention.

- **Induced Infringement**

This is where someone does not make, use or sell anything, but is still **involved in infringement**.



A part sold must have no other substantial use except for being used in the patented invention.

For e.g. a person A holds a patent for a device and a person B manufactures a device which is substantially similar to the person A's device.

The person B is supplied with a product from a Person C to facilitate manufacturing of the person B's device.

If the device so manufactured by the person B infringes on the Person A's patent, then the person C indirectly infringes the Person A's patent.

- A huge barrier for independent innovation
- Great challenge to social civilization and sanctity of law
- A damage to economic laws and law of value
- An illegal behaviour that destroys the fair and orderly market competitive order