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INTELLECTUAL PROPERTY RIGHTS

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INDIAN PATENT ACT, 1970

- ❖ The Patents Act 1970, along with the Patents Rules 1972, came into force on 20th April 1972, replacing the Indian Patents and Designs Act 1911.
- ❖ India also became signatory of the Paris Convention and the Patent Cooperation Treaty on 7th December 1998 and thereafter signed the Budapest Treaty on 17th December 2001.



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Patentability Criteria

- ❖ Under the Indian Patent Act (1970), "inventions" are defined as a new product or process involving an inventive step and capable of industrial application.
- ❖ Thus the patentability criteria largely involves novelty, non-obviousness, inventive step and industrial application or usability of the invention.

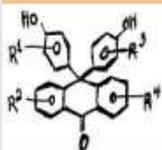


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Patentable matters



Any article, apparatus or machinery or its component



Any ,substance whether living or non living, product , pharmaceutical product



Any composition of matter, pharmaceutical products



Any process, manner or art of manufacturing other than essential biological process

<http://www.ipindia.nic.in/writereaddata/images/pdf/oatent-office-procedures.pdf>



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PATENT SEARCH

<http://www.ipindia.nic.in/history-of-indian-patent-system.htm>

<https://ipindiaservices.gov.in/PublicSearch/>

<https://www.mondaq.com/india/patent/515198/how-to-conduct-patent-search-in-india>



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Patent Search Parameters

1. Application date- You can choose a range of dates	2. Title
3. Abstract	4. Claims
5. Description	6. Application Number
7. Patent Number [For Granted Patent]	8. Applicant Name
9. Inventor Name	10. Inventor Country
11. Inventor Address	12. Filing Office
13. International Patent Classification (IPC)	14. PCT Application number [for national phase application]
15. PCT Publication number	16. Field of Invention
17. Patent Assignee Country	



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PATENT DATABASE

<https://www.intepat.com/blog/patent/free-patent-search/>

- Free Patents Online
- Espacenet
- Patentscope (WIPO)
- USPTO Patent Search
- Google Patents Search
- InPASS



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PATENT OFFICES & HQ

Office	Territorial Jurisdiction
Patent Office Branch, Chennai	The States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territories of Pondicherry and Lakshadweep
Patent Office Branch Mumbai	The States of Maharashtra, Gujarat, Madhya Pradesh, Goa and Chhattisgarh and the Union Territories of Daman and Diu & Dadra and Nagar Haveli.
Patent Office Branch, New Delhi	The States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, Uttaranchal, Delhi and the Union Territory of Chandigarh.
Patent Office, HO Kolkata	The rest of India



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GENERAL PROCEDURE FOR OBTAINING A PATENT

- i. Filing of patent application
- ii. Publication after 18 months
- iii. Pre Grant Opposition /Representation by any person. Request for examination
- iv. Examination: Grant or Refusal
- v. Publication of Grant of patent
- vi. Post Grant Opposition to grant of patent
- vii. Decision By Controller



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Main steps of Patenting Procedure

- i. Filing of application at the Patent Office
- ii. Filing of request for examination
- iii. Publication
- iv. Examination
- v. Pre-grant Opposition
- vi. Grant of Patent
- vii. Post-grant Opposition



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PATENT CO-OPERATION TREATY

File an international application with a national or regional patent Office or WIPO, complying with the PCT formality requirements, in one language, and you pay one set of fees.

PCT assists applicants in seeking patent protection internationally for their inventions helps patent Offices with their patent granting decisions.