

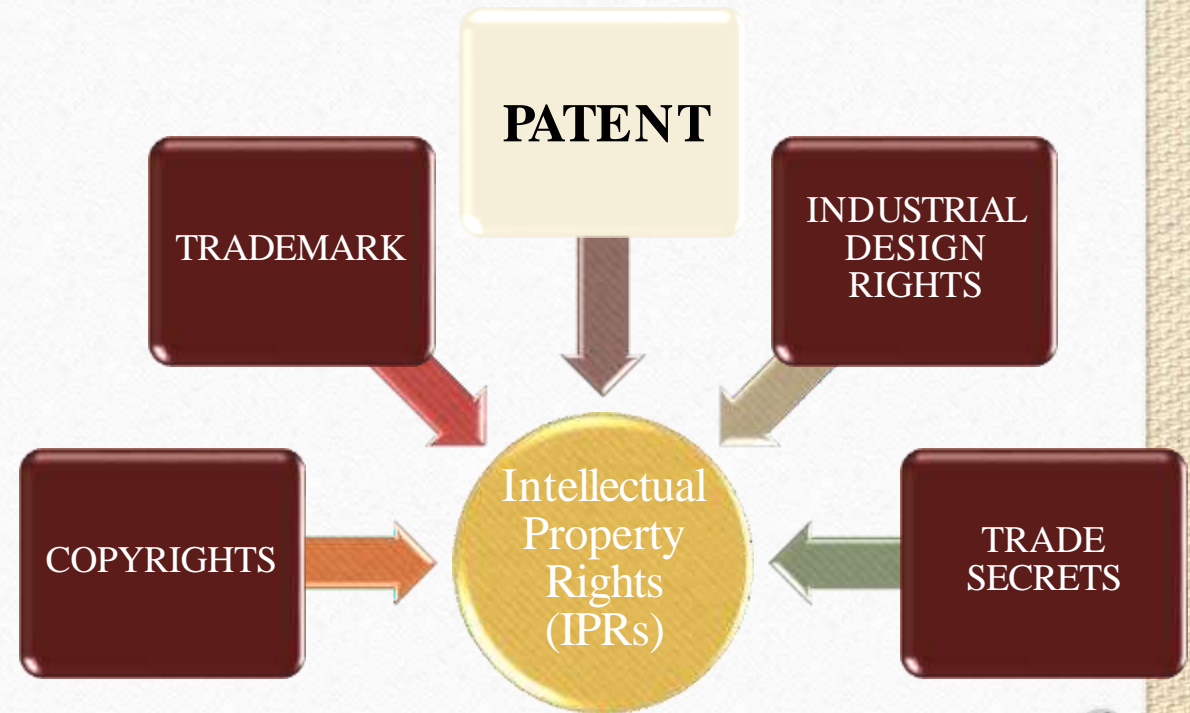
FILING OF PATENTS

WIPO

(World Intellectual Property Organization)

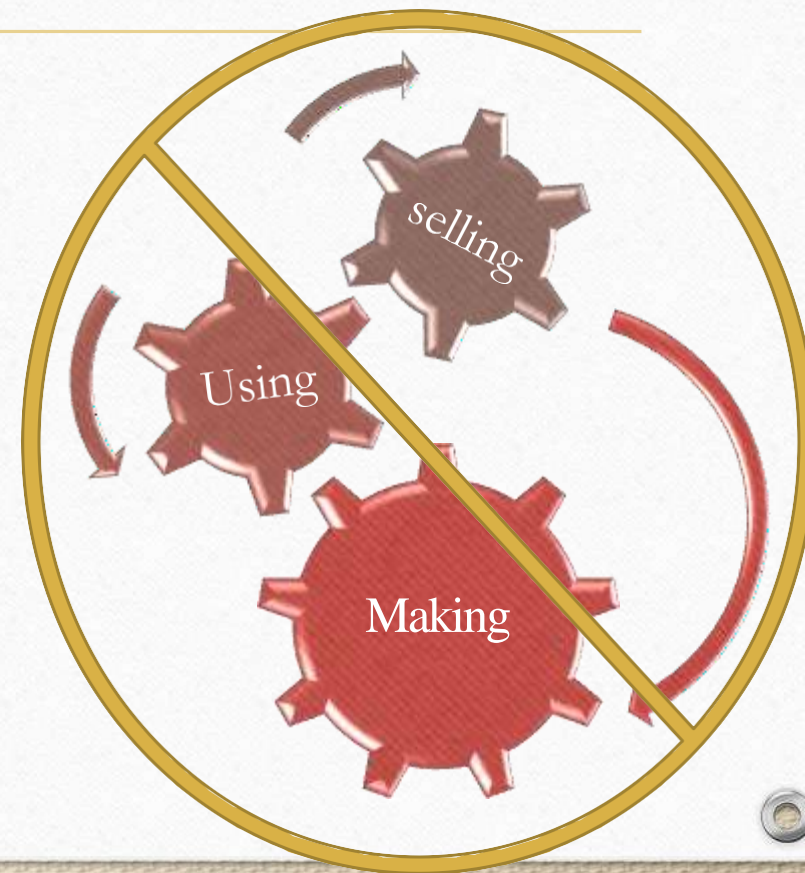
The World Intellectual Property Organization offers a wide range of global IP services.

Intellectual Property (IP)	Intellectual Property Rights (IPRs)
Literary & Artistic Works	Protected by Copyright
Industrial Property	Protected by Patented Objects, Trademarks, Industrial Designs, Trade Secrets, Layout Designs, Geographical Indications



PATENTS

“A Patent is an exclusive statutory monopoly right granted for a limited period of time to the patentee by the government in exchange of full disclosure of his *invention*.”



Patents are territorial rights

- The exclusive rights are only applicable within the country, in which a patent has been filed and granted, in accordance with the law of that country.

In India Patent filing and prosecution is governed by:

- The Patent act, 1970
- The Patent Rules, 2003

क्रमांक : 022 009834
Sl. No. :



भारत सरकार
GOVERNMENT OF INDIA
पेटेंट कार्यालय
THE PATENT OFFICE
पेटेंट प्रमाणपत्र
Patent Certificate
(Rule 74 of Patents Rules)

Patent No. : 253002
Application No. : 832/MUM/2007
Date of Filing : 27-04-2007
Patentee : 1. JOSHI PRADEEP VASANT
2. JOSHI SHILPA PRADEEP

It is hereby certified that a patent has been granted to the patentee for an invention entitled A MORTAR COMPOSITION as disclosed in the above mentioned application for the term of 20 years from the 27 day of APRIL, 2007, in accordance with the provisions of the Patents Act, 1970.

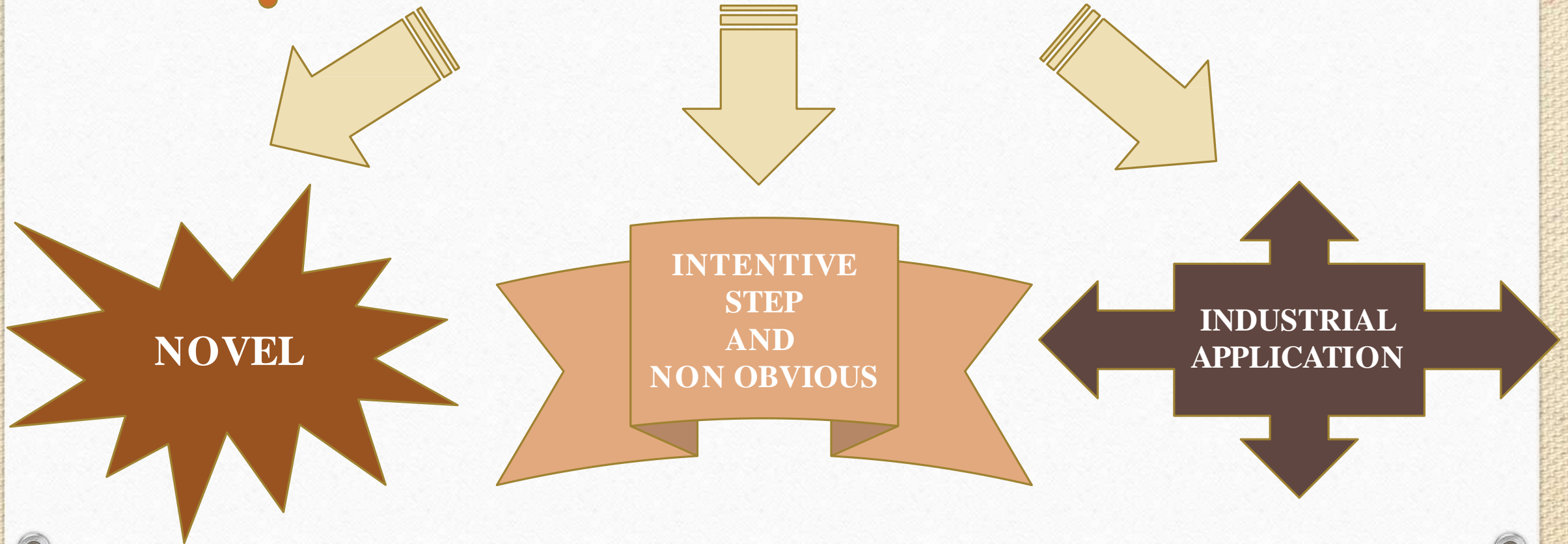

Controller of Patents


Controller General of Patent,
Design & Trade marks

Date of Grant: 13/06/2012

Note.-The fees for renewal of this patent, if it is to be maintained, will fall / has fallen due on 27 day of APRIL, 2009 and on the same day in every year thereafter.

Patentable subject matter in India



Inventions Not Patentable In India

Scientific principle or the formulation of an abstract theory.

Any new property or new use for a known substance or process, machine or apparatus unless such known process results in a new product.

The mere arrangement or rearrangement or duplication of known devices, each functioning independently of one another in a known way.

A method of agriculture or horticulture.

Inventions relating to atomic energy.

Eligibility to file a patent application

By any person claiming to be the true and first inventor of the invention.

By any person being the assignee of the person claiming to be the true and first inventor in respect of the right to make such an application.

By the legal representative of any deceased person who immediately before his death was entitled to make such an application.

By the legal representative of the true or first inventor, with power of authority signed by the inventor.

Steps in filing patent application



Invention



Filing a patent

Inventorship Rights



Territorial jurisdiction



File Individually



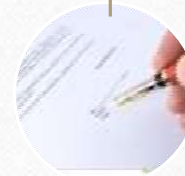
Thru Patent agent



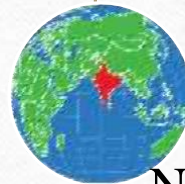
Invention Disclosure



Patentability search



Drafting patent application



National filing



International filing

Step – 1

Territorial jurisdiction in India



Place of residence, domicile or business

place of actual origin of an invention

Address for service in India

Patent Office

Territorial Jurisdiction

Mumbai

The States of Gujarat, Maharashtra, Madhya Pradesh, Goa, Chhattisgarh, the Union Territories of Daman & Diu and Dadra & Nagar Haveli.

Delhi

The States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, **Uttar Pradesh**, Uttarakhand, National Capital Territory of Delhi and the Union Territory of Chandigarh.

Chennai

The States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territories of Pondicherry and Lakshadweep.

Kolkata

Rest of India (States of Bihar, Orissa, West Bengal, Sikkim, Assam, Meghalaya, Manipur, Tripura, Nagaland, Arunachal Pradesh and Union Territory of Andaman and Nicobar Islands)

Step – 2

Patent Attorney / Patent Agent / Patent Lawyer

Person registered to practice before Indian patent office .

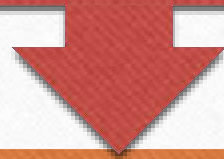
The Indian patent law specifically does not mention the designation of "patent attorney".

Indian patent office conducts a qualifying examination for patent agent registration yearly.

Step - 3

Invention disclosure

Disclosure of invention by signing a non disclosure agreement.



Discuss invention in full detail

Descriptions,

Diagrams

Experimental results (if
any).

Step - 4

Novelty search (patentability search)

Freedom to operate (FTO) search

- To find out the commercial production, marketing, and use of the new product, and its potential infringement.

Novelty and patentability search

- To determine novelty and non-obviousness of an invention.

Patent prior art

- to determine the status of a technology in reference to development in the field.

Validity / Invalidity Search

- It is conducted after the grant of patent to determine the novelty and inventive step of patented invention.

Patent landscape search

- to get an overview of a particular technology, and specific developments in the industry.

Step - 5

Types of Patent Applications in India

Ordinary
Application

- Provisional Application & Non - Provisional or Complete Application

Conventional
Application

PCT-
International
Application

PCT -
National
Phase
Application

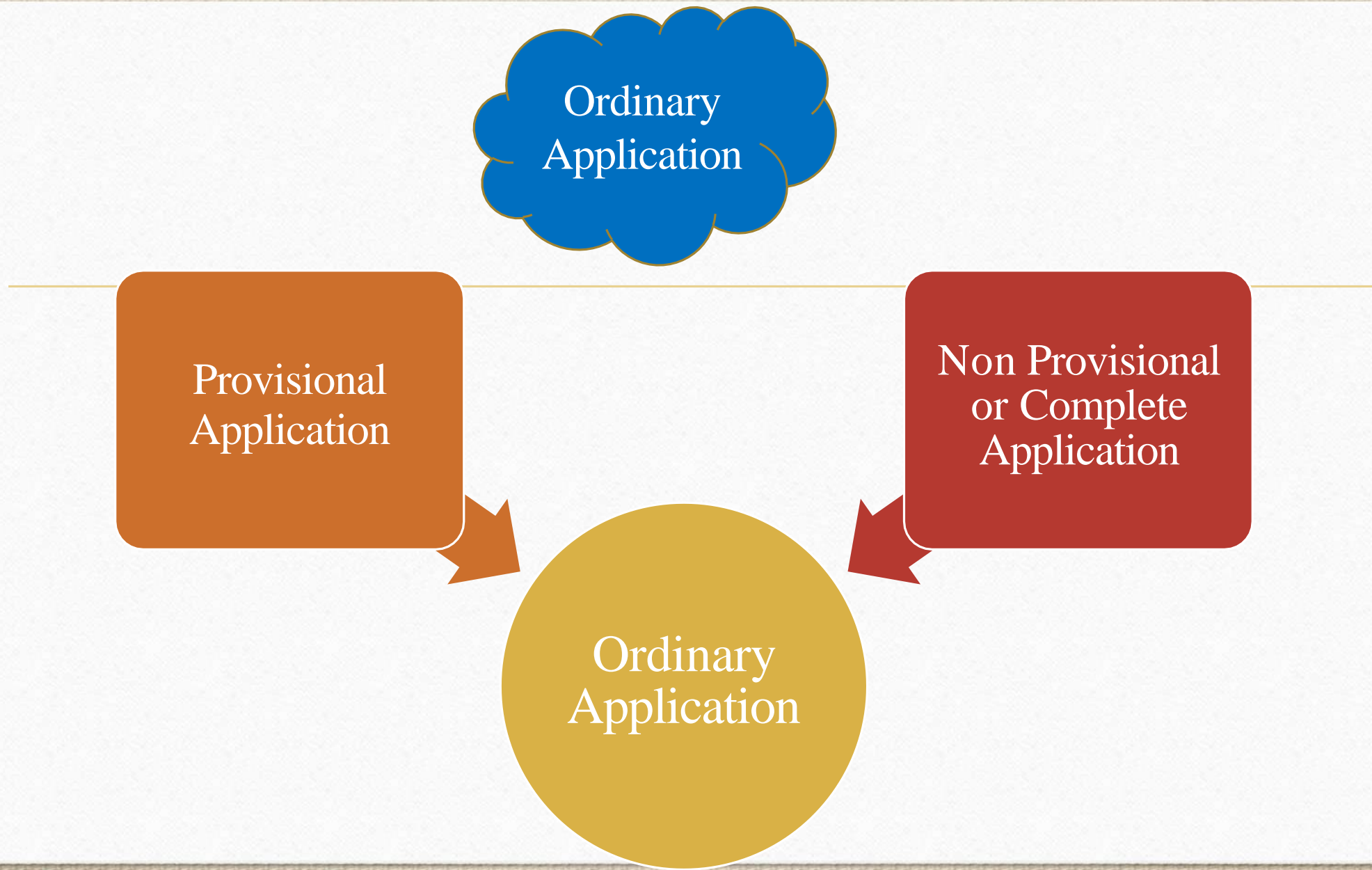
Patent of
Addition

Divisional
Application

National

International

Additional



Conventional Application

India is the member of *Paris convention*

Steps

Filing of patent in one convention country

Filing of similar patent application in as required, another convention countries

Within 12 months from the date of filing of the first application

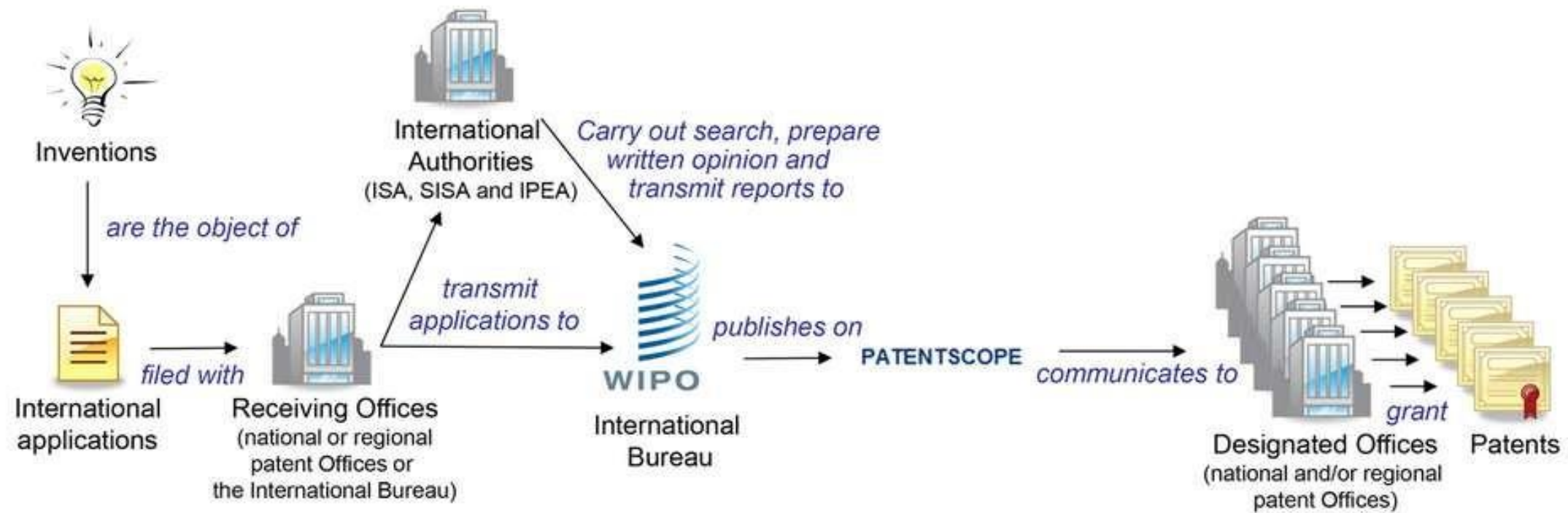
Patent
Cooperation
Treaty (PCT)

PCT- International Application

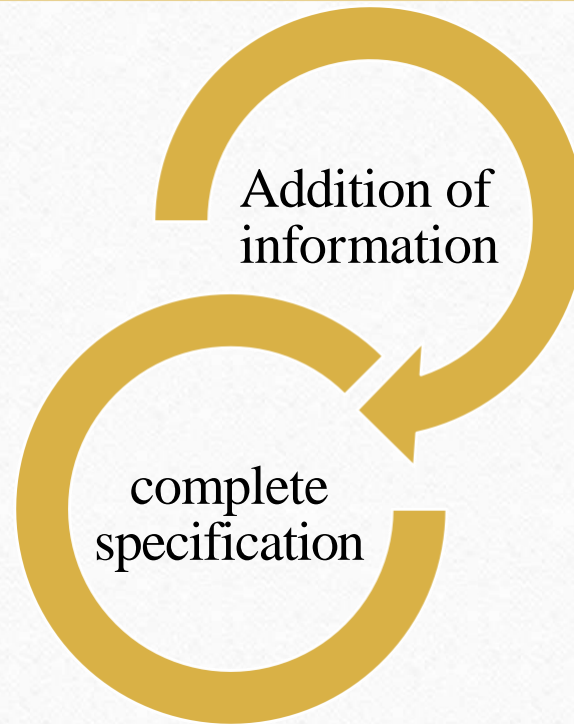


PCT -National Phase Application

Overview of the PCT System (procedure)



Patent of Addition



Divisional Application

Single application for one invention



Objection raised, if claims of two invention in single application



Secure claims of second invention with divisional application

Documents required for filing a patent application in India

- ✓ Application form in triplicate.
- ✓ Provisional or complete specification in triplicate.
- ✓ If the provisional specification is filed it must be followed by complete specification within 12 months (15 months with extension).
- ✓ Drawing in triplicate (if necessary).
- ✓ Abstract of the invention (in triplicate).

Documents required for filing a patent application in India

- ✓ Information and undertaking listing the number, filing date and current status of each foreign patent application in duplicate.
- ✓ Priority document (if priority date is claimed).
- ✓ Declaration of inventorship where provisional specification is followed by complete specification or in case of convention application.
- ✓ Power of attorney (if filed through Patent Agent).
- ✓ Fee in cash/by local cheque/by demand draft.

References:

- http://ipindia.nic.in/PatentOfficeProcedure/PatentOfficeProcedure_2009.pdf
- http://ipindia.nic.in/ipr/patent/patent_re_03.pdf
- <http://ipindia.nic.in/ipr/patent/patents.htm>
- http://ipindia.nic.in/ipr/patent/patent_Act_1970_28012013_book.pdf
- http://ipindia.nic.in/ipr/patent/patent_Rules_2003_280120_book.pdf
- http://ipindiaservices.gov.in/rqstatus/Cause_list.ASPX

Indian Patent Office Online



- Website: <http://www.ipindia.nic.in/>
Controller general of patents, design, and trademarks
Department of Industrial Policy & Promotion,
Ministry of Commerce & Industry,

← → C 🏠 www.ipindia.nic.in ☆ 🔍 ☰

Government of India
Controller General of Patents Designs and Trademarks
Department of Industrial Policy and Promotion
Ministry of Commerce and Industry

INTELLECTUAL PROPERTY INDIA
Patents | Designs | Trademarks

Kid's Nook
NEW
Gateways
Comprehensive eFiling
Patents | Trade Marks
eFiling Services for
Designs | GI NEW
Status of Patents
| Designs | Trademarks |
GI
Request for correction
of TM Records
Public Search Patents |
Trademarks | Design
Electronic Register of
Patent Agents

Resources
eLearning
Dynamic Utilities
IP Acts and Rules NEW
IP Awareness

are notified for 100% deduction from taxable income under Section 80G of the Income Tax Act, 1961

Intellectual Property India: The Journey so far

of Patents and Designs (24 July, 2015)

il Biodiversity Authority from the Public on **Draft Notification** on 13 August, 2015)

ontroller General of Patents, Designs and Trademarks salute the spirit of former President Dr. A.P.J. Abdul Kalam who dared to *leds with grit. Dr.Kalam proved to the world what a determined*

E - Filing Of Patent

- Indian Patent Office also provides the service of comprehensive **e-filing** of patents, with the facility to file all the prescribed FORMS under the Patent Act, 1970

The screenshot shows the web interface for the Indian Patent Office's e-filing system. The browser's address bar displays the URL: <https://ipindiaonline.gov.in/epatentfiling/goForLogin/doLogin>. The page header includes the Government of India logo and the following text: "Government of India, Ministry of Commerce & Industry, Department of Industrial Policy & Promotion, Controller General of Patents Design & Trade Marks". To the right of the header are "Register" and "Sign In" buttons, and the "INTELLECTUAL PROPERTY INDIA" logo. The main content area features a login form with a "Login With" dropdown menu set to "Password", a "Sign in ID" input field, and a "Password" input field. Below the form are links for "No Account? Sign Up" and a green "Login" button. At the bottom of the page, there is a navigation bar with "Home", "About Us", and "Contact Us" buttons. A footer contains several links: "Component", "Digital Signature Manual", "Manual", "FAQs", "Help Desk (ipo-helpline@nic.in)", "Disclaimer", "Privacy Policy", "Terms & Condition", and a new instruction link: "New Instructions for e-Filing w.r.t. new rules".



Controller General of Patents Designs and Trademarks



Patents

General Information

- [History of Indian Patent System | हिन्दी](#)
- [Patent office Quality Policy](#)

Patent Administration

- [Officers of Indian Patent Office](#)
- [Roster of Group B \(Gazetted\) **NEW**](#)
- [Roster of Group B \(Non Gazetted\) and Group C \(except Multi Task\)](#)
- [Roster of Group D / MTS](#)
- [Jurisdiction of Patent Offices | हिन्दी](#)
- [Address of Patents Offices](#)
- [PCT Applications under International Phase](#)
- [Patent Office Procedures](#)

[Form and Fees \(Download\) | हिन्दी](#)

[Frequently Asked Questions](#)

Publications

- [Manual of Patent Practice and Procedure](#)
- [Patent Office Journal](#)
- [Annual Reports](#)
- [Other Publications](#)
- [Report of Technical Expert Group on Patent Law Issues](#)
- [IPR Bilaterals](#)

Forms and Fees

- [Fees \(Patents \(Amendment\) Rules 2014\)](#)

Form 1	Form 2	Form 3	Form 4	Form 5
Form 6	Form 7 Form 7 (A)	Form 8	Form 9	Form 10
Form 11	Form 12	Form 13	Form 14	Form 15
Form 16	Form 17	Form 18	Form 19	Form 20
Form 21	Form 22	Form 23	Form 24	Form 25
Form 26	Form 27	Form 28		

Forms	Description
Form 1	application for grant of patent
Form 2	provisional/complete specification
Form 3	statement and undertaking under section 8
Form 4	declaration as to inventorship
Form 5	declaration as to inventorship
Form 26	form for authorization of a patent agent/ or any person in a matter or proceeding under the act
Form 9	request for publication (if express publication is desired)
Form 28	to be submitted by a small entity

S. No.	Description				Comment
		Natural Person (Individual inventors) (Rs.)	Other than Natural person (companies)		
			Small Entity (Rs.)	Other than small entity (Rs.)	
1	Application for grant of patent	1600	4000	8000	Mandatory
2	Early publication fee	2500	6250	12500	Optional
3	Request for examination of patent application	4000	10000	20000	Mandatory
4	For every Extra sheet over 30 sheets	160/sheet	400/sheet	800/sheet	Mandatory
5	For every Extra claim over 10 claims	320/claim	800/claim	1600/c laim m	Mandatory

Step - 7

Patent opposition in India

Opposition proceedings can be:

pre-grant

post – grant

7. In the Second Schedule to the principle rules,-

(i) after Form 7, the following Form shall be inserted, namely :-

“FORM 7A
THE PATENTS ACT, 1970 (39 OF 1970)
AND
THE PATENTS RULES, 2003
REPRESENTATION FOR OPPOSITION TO GRANT OF PATENT
[see rule 55]

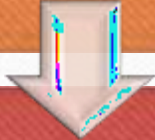
- | | |
|---|---|
| 1. State names, address and nationality. | I/We,.....
.....
hereby give representation by way of
opposition to the grant of patent in
respect of application
no.....dated.....
made by..... and published on
.....
..... |
| 2. State the grounds taken one after another. | on the grounds
.....
..... |
| 3. Complete address including postal index number/code and state along with telephone and fax number. | My/our address for service in India is
.....
.....
..... |
| 4. To be signed by the opponent or by his/her authorized registered patent agent. | Signature |
| 5. Name and designation of the natural person who has signed. | (.....) |

To
The Controller of Patents,
The Patent Office,
At

Pre grant opposition

(section 25 (1) and rule 55 of the patents act 1970)

Any person may, in writing, can oppose to the controller within (18 months) from the date of publication against the grant of the patent.



The patent applicant may contest the opposition.



The controller consider both the parties and there after decides whether to grant the patent as such or refuse to grant a patent.

Post grant opposition

(Section 25 (2) and rules 55- 62)

After the grant of patent before one year from the date of publication of grant of patent,

Any “person interested” may give notice of post grant opposition to the controller.

The patentee can leave the reply to contest the opposition,

Controller sets opposition board

Fix the date of hearing

Notifies both the parties

Final decision

Cause List For Hearing Cases of Delhi Location

S.No	APPLICATION NUMBER	APPLICANT NAME	OPPONENT NAME	HEARING DATE	HEARING OFFICER	TYPE OF HEARING	HEARING LOCATION	HEARING TIME	HEARING ROOM	HEARING STATUS
65	2575/DELNP/2007	KAMATICS CORPORATION		05-08-2015	Mamidi Buchi Babu	NormalHearing	Delhi	12 P.M	HEARING ROOM 5-IPO BUILDING	SCHEDULED
66	5735/DELNP/2005	THE PROCTER & GAMBLE COMPANY		05-08-2015	Vinod Kumar	NormalHearing	Delhi	04 P.M	HEARING ROOM 5-IPO BUILDING	SCHEDULED
67	224/DELNP/2004	U.S. FILTER WASTEWATER GROUP, INC.		06-08-2015	Vinod Kumar	NormalHearing	Delhi	03 P.M	HEARING ROOM4-ISA BUILDING	SCHEDULED
68	592/DELNP/2004	ALBANY INTERNATIONAL CORP		06-08-2015	Vinod Kumar	NormalHearing	Delhi	11 A.M	HEARING ROOM 5-IPO BUILDING	SCHEDULED
69	703/DEL/2007	COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH		06-08-2015	Ashok Kumar	NormalHearing	Delhi	10 A.M	HEARING ROOM 5-IPO BUILDING	SCHEDULED
70	315/DEL/2007	THE GILLETTE COMPANY		07-08-2015	Vinod Kumar	NormalHearing	Delhi	11 A.M	HEARING ROOM 5-IPO BUILDING	SCHEDULED

Step - 8

Grant of patent application in India

- When all the opposition have been cleared then the patent is granted with the seal of the patent office.
- The grant of patent is published in the patent journal and letters patent is issued.

Term patent rights in India:

- The term of patent in India is **twenty years** from the date of application or priority date, whichever is earlier.
- Annuity fees is payable every year to keep the patent in force.



THE PATENTS ACT, 1970

Notes and Disclaimers:

1. The e-version incorporates all the amendments in the Patents Act, 1970 and the Patent Rules, 2003 and is updated till 28-01-2013.
2. For details of every amendment, please refer to the relevant Gazette available on website (<http://www.ipindia.gov.in>)
3. While every efforts has been made to ensure the correctness of the contents of e-version, any deviation(s) noted may be brought to the notice of Sh. S. P. Singh, Deputy Controller of Patents and Designs, at "spsr@nic.in" for corrective measures. The contents of the Gazette(s) shall prevail on e-version in case of any deviations.



सत्यमेव जयते



THE PATENTS RULES, 2003

Notes and Disclaimers:

1. The e-Version incorporates all the amendments in the Patents Act, 1970 and the Patent Rules, 2003 and is updated till 26-01-2013.
2. For details of every amendment, please refer to the relevant Gazette available on website (<http://www.ipindia.gov.in>)
3. While every effort has been made to ensure the correctness of the contents of e-version, any deviation(s) noted may be brought to the notice of Sh B P Singh, Deputy Controller of Patents and Designs, at "brendrap.singh@nic.in" for corrective measures. The contents of the Gazette(s) shall prevail on e-Version in case of any deviations.



Intellectual Property India: The Journey so far

<http://ipindia.nic.in/>

References:

- http://www.ipindia.nic.in/IPActs_Rules/IPActs_Rules.htm
- <http://www.wipo.int/>
- www.ssrana.in/