

Process of Patenting

- Be curious but do not disclose your invention
- Keep a bound notebook to prove when you got the idea
- Develop the idea and produce a model
- Write why your invention is needed, what the existing products are in the market, your new product, and what is unique about your product

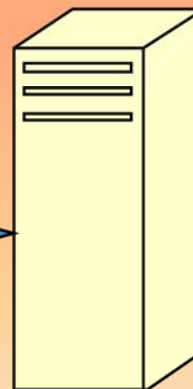


Filing of the Application

Physical filing at the Patent Office



Electronic filing (July 20, 2007)



Where to file patent application

- The appropriate office of the patent office shall be the head office of the patent office or the branch office as the case may be within whose territorial limits ...
 - Residence of applicant or Domicile; or
 - His the place of business; or
 - The place where the invention actually originated.
- If the applicant has no business or domicile in India, the address for service in India is given by such applicant



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

How to file a patent application?

- Documents can be filed in the patent office
 - through online(e-filing) or
 - www.ipindiaonline.gov.in/online
 - through post or
 - can be submitted by hand

GENERAL PROCEDURE FOR OBTAINING A PATENT

- **Filing of patent application**
- **Publication after 18 months**
- **Pre Grant Opposition /Representation by any person.**
- **Request for examination**
- **Examination: Grant or Refusal**
- **Publication of Grant of patent**
- **Post Grant Opposition to grant of patent**
- **Decision By Controller**

Part of a Patent-techno-legal document

• Legal Information

- Name ,address ,
 - contact details
 - inventor,
 - assignee,
 - Assignments
 - Details of foreign filing
- } **Form 1**
- } **Form 3**
- Request for examination- **Form 18**
 - Request for Early publication -**Form 9**
 - Power of authority(if assigned to patent agent)
- } **Form 26**

- Technical information (Specification)
- **Form 2**
- **Background of the invention**
 - describes the need for the invention
- **Summary of the invention**
 - describes how the invention works
 - someone should be able to duplicate your work
 - the preferred embodiment
 - examples
- **Claims**
 - most important part
 - independent claims
 - dependent claims
- **Abstract**



Simple Graphical Representation of Patent Granting Procedure

Patent Application

Publication

Pre Grant opposition

Examination

Application Grant

Publication of Grant

Post Grant Opposition

Steps

- **To get a patent grant, the first most step is to file a patent application.**
- ❖ **Who can file a patent application?**
- ❖ **Where to file a patent application?**
- ❖ **How to file a patent application?**

Documents required for filing of A Patent Application

- 1. Covering letter- indicating the list of documents;**
- 2. Application for Grant of Patent in [Form 1](#) [section 7, 54 & 135 and Rule 20(1)] in duplicate;**
- 3. Complete/Provisional specification in [Form 2](#) in duplicate [Section 10; Rule 13]**
- 4. Statement and Undertaking in [Form 3](#) [Section 8; Rule 12];**
- 5. Power of Attorney in [Form 26](#) (in original) (Rule 3.3 (a) (ii)); (if filed through attorney)**
- 6. Declaration of Inventor-ship in [Form 5](#) (only in case of an Indian Application; (Rule 4.17);**
- 7. Request for examination: [F18](#)**
- 8. Requisite Statutory fees (cheque / DD).**

Who can file Patent Application

In India [Section 6 and 134]

- The application can be filed either alone or jointly:
 - By any person claiming to be true and first inventor(s)
 - By any person being the assignee of person claiming to be true and first inventor(s)
(proof of assignment has to be submitted along with the application)
 - By the legal representative of any deceased person or assignee

Essential

ingredients

of

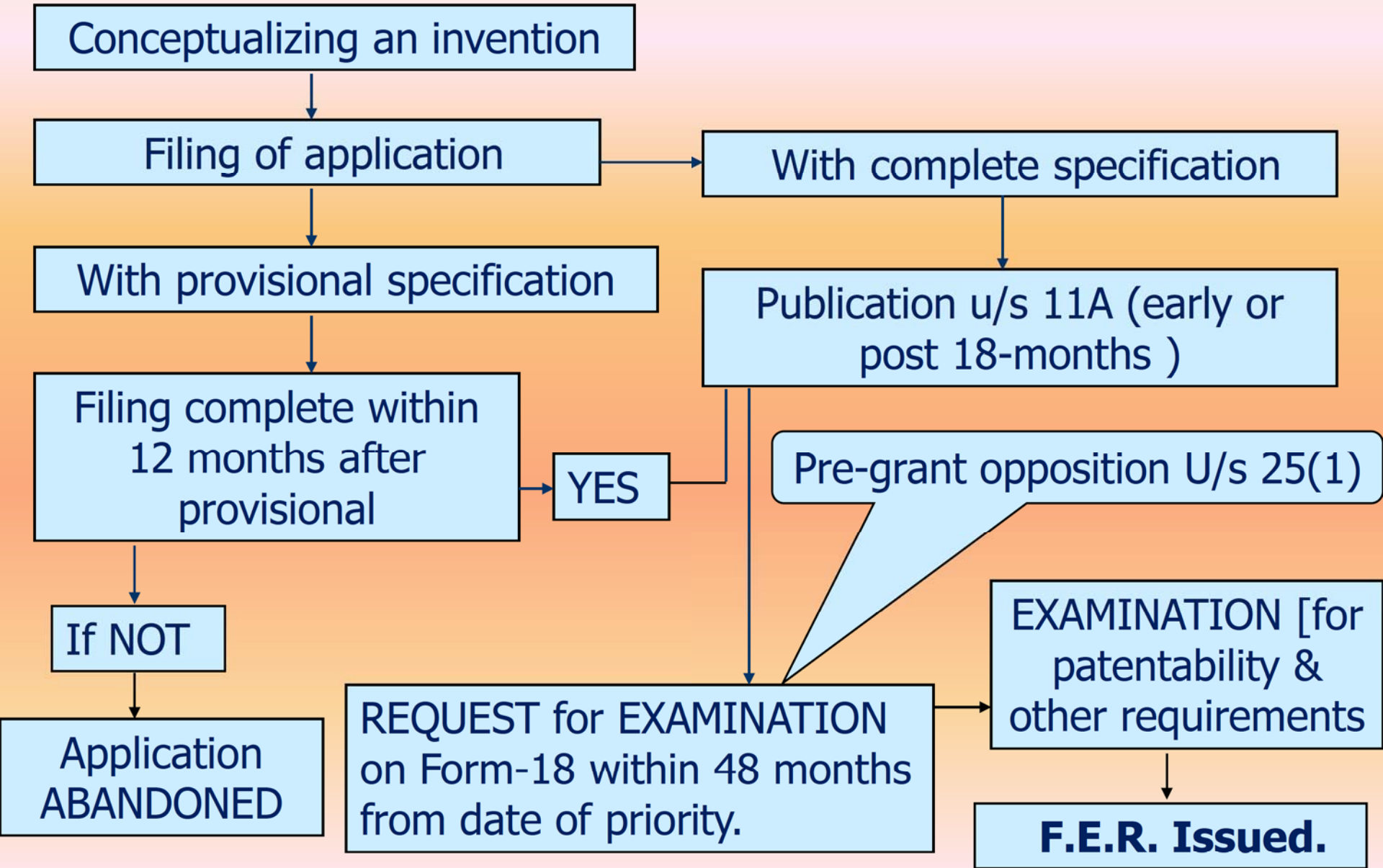
Complete Specification

- Title and Preamble
- Prior art
- Drawbacks in prior art
- Efforts or Solution to Drawbacks
- Summary Of the Invention
- Statement of invention
- Detail description of invention
- Detail description with reference to drawings
- Examples
- **Claims**

Main steps of Patenting Procedure

- Filing of application at the Patent Office
- Filing of request for examination
- Publication
- Examination
- Pre-grant Opposition
- Grant of Patent
- Post-grant Opposition

Patent Grant in INDIA



F.E.R. ISSUED

- Re-Examination of amended documents
- Controller offers a hearing to the applicant.
- Application is to be put in order within 12 months from issue of FER

Objections not met
within 12 months

ABANDONED

Objections met within 12
months

Grant of Patent u/s 43 and
publication of grant

Post grant opposition u/s 25(2)

**Government of India
Department of Industrial
Policy and Promotion
Ministry Of Commerce and
Industry**



**Office of the Controller
General of Patents, Designs &
Trademarks**

THE FEE SCHEDULE

http://ipindia.nic.in/ipr/patent/patent_FormsFees/Fees.pdf

For any queries
www.ipindia.nic.in