

# PATENT

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# INTELLACTUAL PROPERTY RIGHTS



PATENTS

DESIGNS

TRADEMARK

COPYRIGHT

GEOGRAPHICAL INDICATORS

# INVENTION



## ➤ WHAT IS AN INVENTION

- Any new or useful
- Process or method
- Machine or apparatus
- Article of manufacture
- Improvements of any of the above

# PATENT



- ❧ The word *patent* originates from the Latin *patere*, which means "to lay open" (i.e., to make available for public inspection). which was a royal decree granting exclusive rights to a person, predating the modern patent system. Similar grants included land patents, which were land grants by early state governments in the USA, and printing patents, a precursor of modern copyright.
- ❧ In modern usage, the term *patent* usually refers to the right granted to anyone who invents any new, useful, and non-obvious process, machine, article of manufacture, or composition of matter.
- ❧ Some other types of intellectual property rights are also called *patents* in some jurisdictions: industrial design rights are called design patents in the US, plant breeders' rights are sometimes called *plant patents*.
- ❧ A patent is an exclusive monopoly grant by the govt. of an inventor over his invention for limited period of time

# PATENT



| year           | role  |
|----------------|---|
| 1856           | The act of 1856 on protection of invention  |
| 1911           | Indian patents and design act   |
| 1970           | Patents act<br>-only process patents[14 years, 7 years (food,/ drug)]             |
| 1999           | India sign TRIPS<br>-process and product patents in all fields                    |
| 1999,2002,2004 | Amendment's for the efficacy of the act   |
| 2005           | Indian patents act, 2005<br>-process and product patents [20 years patent period] |

# TYPES OF PATENTS



- There are three types of patents:
- ❧ 1) Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof;
- ❧ 2) Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture; and
- ❧ 3) Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.
- ❧ 4) Reissue patents

# WHAT CAN BE PATENTED?

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- ☞ Any invention which must be
  - ☞ Novel
  - ☞ Non-obvious
  - ☞ Capable of industrial application
  - ☞ Must not be declared as non-patentable under the patent act.

# WHAT CAN NOT BE PATENTED?



- ∞ Any artistic creation
- ∞ Mathematical methods
- ∞ Buisness schemes.
- ∞ Anything against universal law.



# STAGES TO OBTAIN A PATENT



## ❧ Filing an application for patent

- Application is required to be filed according to the territorial limits where the applicant or the first mentioned applicant in case of joint applicants, for a patent normally resides or has domicile or has a place of business or the place from where the invention actually originated.
- The four patent offices are located at Kolkatta, Mumbai, Delhi & Chennai.

## ❧ Examination

- Early request for exam
  - No application for patent will be examined if no request is made by the applicant or by any other interested person in Form-18 with prescribed fee of Rs.2,500/- or Rs.10,000/- for natural person and other than natural person respectively, within a period of 48 months from the date of priority of the application or from the date of filing of the application

# CONT...



- First Examination Report (FER) stating the objections/requirements is communicated to the applicant according to the address for service ordinarily within six (06) months from the date of request for examination or date of publication whichever is later. Application or complete specification should be amended in order to meet the objections/requirements within a period of 12 months from the date of First Examination Report (FER)
- Withdrawal
  - The application for patent can be withdrawn at least 3(Three) months before the first publication
  - The application withdrawn after the date of publication, cannot be refiled as it is already laid open for public inspection.

# CONT...



## ∞ Grant of patent

- The patent is granted, after 6 months from the date of publication under section 11 A

## ➤ Opposition

1. Pre grant oppositon
2. Post grant opposition

## ➤ Term and date of patent

- Term of every patent will be 20 years from the date of filing of patent application.
- Date of patent is the date on which the application for patent is filed.

# BENEFICIARIES OF PATENT GRANT



## I. PATENTEE

- ☞ Right to use patented invention in several ways,
  - ☞ To develop a business to prevent competition of copying during the term of patent.
  - ☞ Allow others to use it at a price mutually agreed
  - ☞ Sell it.

## II. SOCIETY

- ☞ Newer, better and cheaper products available to the public
- ☞ As a database for further invention
- ☞ Freely available technology after expiry of patent

# WHAT RIGHTS DO PATENT BRING?



- ❧ A bargain between patentee and government
  - ❧ Patentee gets exclusive rights to his invention
  - ❧ Government gets rights to publish the full invention
- ❧ A negative right
  - ❧ Patentee may exploit the invention
- ❧ Patentee gets rights to take legal action against the infringers.

# PATENT INFORMATION

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- Information related to inventions disclosed in a patent document
- Which information does a patent document provide?
  - ❧ What is the technology field of the invention?
  - ❧ Which technical problem is solved and how?
  - ❧ What is the prior art?
  - ❧ Who is the inventor?
  - ❧ When and where the application for patent was filled?
  - ❧ Name and the address of the inventor..

# IMPORTANCE OF PATENT INFORMATION



- I. To researcher/inventor in industry/ R & D organization/university:
  - To avoid duplication of research.
  - To find ready solutions to technical problems in ongoing research.
  - To keep up to date with developments in technology field.
  
- II. To industry:
  - To improve existing technology.
  - To increase production.
  - To identify suitable technologies for adaptation.

# CONT...



## III. To business enterprises:

- To identify new products for marketing.
- To find out patent owners.

## IV. Consultants and planners:

- To advice industry / R&D / financial institutions on issues related to technology.
- To find out a new technology for buisness.



# Contents of patent document



- I. Biological data
  - Numbers & dates
    - ☞ Application number & date.
    - ☞ Patent number & date.
- II. Title of inventions.
- III. Names
  - Inventor name(s)
  - Assignee(s) name
- IV. Abstract of invention.
- V. Drawings, if any.
- VI. Complete details of invention.
- VII. Number of claims by the patentee
- VIII. Kind & language of publications.
- IX. Classification codes
  - International patent classification code
  - National classification code.

# EXAMPLE



91113 Survey Details - BLM GLO Records

U.S. DEPARTMENT OF THE INTERIOR  
**BUREAU OF LAND MANAGEMENT** General Land Office Records

Search Documents | Reference Center | Support | Shopping Cart

Home | Search Documents | Home | Survey Details

BM #: 25790 Survey Type: Mineral Survey Survey Title: Access and Easement Cedes - Minn Colorado

| Survey Plat Details                   | Plat Image | Related Documents |
|---------------------------------------|------------|-------------------|
| Survey Office: Denver, Colorado       |            |                   |
| Surv. Type Other: —                   |            |                   |
| Fractional: No                        |            |                   |
| Acresage: 10.51                       |            |                   |
| Mining District: Red Mountain         |            |                   |
| Grass M: —                            |            |                   |
| Min. Surv. Index: —                   |            |                   |
| Survey No.: 1223                      |            |                   |
| Counties: Garra, San Juan, San Miguel |            |                   |
| Field Notes: —                        |            |                   |

**Land Descriptions**

| Map                                 | State-Section      | Top-Right     | Boundaries |
|-------------------------------------|--------------------|---------------|------------|
| <input checked="" type="checkbox"/> | CO - New Mexico PM | 04.04 - 06.04 | —          |

**Survey Activities**

| Activity Type | Date | Description |
|---------------|------|-------------|
|               |      |             |

**Plat Information**

|                               |
|-------------------------------|
| SM #: 30798                   |
| Duplicate Status: Original    |
| Supplemental: No              |
| Survey Based Supplemental: No |
| Parent Plat:                  |
| Child Plat:                   |

**Plat Activities**

| Activity Type   | Date      | Description                          |
|-----------------|-----------|--------------------------------------|
| Survey Approved | 8/20/1900 | Charles C Goodale (Surveyor General) |

104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000

Home | Search Documents | Home | Survey Details

104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000 | 104.000

# LIMITATIONS OF PATENT

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- ∞ Cost
- ∞ Time
- ∞ Loss of information
- ∞ Infringerers
- ∞ Exploitation of invention by inventor.