



RAMA  
UNIVERSITY

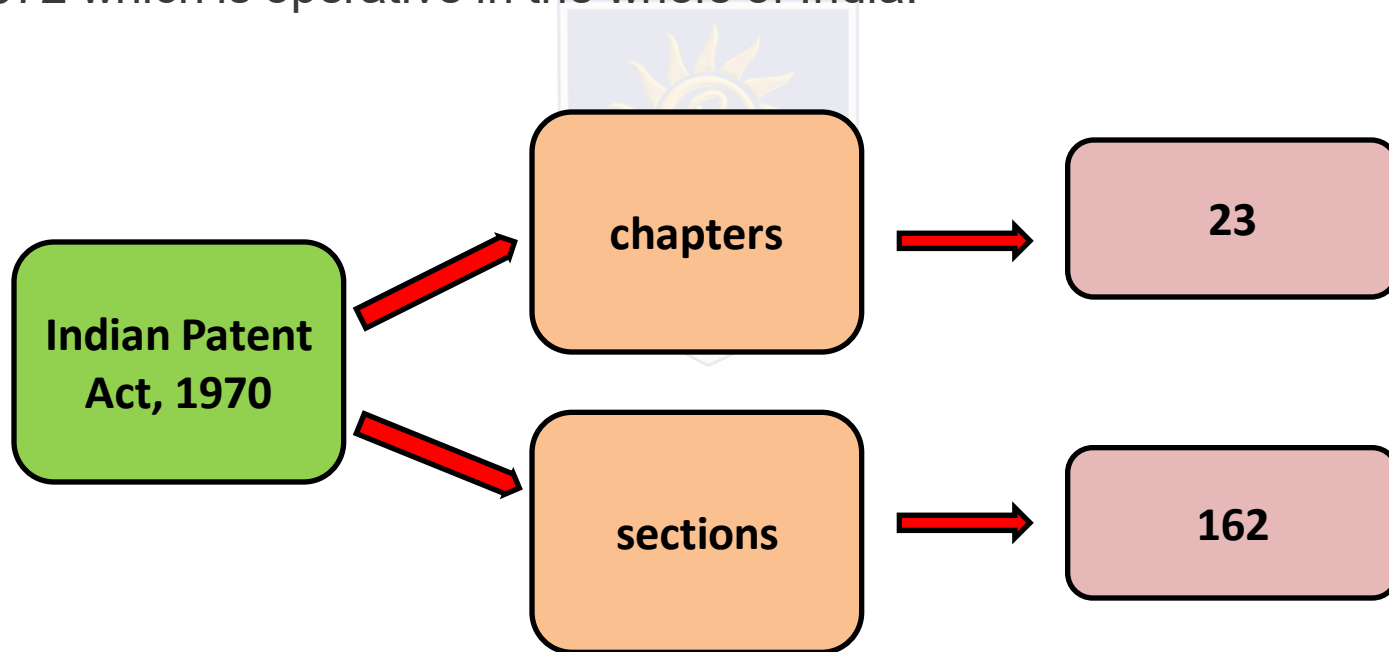
[www.ramauniversity.ac.in](http://www.ramauniversity.ac.in)

FACULTY OF ENGINEERING &  
TECHNOLOGY

Department of Biotechnology

# INDIAN PATENT ACT 1970

- The Indian legislation which control the patents system.
- In India the grant of patents is governed by the patent act 1970 and rules 1972 which is operative in the whole of India.



<https://www.slideshare.net/ShyamasundarTripathy/patent-act-36282014>

## PRELIMINARY

### Short title, extent and commencement.

- This Act may be called the Patents Act, 1970.
- It extends to the whole of India.
- It shall come into force on such date as the Central Government may, by notification in the Official Gazette

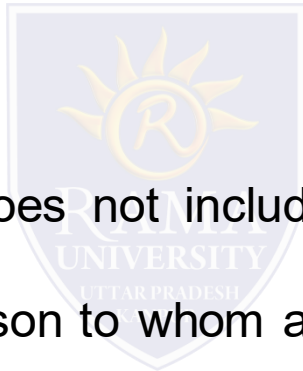


## Definitions and interpretation.

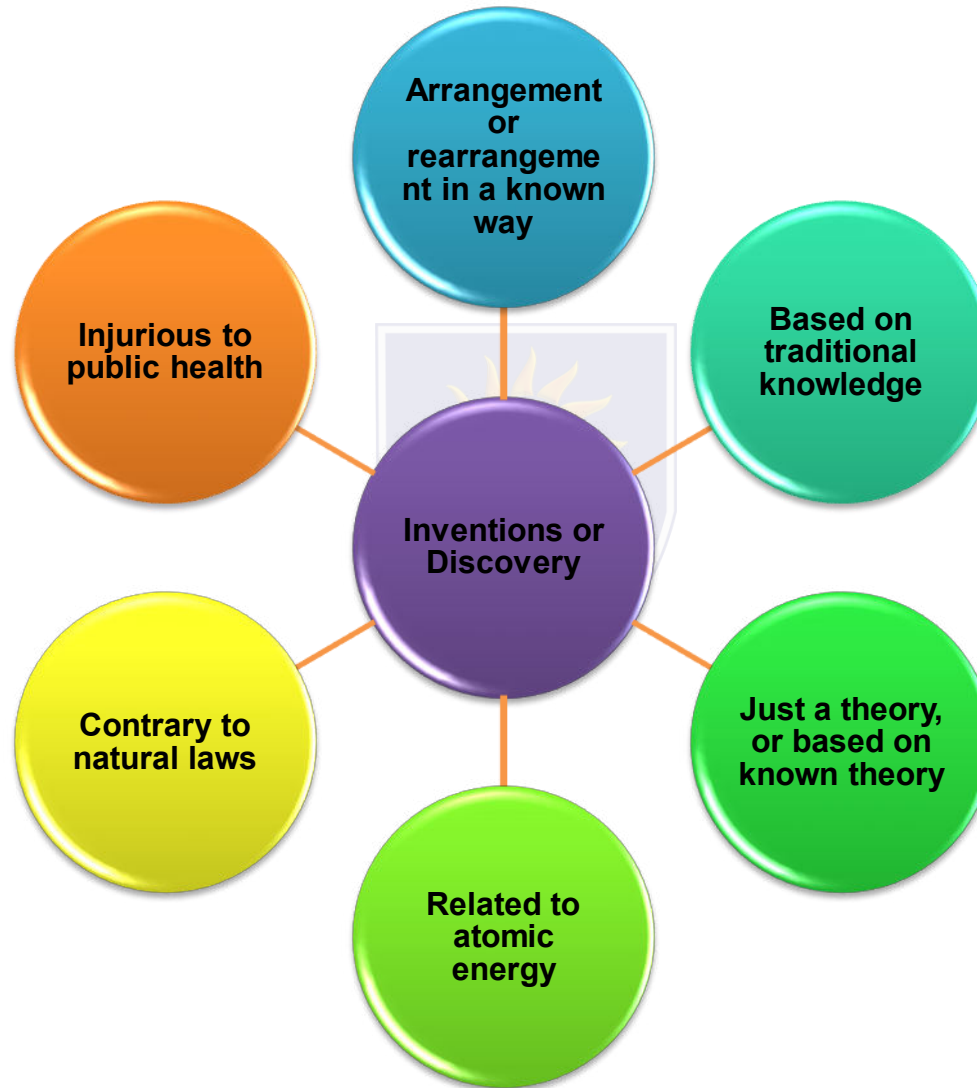
- **Assignee** includes the legal representative of a deceased inventor.
- **Invention** means any new and useful- (i) art, process, method or manner of manufacture (ii) machine, apparatus or other article (iii) substance produced by manufacture, and includes any new and useful improvement of any of them, and an alleged invention
- 
- **Legal Representative** means a person who in law represents the estate of a deceased person Contd...

➤ **Patentee** means the person for the time being entered on the register as the grantee or proprietor of the patent.

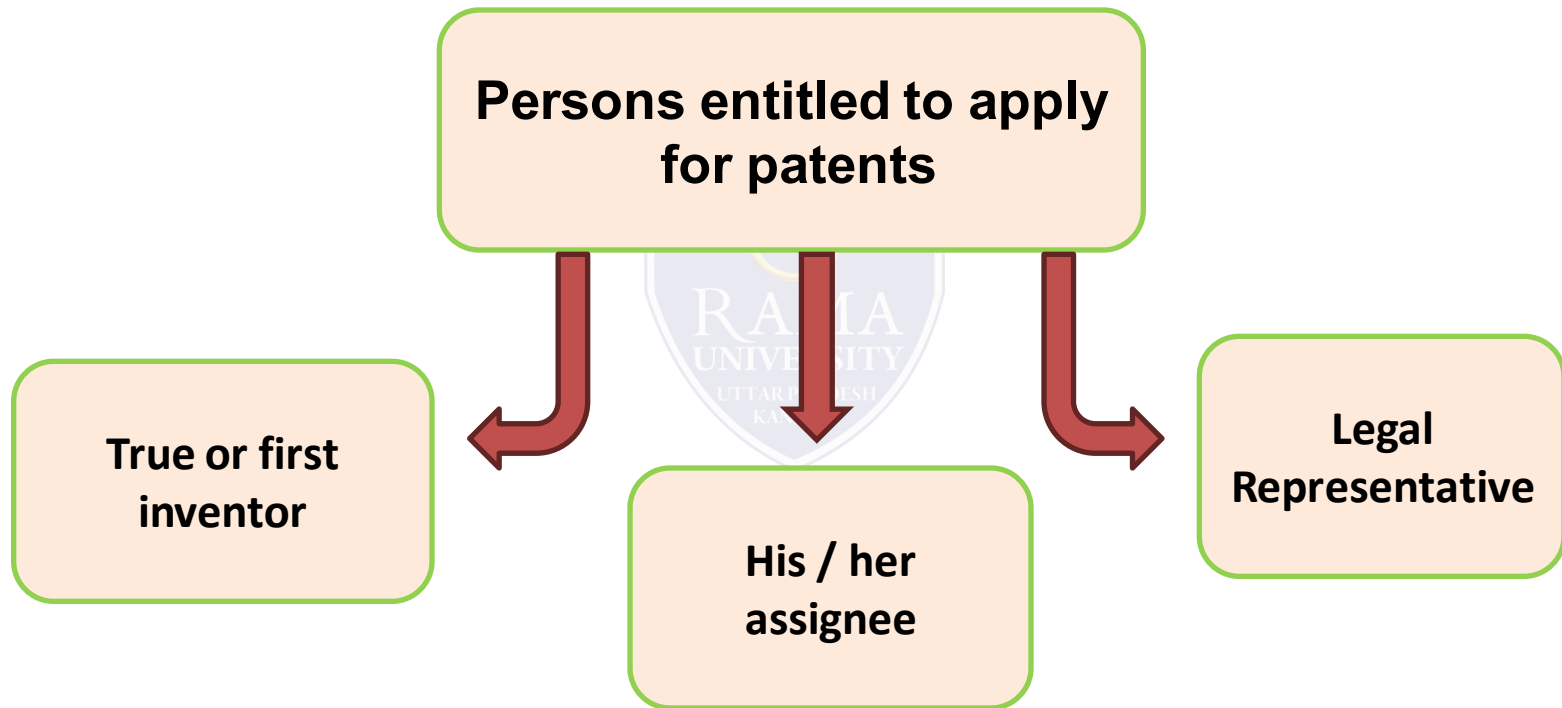
➤ **True And First Inventor** does not include either the first importer of an invention into India, or a person to whom an invention is first communicated from outside India



## CHAPTER II: INVENTIONS NOT PATENTABLE



APPLICATIONS FOR PATENTS



## Provisional and complete specifications

- ✓ complete specifications within 12 months (3 months relaxation after the permission of controller but have to pay a prescribed fee).

## Contents of specifications

- ✓ Provisional : Title & idea of invention
- ✓ Complete : title, abstract, full description, its utility, scope, diagram, etc.

## Priority dates of claims

- ✓ first to file (in India)
- ✓ first to document (in USA)



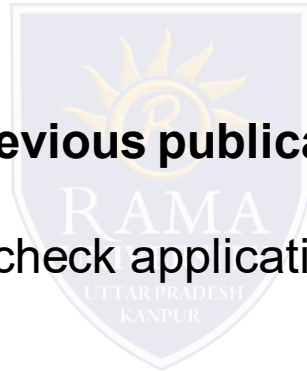


### **Examination of application:**

- ✓ after submission of complete specifications.

### **Search for anticipation by previous publication and by prior claim :**

- ✓ It is the duty of examiner to check applications



### **Consideration of report of Examiner by Controller:**

- ✓ Controller analyse it and make gist of objection, send to applicant & provide prescribed time to him to eradicate these objections.

## Power of Controller

- ✓ to refuse or require amended applications in certain cases
- ✓ to make orders respecting division of application
- ✓ to make orders respecting dating of application
- ✓ in cases of anticipation
- ✓ in case of potential infringement
- ✓ to make orders regarding substitution of applicants, etc.



## **Time for putting application in order for acceptance**

- ✓ An application for a patent shall be deemed to have been abandoned unless within fifteen months from the date on which the first statement of objections to the applicant by the Controller.



## **Acceptance of complete specification:**

- ✓ within 12 months from the date of filing of provisional application

## **Advertisement of acceptance of complete specification**

### **Application for grant of exclusive rights:**

- ✓ To sell or distribute article or substance in India (made in prescribed form and on payment of fees).



## CHAPTER V OPPOSITION TO GRANT OF PATENT

Opposition to grant of patent: □ four months from date of advertisement of acceptance of complete specification (1 month may exceed) In cases of "obtaining" Controller may treat application as application of opponent Refusal of patent without opposition : □ its all depends on controller. Mention of inventor as such in patent

<https://www.slideshare.net/ShyamasundarTiripathy/patent-act-36282014>