



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE: BALLB/BBALLB/LLB**

**SEMESTER SUBJECT:**

**INTELLECTUAL PROPERTY RIGHTS**

**SUBJECT CODE:**

**BALLB808/BBALLB808/LLB 604**

**NAME OF FACULTY: PANKHURI SRIVASTAVA**

# Lecture- 17



## LECTURE 17: PATENT LAW: RIGHTS AND TERM

### ❖ Rights of the Patentee :

Rights conferred under the Patent Act are as follows:-

Right to exploit the Patent. Section 48 confers on the Patentee the right to make use, exercise, sell, patented article or substance in India. Or use or exercise of the process if the patent is for a process.

- Right to licence the patent to another:- Section 70 of the Act confers inter alia, the right on patentee to grant Licences.
- Right to assign the patent to another:- Section 70 of the Act also confers on the patentee the right to fully or partially assign his patent.
- Right to surrender the patent:- A patentee is not under an obligation to maintain the monopoly rights on the patent for entire period. He can surrender the patent any time. The patentee in case of surrender has to give notice to the controller offering him to surrender his patent. The controller before accepting the surrender, publish the offer in India to give opportunity to the parties having interest.
- Right to sue for infringement:- The exclusive right granted by patent will only be meaningful and lasting if the statute confers the remedy to take legal action for protection of legal right. The encroachment is called as infringement and the encroacher is called as infringer. Patentee, his assignee, licensee, or agent has right to institute the civil suit against the infringers. Such a suit will lie in civil court not less than District Court.

### ❖ TERM OF PATENT

The term of Patent will be 20 years from the date of filing the application for the Patent.