



FACULTY OF JURIDICAL SCIENCES

COURSE: BALLB/BBALLB/LLB

SEMESTER SUBJECT:

INTELLECTUAL PROPERTY RIGHTS

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NAME OF FACULTY: PANKHURI SRIVASTAVA

Lecture- 20



LECTURE 20: PATENT LAW: INTERNATIONAL ARRANGEMENTS AND CASE LAWS

☉ International Agreements on Patents

- Patent Co-operation Treaty.
- TRIPS (Trade Related Aspects of Intellectual Property)

❖ CASE LAWS

A. In *Ganendro Nath Banerji v. Dhanpal Das Gupta*, AIR 1945 Oudh 6, it was held that no general rule can be laid down as to what does or does not constitute an invention. The general criterion seems to be whether that which is claimed lies within the limits of development of some existing trade, in the sense that it is such a development as an ordinary person skilled in that trade could, if he wishes so to do, naturally, make without any inventive step. But novelty need only be established in the process of manufacturing, not in the article produced. Novel combination of two known ideas may be sufficient to establish novelty of subject matter in this respect.

B. In *Ram Narain Kher v. M/s Ambassador Industries*, AIR 1976 Del 87, the Delhi High Court has held that at the time the patent is granted to a party it is essential that the party claiming patent should specify what particular features of his device distinguish it from those which had gone before and show the nature of the improvement which is said to constitute the invention. A person claiming a patent has not only to allege the improvement in art in the form but also that the improvement effected a new and very useful addition to the existing state of knowledge. The novelty or the invention has to be sufficiently stated in the claim.

Conclusion:- The creative work of the human mind is protected through several measures and the main motivation for the same is that such protection is a definite measure of encouragement for the creative activity for that patent is granted.
