



YOU CAN NOT LOCK UP AN IDEA

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Frequently Asked Questions

1. What is a Patent?

Exclusive Right given to inventor for his/her invention for particular period over limited territory.

2. Does Indian Patent give protection worldwide?

No. It will give protection only in Indian Territory

3. What can be patented?

Any one (Either person, institute, Government organization etc.)

4. Who can apply for a patent?

Any one.

5. How can I apply for a patent?

A patent application can be filed with Indian Patent Office either with complete specification or with provisional specification.

6. What is Mean by provisional Specification Patent?

In case the application is filed with provisional specification, in this no claims are required.

7. What is Mean by Complete Specification Patent?

Then one has to file complete specification within 12 months from the date of filing. You have to give details of your invention.

8. Can Indian patent can filed online?

Yes

9. Is there provision for filing patent application electronically by online system?

From 20th July, 2007 the Indian Patent Office has put in place an online filing system for patent application. More information for filing online application is available on the website of Patent Office i.e. www.ipindia.nic.in.

10. What are the criteria of patentability?

An invention to become patentable subject matter must meet the following criteria –

- It should be novel.
- It should have inventive step.
- It should be capable of Industrial application.

11. How a Patent Specification is prepared?

The patent specification generally comprises:

- Title of the invention indicating its technical field,
- Prior art,
- Draw backs in the prior art,
- The solution provided by the inventor to obviate the drawbacks of the prior art,
- A concise but sufficient description of the invention
- Drawings (if Any)
- Details of best method of its working.
- The complete specification must contain at least one claim or statement of claims defining the scope of the invention for which protection is sought for.

12. Is it necessary to file a provisional application?

It is not necessary to file an application with provisional specification and one can file application directly with complete specification.

13. Is there provision for extension beyond time limit of 12 months?

There is no provision for extension of time beyond the period of 12 months.

14. Does the Patent Office Keep information of the invention Secret?

Yes up to when request for publishing is not filed.

15. Is there any provision in the law for early publication?

Yes, the applicant can make a request for early publication in Form 9 along with the prescribed fee.

16. Is patent application once filed is examined automatically?

The patent application is not examined automatically after its filing. You have to file FORM 18.

17. Is there any provision for early examination?

There is no provision for filing a request for early examination.

18. What happens to a patent application once it is examined?

After examination, the Patent office issues an examination report to the applicant which is generally known as First Examination Report (FER).

19. What are the various stages involved in the grant of patent?

Usually, the First Examination Report is issued and the applicant is given an opportunity to correct the deficiencies in order to meet the objections raised in the said report. When all the requirements are met, the patent is granted and notified in the Patent office Journal. However before the grant of patent and after the publication of application, any person can make a representation for pre-grant opposition.

20. Is there any fee for filing such representation for pre-grant opposition?

There is no fee for filing representation for pre-grant opposition? This can be filed by any person.

21. What is the time limit for filing post-grant opposition in the patent office?

The time for filing post-grant opposition is 12 months from the date of publication of the grant of patent in the official journal of the patent office.

22. Is there any fee for filing post-grant opposition?

The post grant opposition has to be filed in the prescribed form 7 along with prescribed fees of Rs.1500 for natural person and Rs.6000 for person other than natural person.

23. Where the information relating to patent application is notified?

The information relating to the patent application is published in the Patent office Journal issued on every Friday. This is also available in electronic form on the website of the Patent Office www.ipindia.nic.in

24. What are the contents of the Patent office Journal?

The Patent office Journal contains information relating to patent applications which are published u/s 11A, post grant publication, restoration of patent, notifications, indexes, list of non-working patents and notices Issued by the Patent Office relating to Patents, etc.

25. Journal can downloaded from the website?

Yes, journal can be downloaded from the website free of charge.

26. How can one find out that an invention is already patented?

The person concerned can perform a preliminary search on Patent Office website in the Indian patent data base of granted patent or Patent Office journal published every week or by making search in the documents kept in the Patent Office Search and Reference Room, which contains Indian patents arranged according to international patent classification system as well in serial number. It is open to the general public from Monday to Friday, except Gazetted holidays. The public can also conduct search free of charge on the website of Patent Office.

27. What is the term of patent?

Term of every patent in India is 20 years from the date of filing of patent application, irrespective of whether it is filed with provisional or complete specification.

28. Is there any difference in the amount of fees to be paid by an individual or a legal entity for filing a patent application?

Yes, the application filing fees for an individual person (natural person) is Rs.1, 760/- and for a legal entity other than individual is Rs.4, 000/- up to 10 claims and 30 pages. If applicant is institute then patent filing fees is 8,800/- . This fees is for offline procedure.

29. What are obligations of the patentee after the grant of patent?

After the grant of patent, every patentee has to maintain the patent by paying renewal fee every year as prescribed in the schedule I. For first two years, there is no renewal fee. The renewal fee is payable from 3rd year onwards. In case the renewal fee is not paid the patent will be ceased.

30. Can the patentee pay renewal fee at a time or has to pay every year?

The patentee has choice to pay the renewal fees every year or he can pay in lump sum as well.

31. When a patent can be restored after its cessation?

A request for restoration of patent can be filed within 18 months from the date of cessation of patent along with the prescribed fee. After receipt of the request the matter is notified in the official journal for further processing of the request.

32. Eligibility conditions for registration as patent agents are below.

A person shall be qualified to have his name entered in the register of patent agents if he fulfils the following conditions, namely-

- Citizen of India
- Age must be 21+
- Degree must be in science, engineering or technology from any university.

33. Is it necessary to engage a registered patent agent for filing an application for patent?

No, it is not important.

34. Is it possible to file international application under Patent Cooperation Treaty (PCT) in India?

It is possible to file an international application known as PCT application in India in the Patent Offices located at Kolkata, Chennai, Mumbai and Delhi. All these offices act as Receiving Office (RO) for International application. The addresses of these offices are available on the website of CGPDTM i.e. www.ipindia.nic.in.



Patent Office Branches and States

Patent Office Branch	States
Patent Office Branch Mumbai	The States of Maharashtra , Gujrat Madhya Pradesh and Goa, Daman & Diu & Dadar & Nagar Havel.
Patent Office Branch, Chennai	The States of Andhra Pradesh, Kerala Tamil Nadu, Mysore and Pondicherry, Laccadive, Minicoy and Aminidivi Islands.
Patent Office Branch, New Delhi	States of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan and Uttar Pradesh, Chandigarh and Delhi
Patent Office (Head), Kolkata	West Bengal and other rest part of India.



Searching of Patent

It is very hard task to find is my idea is exist or not? Where do I search it? These are primary questions by researchers, answer to is well defined as below.

World Intellectual Property Organization, Indian Patent Office, U.S. Patent office kept their database open for searching purpose. You can search your idea in their database.

1.	Google Patents	www.googlepatents.com
2.	Indian Patent Office,	http://pk2id.delhi.nic.in/
3.	World Intellectual Property Organization (PATENT SCOPE)	http://www.wipo.int/patentscope/search/en/search.jsf
4.	US PATENT AND TRADEMARK OFFICE	http://www.uspto.gov/
5.	Patent Alert (US Patents) – free e Mail updates (e.g. New Drugs)	http://www.patentalert.com/
6.	EPO database	http://www.epo.org/searching.html
7.	USPTO database	http://patft.uspto.gov/
8.	TKDL (Traditional Knowledge Digital Library)	http://www.tkdl.res.in/tkdl/langdefault/common/Home.asp?GL=Eng
9.	JPO DATABASE	http://www.jpo.go.jp/english/faqs/searching.html
10.	Australian Patent office	http://www.ipaustralia.gov.au/get-the-right-ip/patents/search-for-a-patent/
11.	Euro Asian patent information system EAPATIS	Guest login is available: http://www.eapatris.com/ensearch/
12.	Lexis-Nexis Academic	http://www.lexisnexis.com/hottopics/Inacademic/?verb=sf&sfi=AC07STPatentSrch
13.	STN Patent Cluster	http://www.cas.org/support/stngen/clusters/patents.htm
14.	Also Refer	http://www.freepatentsonline.com/ http://free.patentfetcher.com/

Some Basic Rules while filling Patent forms:

1. Patent application can filed in English or Hindi
2. Title of Invention should contains name Innovative, Novel, New etc.
3. Title Should in Capital
4. Font Style- Times New Roman, Calibri Light only.
5. Font Size- 12
6. Applicant Name Starts with Surname First Name Middle Name.
7. Do not write Dr. X. Y. ABC

For Provisional Patent Application Following Documents Are Required

1. Covering letter indicating the list of documents
2. Application for Grant of Patent in Form 1
3. Provisional specification in Form 2 containing
 - Description
 - Drawing (if any)
 - Abstract
 - Claims are not necessary
4. Requisite Statutory fees (Cheque / DD) Cheque/DD Should be on the name of Controller of Patent, Payable at Mumbai.

Note: Send this documents along with one Xerox copy to patent office Mumbai on following address with prescribed fees.

**Controller of Patent
Patent office Mumbai
Bhouthik Sampada Bhavan,
Antop Hill Head Post Office, S.M. Road,
Mumbai-400037, India
Phones Nos.: (022) 24137701
Fax : (022) 24120387
Email:- mumbai-patent@nic.in**

For Complete Specification Application Following Documents are required

Once provisional patent filed within 12 months complete specifications should provide to Indian Patent office (IPO).

1. Covering indicating the list of documents.
2. Complete specification in Form 2
 - Description
 - Claims (*Claims are mandatory*)
 - Drawing (if any)
 - Abstract
3. Statement and Undertaking in Form 3.
4. Declaration of Inventorship in Form 5.
5. No fees needed for Form 2, 3 & 5.

For more details visit on www.sggs.ac.in>> Intellectual property Management cell & refer www.vishalundre.com

