

# PATENT SYSTEM IN INDIA

BY

DR. JYOTI VERMA

EXAMINER OF PATENTS & DESIGNS

THE PATENT OFFICE

D/O Industrial Policy & Promotion; M/O Commerce & Industry

SECTOR 14, DWARKA, NEW DELHI- 110075

INDIA

TEL. NO. 91-11- 28034302

20 December 2011

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## India - IPO building / Offices



MUMBAI



DELHI

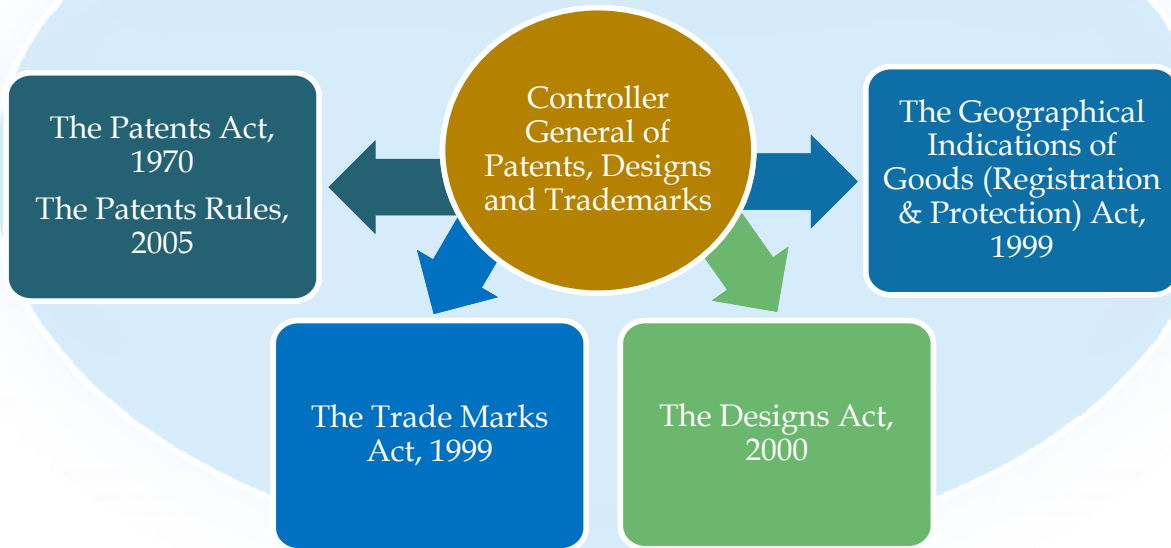


CHENNAI



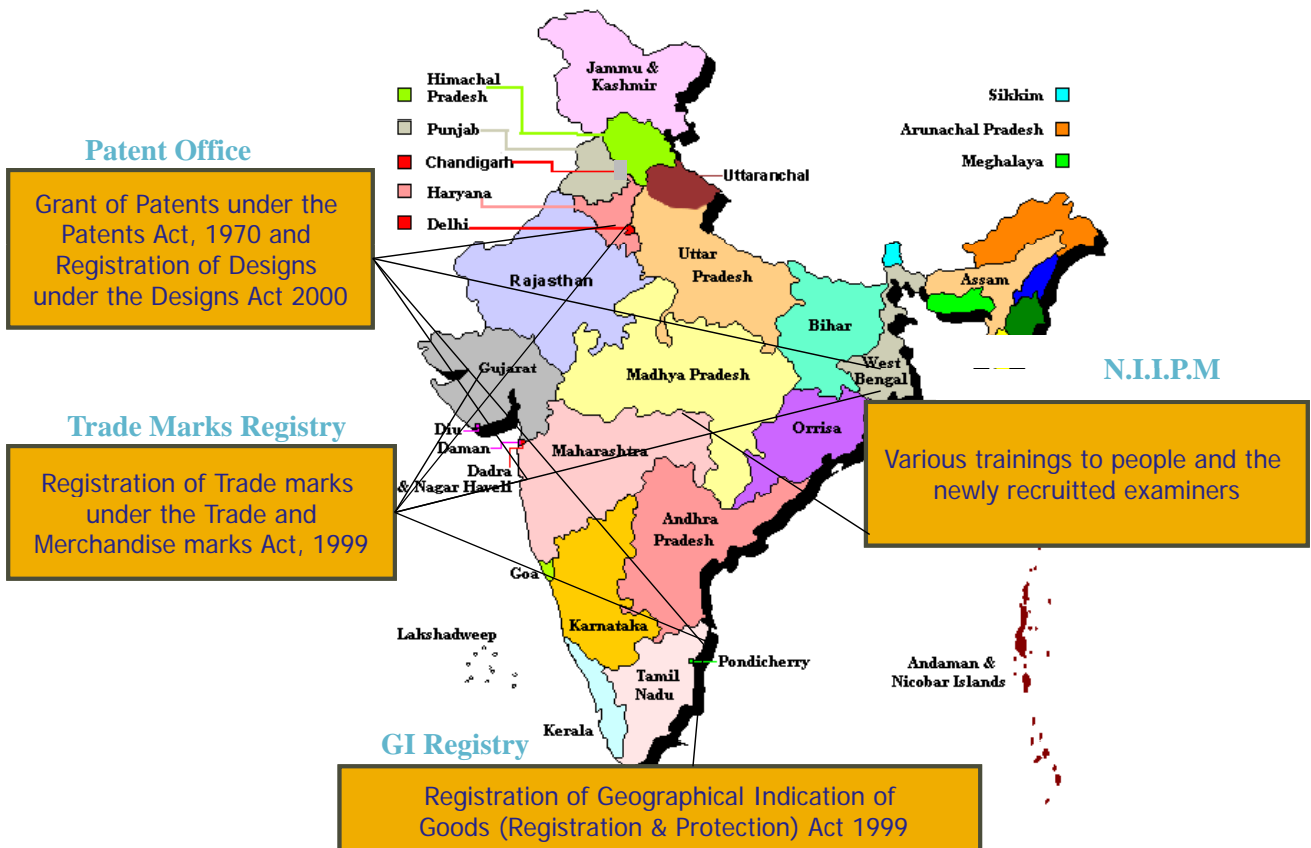
Kolkta

## Department of Industrial Policy & Promotion (DIPP)

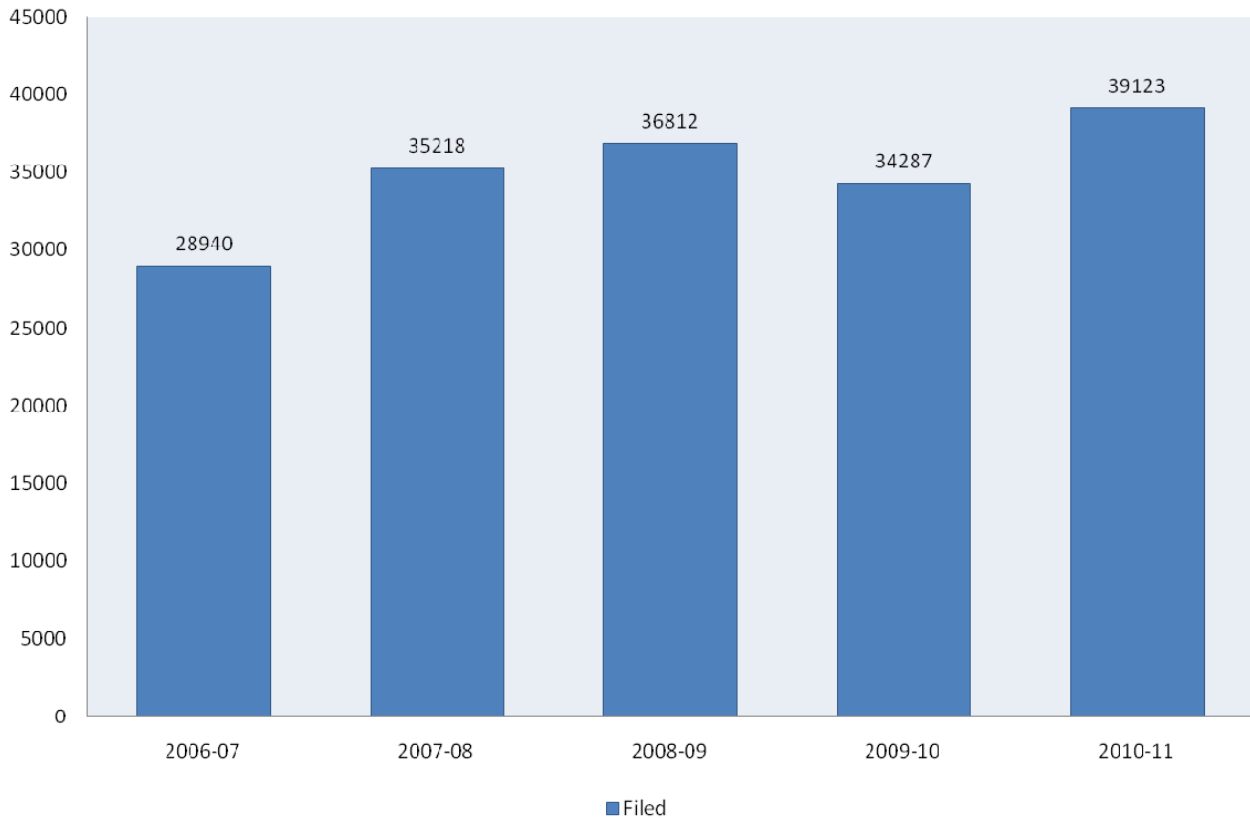


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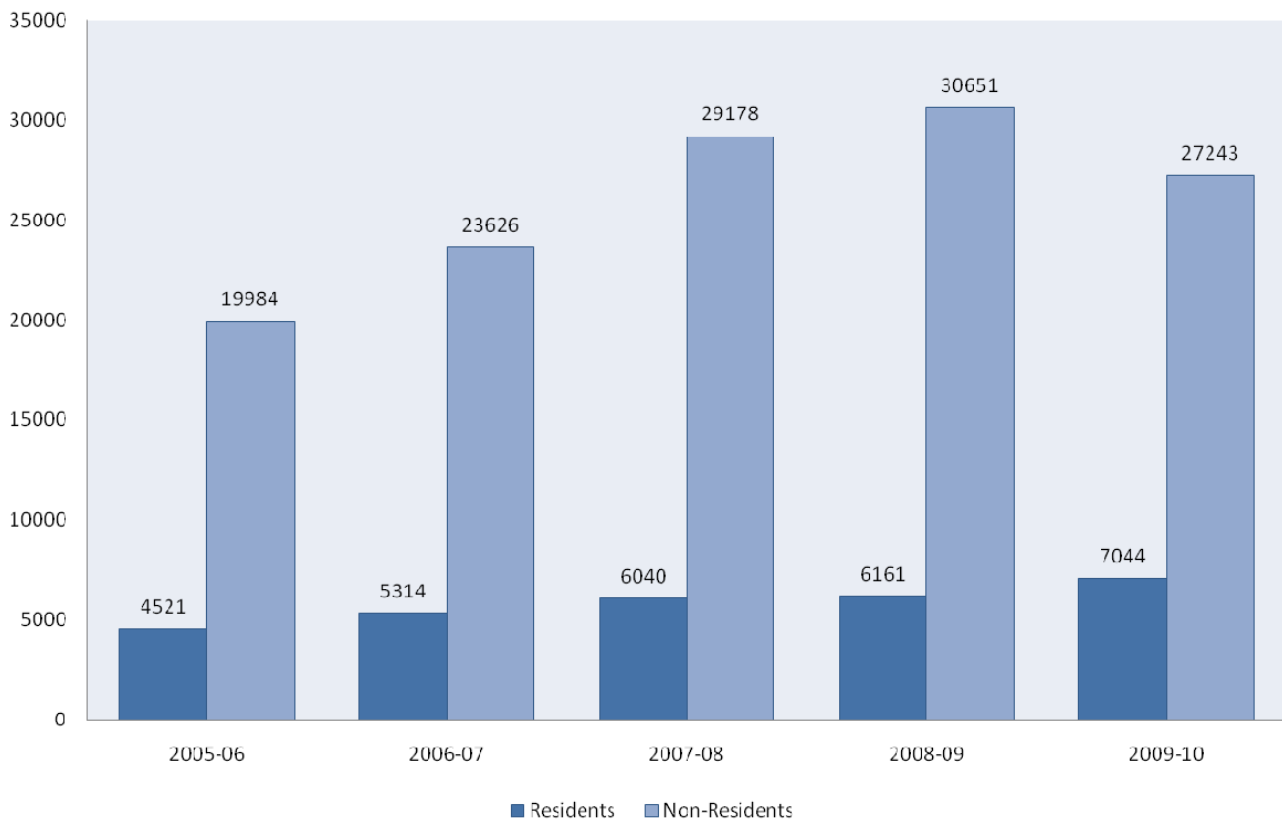
## Where are we located?



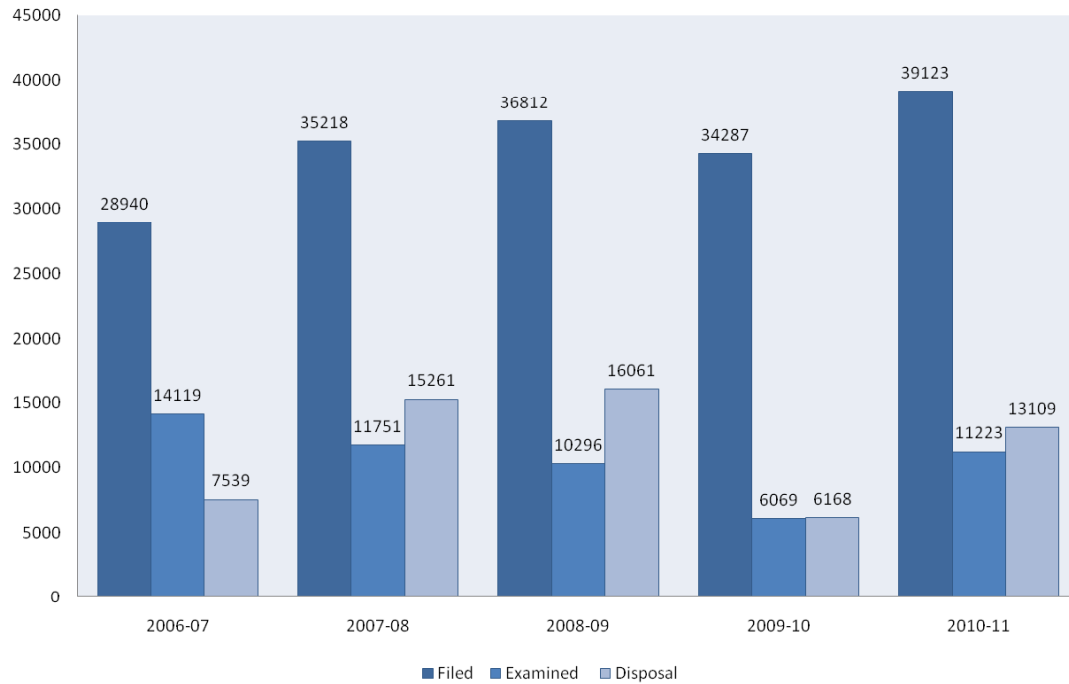
## Patent Filing in India



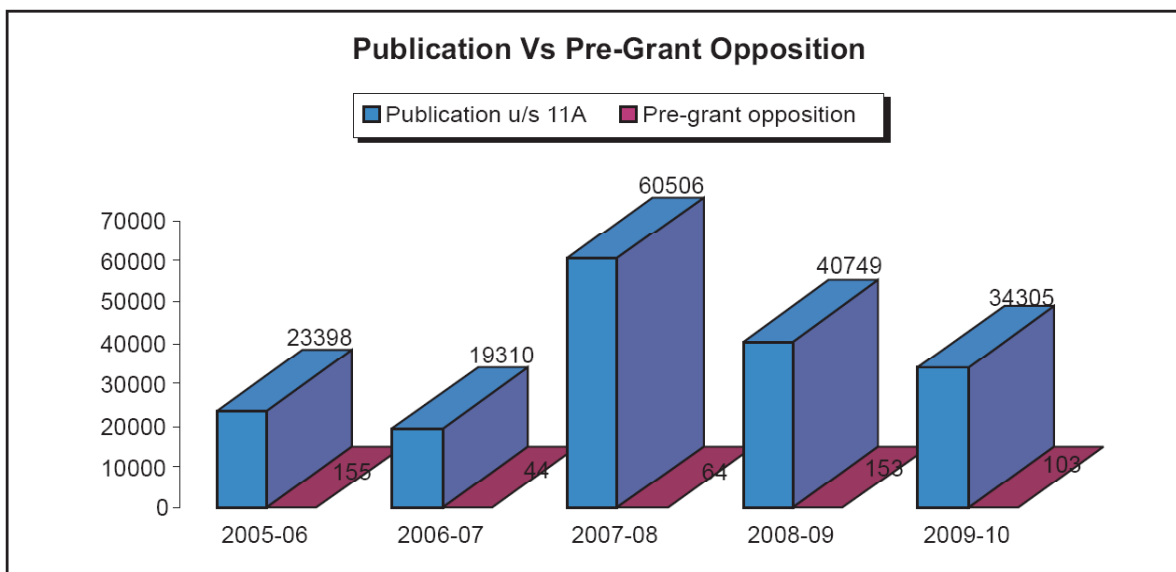
## Patent Filing in India (Indian Vs. Foreign)



## Performance of Patent Office

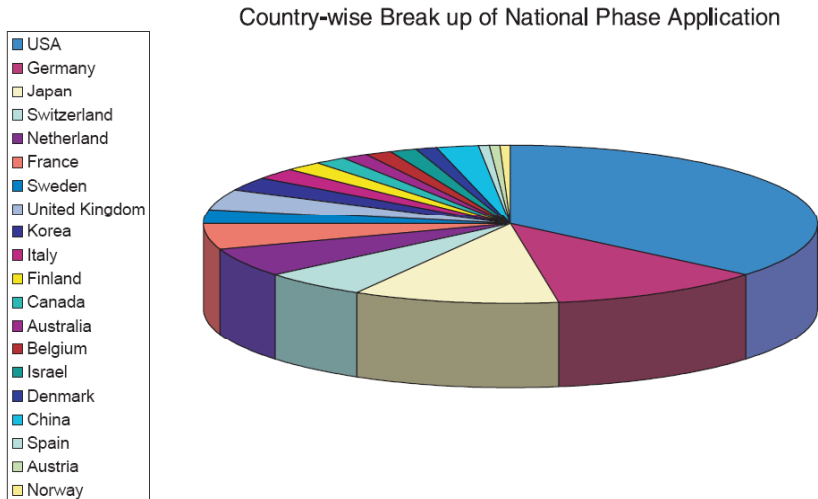


## Publication vs Opposition (Pre-Grant)



## ii. NATIONAL PHASE APPLICATIONS THROUGH PCT ROUTE

The country wise break-up figures is as shown in brackets: USA (8087), Germany (2582), Japan (2386), Switzerland (1287), Netherlands (1281), France (1198), United Kingdom (910), Sweden (710), Republic of Korea (636), Republic of China (468), Italy (465), Finland (453), Canada (399), Belgium (304), Denmark (298), Israel (292), Australia (287), Spain (150), Austria (140), Norway (95), etc.



Source: annual report 2009-10

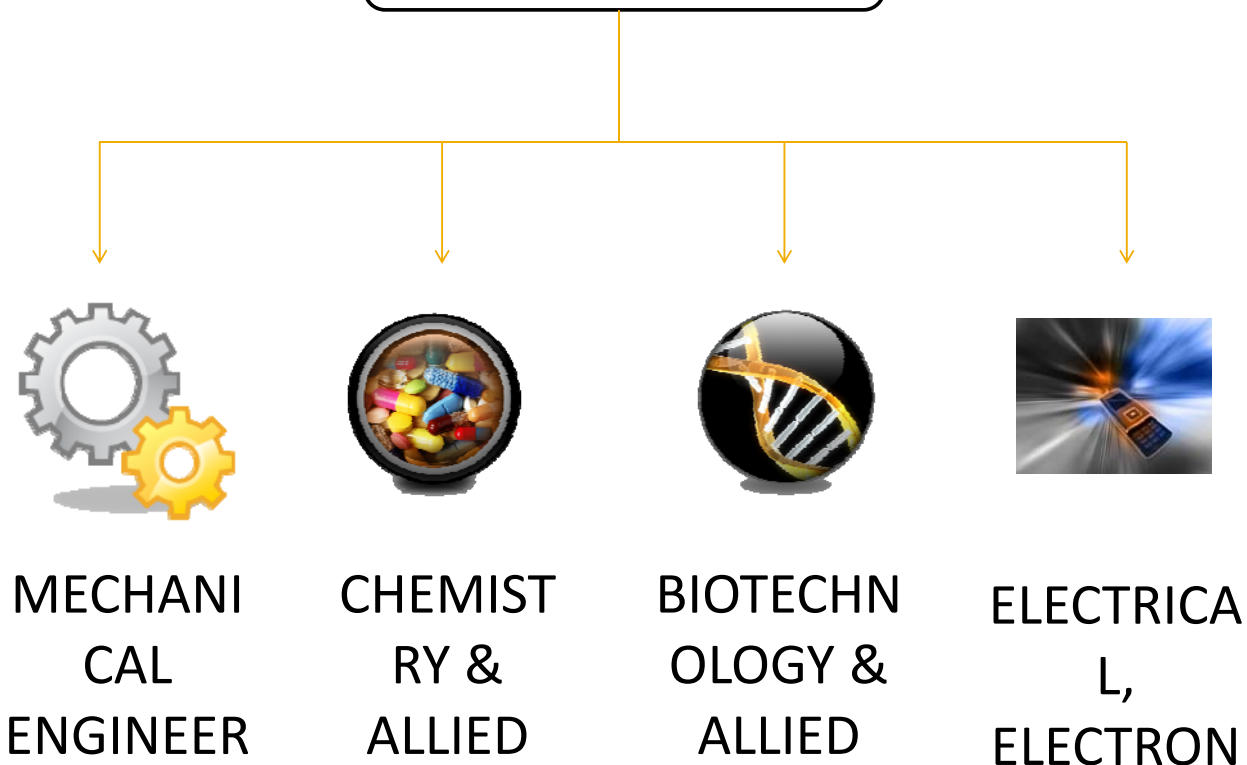
## Present & Future

- Presently 80 working Examiners, 257 New Patent Examiners have been recruited from various Discipline, **Future**-257 Examiners shall be placed in Examination Group soon.

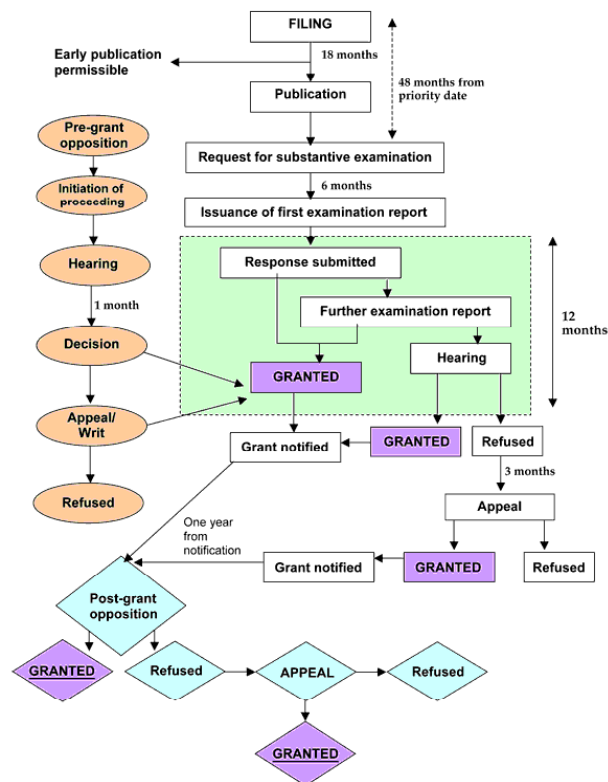
## Specialisation Field of Examiners

BROAD TECHNICAL FIELD OF SPECIALISATION	NUMBER OF EXAMINERS
Biochemistry	05
Bio-Technology	09
Chemistry	20
Civil Engineering	02
Computer Science	06
Electrical & Electronics Engineering	13
Mechanical Engineering	06
Metallurgy	02
Microbiology	12
Physics	03
Textile Engineering	02
<b>TOTAL</b>	<b>80</b>

### EXAMINATION GROUPS



# Patent Application Grant/Refusal Process



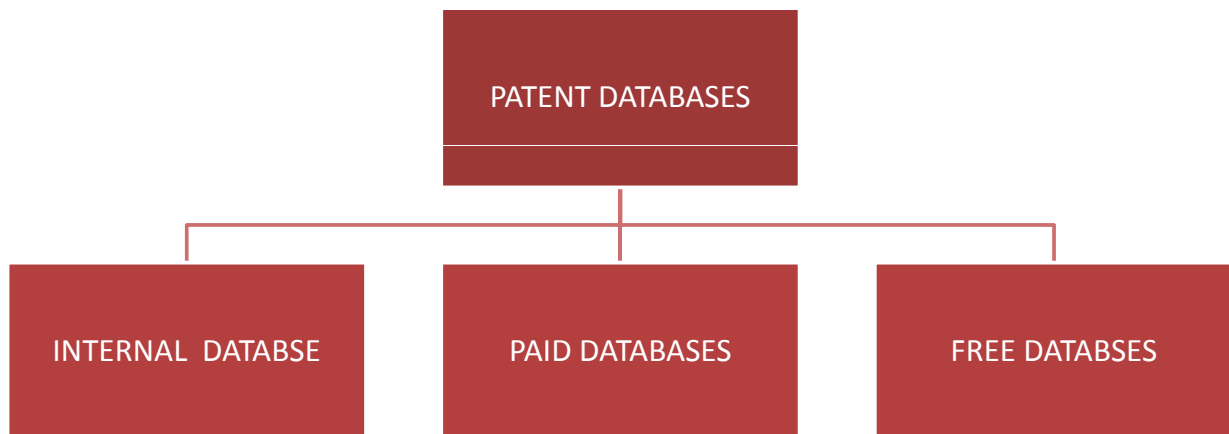
## FORMAT OF CLAIMS

1. Claims may be as many in numbers .
2. First claim is called as principal claim and subsequent claims called preferred embodiments.
3. PRINCIPAL CLAIM SHOULD DEFINE ALL ESSENTIAL NOVEL FEATURES OF THE INVENTION.
4. OPTIONAL FEATURE MAY BE CLAIMED IN SUBORDINATE CLAIMS
5. SHOULD BE CLEAR AND CONCISE
6. CLAIMS SHOULD RELATE TO SINGLE INVENTION
7. SHOULD BE FAIRLY BASED ON MATTER DICLOSED IN THE SPECIFICATION
8. Should comply with requirement of section 2i(j), 3,4 &10.
9. The claim should consist of one sentence . No full stop within the claim.
10. Swiss type claims are not allowed

## Important time limits

ACTIVITY	T.L. (MTH)	EXT. (MONTHS)
PROVISIONAL TO COMPLETE SPECIFICATION	12	NIL
SUBMISSION OF PROOF OF RIGHT TO APPLY	6	TILL GRANT ACCEPT WITH PET. U/R 137.
STATEMENT REG. FOREIGN FILING U/S 8	6	-DO-
REQUEST FOR EXAMINATION SEC 11(b)	48 FROM DATE OF PRIORITY	NIL
<b>COMPLIANCE OF OBJECTIONS AFTER F.E.R.</b>	<b>12</b>	<b>NIL</b>
NOTICE OF OPPOSITION AFTER NOTFCN.	1YEAR	
<b>RESTORATION OF LAPSED PATENT</b>	<b>18</b>	<b>NIL</b>
RENEWAL FEES	END OF PRECEDING YEAR	6

## SEARCH DATABASES





# Database acquired by IPO

- DWPI(DELPHION)
- STN
- Questel
  - QPAT And QWEB
  - MMS and NPL
  - E- Journals
    - 103 Journals available in e- form October 2008
    - 34 Journals subscribed as a print copy
    - 3 Journals freely available on their web site
- IEEE, Science Journals

# PAID DATABASES



# FREE DATABASES



US PAIR

AIPN

# NON PATENT LITERATURE



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**e- Newsletter**

Last Updated on 1st April, 2010



**News**

Patent office to make available on request, copies of all relevant documents relating to a patent application after publication u/s 11(A) [More...](#) (15th April, 2010)

Applications are invited for registration as Trade Marks Agent under The Trade Marks Act,1999 [More...](#) (23rd March, 2010)

All the Published Trade Mark Journals are now available in Archives (in Trade Marks Journal Menu) in retrieval form (19th March, 2010)

The Controller General has issued a public notice to all applicants/patent agents to inform the patent office about the non receipt of First examination reports in respect of RQs (Request for Examination) filed prior to 31-12-2006 [More...](#) (9th March, 2010)

Public Notice regarding Geographical Indications Journal [More...](#) (5th March, 2010)

Application Status Search has been launched by Controller General of Patents Designs and Trademarks for Indian Patent Applications under [IPIRS](#) in the Public Search Gateway (26th February, 2010)

The newly constituted Trade Marks Agents Examination Board met today and decided to hold the Trade Marks Agent Examination in the 3rd week of June, 2010. Formal notification to be issued shortly. (12th February, 2010)

Patents  
 Designs  
 Trade Marks  
 Geographical Indications  
 NIIPM

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