

## **PATENT PROCESS**

### ➤ **Submission of information and drawings**

The Applicant has to provide all details of the invention with as much details as possible. The following information is required:-

- ✓ Area of invention
- ✓ Description of the invention what it does
- ✓ How does it work
- ✓ Advantages of the invention
- ✓ Drawings, diagrams or sketches explaining working of invention - The drawings and diagrams should be designed so as to explain the working of the invention in better way with visual illustrations. They play an important role in patent application.

Ideally, if you have worked on the invention during research and development phase you should have something call lab record duly signed with date by you and respective authority.

### ➤ **Search**

Conducting a search is a very important step in the process of registration of Patent application so that we can find out whether your invention meets the following patentability criteria as per Indian Patent act.

- ✓ Novelty
- ✓ Non-obviousness
- ✓ Industrial application\
- ✓ Enabling

➤ **Draft (write) patent application**

Patent drafting is a process of writing of patent claims, specifications, and drawings which plays a pivotal role during the course of its prosecution, management and maintenance.

➤ **Filing**

In accordance with the provisions of the Patent act, an application for patents can be filed at the head office of the Indian Patent Office or its branches depending upon in whose jurisdiction the Applicant resides or has a domicile or principal office of business.

**A patent application can be filed as:-**

**1. Non provisional / Ordinary Application**

An application for patent filed with the Patent office without claiming priority from any application or without reference to any other application under process in the Patent office is called an ordinary application.

**2. Provisional Application**

In case you are at very early stage in the research and development for your invention, then you can go for provisional application. It gives following benefits:

- ✓ Secures filing date
- ✓ 12 months of time to file complete specification
- ✓ Low cost

After filing provisional application, you secure the filing date which is very crucial in the patent world. After that, you get 12 months of time to come up with the complete specification. Upon expiry of 12 months, your patent application will be abandoned.

When you complete the required documents and your research work is at level where you can have prototype and experimental results to prove your inventive step you can file complete specification with patent application.

### 3. **Convention Patent Application**

As per Section 135 of the Indian Patent act, when an applicant files the application for a patent, claiming priority date based on the same or substantially similar application(s) of patent filed in one or more of the conventional countries, is called a convention application. The convention application is required to be filed within 12 months from the date of the earliest priority application.

#### ➤ **Publication of the application**

Upon filing the complete specification along with application for patent, the application is published after 18 months of first filing.

An early publication request can be made along with prescribed fees if you do not wish to wait till the expiry of 18 months from the date of filing for publishing your patent application. In such a case, the patent application is published within a month from request for early publication.

#### ➤ **Request for examination**

The patent application is examined only after receiving request for examination that is RFE. Upon receiving this request the controller gives your patent application to a patent examiner who examines the patent application with different patentability criteria like:

- ✓ Patentable subject matter
- ✓ Novelty
- ✓ Non-obviousness

- ✓ Inventive step
- ✓ Industrial application
- ✓ Enabling

The examiner creates a first examination report of the patent application upon reviewing it for above terms. This is called patent prosecution. Everything happening to patent application before grant of patent is generally called as patent prosecution.

The first examination report submitted to controller by examiner generally contains prior arts (existing documents before the date of filing) which are similar to the claimed invention, and same is reported to patent applicant.

➤ **Respond to objections** –

Majority of patent applicants will receive some type of objections based on examination report. Best and appropriate reply needs to be filed after analysing the examination report

This is a chance for an inventor to communicate his novelty over prior arts found in the examination report.

➤ **Grant of Patent** –

The application would be placed in order for grant once it is found to be meeting all patentability requirements. The grant of patent is notified in the patent journal which is published time to time.