**Biomedical Laboratory Science and Management – 4th semester**

**Paper No.: BMLS&M 404**

**Name of the paper: Clinical research and bioinformatics**

**Topic: Patent registration in India**

**Lecture No.: 4**

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**Indian patent**

**What is patent:** A patent is an exclusive right granted by the government to the inventor for an invention which is a new and inventive solution to an existing technological problem.

**Requirement for invention to be patentable:**

1. **Novelty:** The invention must be new or novel means that the invention must never have been made before, carried out before or used before. It is not known in existing public knowledge called prior art it its technical field. Prior art refers to every thing that has been published, presented or disclosed to the public.
2. **Industrial application:** The invention must be useful or capable of industrial application. It must be capable of being made or used in the industry.
3. **Not publicly/ commercially disclosed:** Patent application must be field to any disclosure to the public.

**Protection period:** In India protection period is for 20 years and after that the invention will go for public domain.

**Patent registration in India: Step by step procedure:** There are six steps for patent registration in India. After determining the novelty of the investigation, the application for patent is submitted to Indian Patent office in any of brunches that is Delhi, Mumbai, Chennai or Kolkata.

**Step 1: Patent Searches:** In the step world wide searching is needed to know the novelty of the invention. It is consider as the safe step before patent filing. If an invention is noted in prior or very closes to prior publication, the novelty of that invention can be challenged by the Indian patent office. So, the step should be followed to save the money and time of an applicant.  
**Step 2: Patent Drafting:** After completion through searches worldwide, the second step is patent drafting i.e. specification. It is written form of the invention in a techno-legal language with or without claims.

* Without claims is the provisional specification.
* With claims is the compute specification.

**The specification focus:**

* The field of invention.
* Detailed description of the invention.
* So that a person can perform the invention.

Legal part focuses the claims of the invention which define the legal protection sought by an inventor.

**Step 3: Patent Application Filing:** Provisional application is generally filed to claim priority date over other applications. These are series of forms which should be filled up as per Indian patent act 1970. If a provisional patient application is filed up then with in 12 months of its filing complete specification has to be filled. There are six different types of filing which are-

* Ordinary application.
* PCT National phase application.
* PCT International phase application.
* Convention application.
* Divisional application.
* Patent of addition application.

**Step 4: Publication of patent application:** After the expiry of 18th month from the date of filing or date of priority whichever is earlier, the application is published in an official journal and is open to the public to raise an objection if any.

**Step 5: Patent prosecution or examination of patent application:** The patent application is examined only when a request for examination has been filed. The request for examination has to be filled with in 48 months of the application filling date or date of the priority. The patent examiner after examination of the report and prepare an examination report. The examination report contains a series of objections raised by an examiner. The answer to the examination report has to be filled with in 12 months of the issue of the examination report. On the basis of need the examiner may call the applicant or his agent for hearing.

**Step 6: Grant of a patent:** After receiving the answer against the questions raised by examiner and if such answers satisfy the queries, the application is put in order for grant. In contrast, if the examiner is not satisfied with the reply and arguments of an applicant, then the application is rejected.