



Khalsa Tax And Accounting Service

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Patent Registration

Are you looking for patent registration? But before that you need to know about patent registration in details, in this article I have talked about the procedure, steps, advantages etc. We have a team of experts and chartered accountant which you assist you in registering the patent application form and it is a long and complicated process.

What is a Patent?

The patent is grant of exclusive rights to the owners, to exclude other from making, using, offering sale, selling or importing patent invention. It is grant by the India patent office that allows the patent holder to maintain a control for a limited period of time on the use and development of an invention and importing the product in India without patent owner's consent.

Patent Registration

A patent registration helps you to get a patent of an intellectual property right to an invention carried out by a firm or individual. Intellectual department (IP) has been initiated by government of India to grant you the full right to register your invention under patent (but only if it is exclusive). In return the discoverer should produce all the proofs connected to the invention as asked by the IP Department and also ensures that owner gets more preference over other person for your particular invention. In India, Patent is being governed by the Patent Rules 1972 & Patent Act 1970.

Patent does not last for a lifetime, if you file a license now then after a period of 20 years it falls under the public domain. The creation can be anything such as art, process, particular apparatus, and method to manufacture, machine, computer software, technical application, chemicals or drugs.

Criteria for filing a Patent

Novelty: i.e. some part of it has a new growth and has not been published in India before the date of filing of the patent application in India.

Inventive Step: If someone who is expert in that particular field would consider the invention to be a surprising development on the invention date.

Industrial Applicability: Invention should be helpful, such that it can be used in an business.

Procedure of Patent Registration in India:

Step 1: Patentability/Novelty Search

Step 2: Patent Drafting

Step 3: Patent Filing

Step 4: Publication

Step 5: Request for Examination

Step 6: Issuance of Examination Report

Step 7: Hearing with the Controller

Step 8: Grant of Patent

Steps for Patent Application

It is a process to file an application to register your invention under the Act and also provides you with the monopoly to use your invention for community, before filing for the patent application, there are some key points which should be followed.

Step 1: Patent search- How to verify patents? It is the common question among people when they want to patent for an idea. So, Finance Bazaar performs patent search for all the existing inventions on the thought that you are trying to patent. If a patent already exists then there is no point of trying again and again, than patent is not granted. Patent search saves you from the attempt of going through the very long registration procedure.

Step 2: Patent domicile – are registered in India and only valid for India, it protects your invention in India only and does not concern to other countries. There is the possibility to protect your invention in other countries as well but for that you need to apply for a separate application in each country.

Step 3: File Patent application – application should be filed with the intellectual department before disclosing all the information about your invention.

Step 4: Patent Review – Patent office of the government of India reviews your patent request and check for any existing patents granted on similar idea. If they find the invention patentable and unique, then they grant patent for the application.

Step 5: Patent Grant – Once the patent is approved, the application status is updated online at the Patent website and it can take from 6 months to 1.5 year for a patent certificate to be granted.

Requirement for Invention to be Patentable

Novelty: The invention must be new, means that the invention must never have been made before, used before or carried out before and it must show some new attributes, which is not existing public knowledge (called “prior art”) in its technical field. Prior art refers to everything that has been presented, published or disclosed to the public.

Inventive Step: The invention must be non-obvious; it should not be obvious to the person skilled in the art and also it could not be deduced by an expert person with good information in the technical field of the invention. This person with common knowledge in the technical field is commonly called as Person Having Ordinarily Skilled in the Art (PHOSITA).

Industrial Application: The invention should be useful of industrial application and it should be capable of being made in the industry.

Not publically disclosed: A patent application should be filed prior to any disclosure to the public that is it must not be known or used in public before filing of the patent application. (Some countries give a grace period to waive off such disclosure)

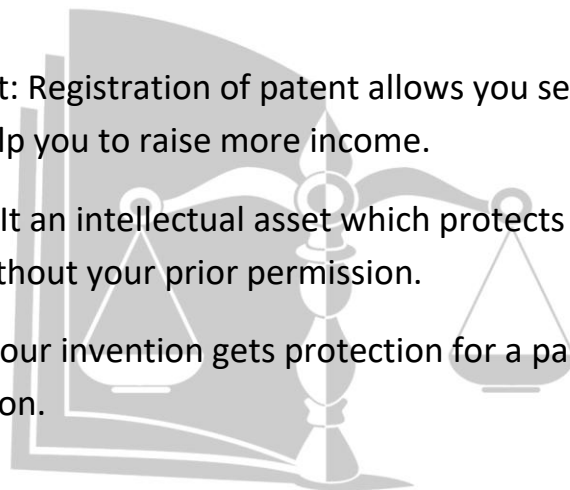
Patentable matter: Finally, the invention must be part of the “patentable subject matter” under the applicable law.

Advantages of Patent

Transfer or sell patent right: Registration of patent allows you sell, transfer or franchise your patent and this will help you to raise more income.

Patent protects invention: It is an intellectual asset which protects your invention and prevents others to use it without your prior permission.

Patent valid for 20 years: Your invention gets protection for a particular period which helps you to defend your invention.



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