

PATENTS QUICK GUIDE

ABOUT PATENTS

Patents are granted for inventions for a product, or a process which is novel, has inventive step, and industrial applicability.

One Patent For One Invention.

A patent is valid for 20 years, starting from the date of filing of the patent application and this term cannot be extended.

Protection in terms of Patent means?

Preventing others from making, using, offering for sale, selling, or importing patented inventions, patented products by the order of law.

TIP 1#

It is recommended that you do not publish/ present/ display your invention before filing a patent application for protection of your invention.

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WHAT IS PATENTABLE?

It has to be an invention, i.e., it has to be:

- **Novel** (being done for the first time at the global level).
- **Non-obvious** (has an inventive element into it, and is not just a mere combination of already known things).
- **Industrially applicable.**

It has to be one of:

- Machine
- Method or Process
- Article of Manufacture
- Composition
- Improvement of any of the above

TIP 2#

It is recommended that you do always maintain the records of your invention.

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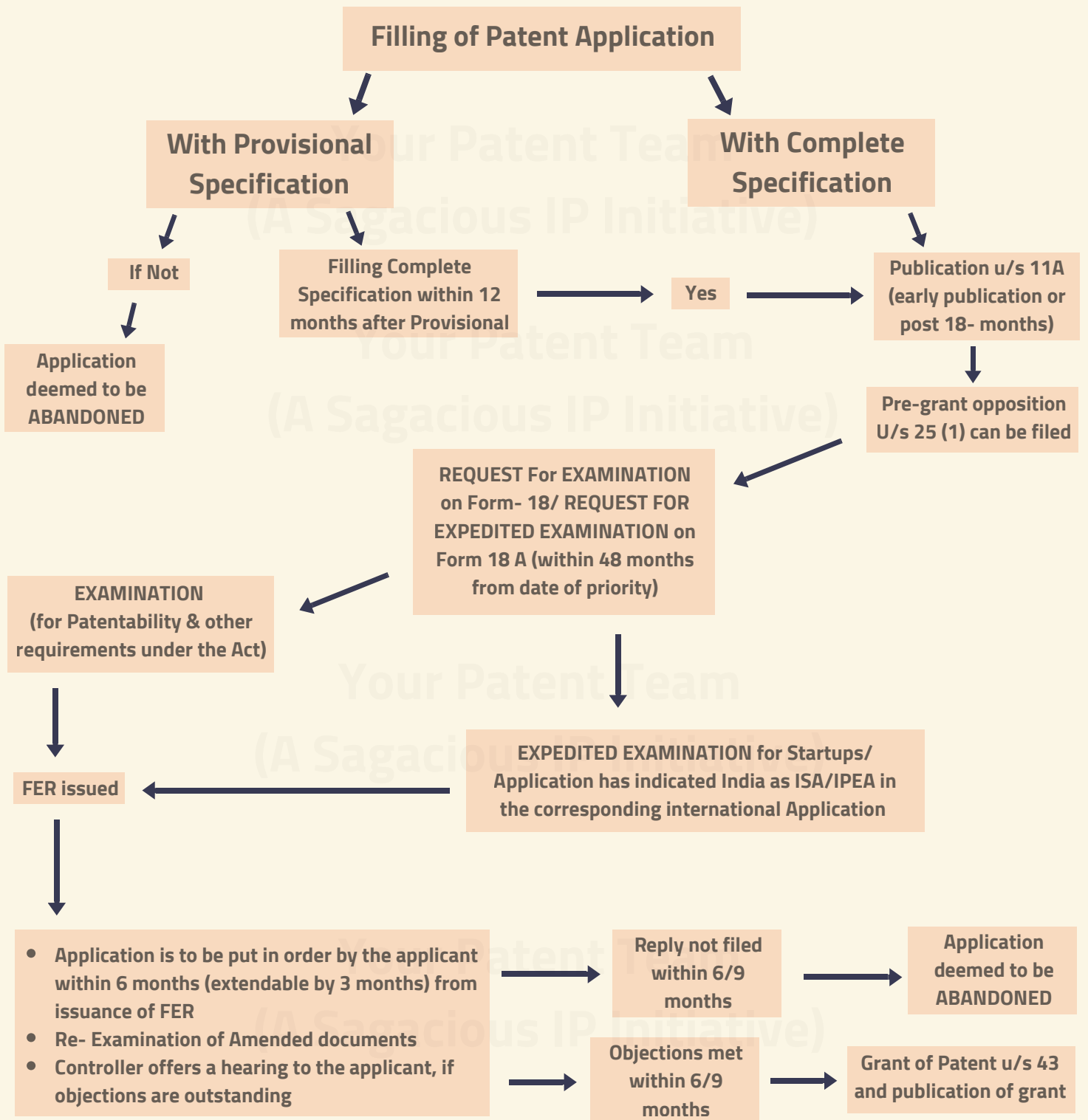
WHAT IS NOT PATENTABLE?

- Scientific inventions/ideas, contrary to well established natural laws, formulation of abstract theory, prejudicial to morality or injurious to public health, method of agriculture or horticulture, method of treatment, traditional knowledge, incremental inventions without increase in efficacy and inventions related to atomic energy are some of the inventions not patentable under sections 3 and 4 of the Patents Act, 1970.
- "Just an Idea" like A device to travel back in time, A device to teleport, etc. cannot be patented. A prototype in a working condition has to be constructed, for securing this idea in terms of a patent.

TIP 3#

It is recommended that you should conduct a patentability search before filing an application to judge the feasibility of grant of IP.

PATENT REGISTRATION PROCESS



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ABOUT DESIGN PATENTS

- Protects the aesthetic/ ornamental features of an object; no protection over functional aspects.
- Can be a 2D or 3D pattern of a handicraft, a product, or even an industrial commodity.
- Unique Selling Point (USP), protects look and feel of the product, prevents duplication of the product.
- Design examples:



TIP 4#

For Utility Patents: Make sure your invention is described enough to be created.

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CRITERIA FOR A DESIGN

- As per section 4 of Designs Act, 2000, a design which (a) is not new or original; or (b) has been disclosed to the public anywhere in India or in any other country by publication in tangible form or by use or in any other way prior to the filing date, or where applicable, the priority date of the application for registration; or (c) is not significantly distinguishable from known designs or combination of known designs; or (d) comprises or contains scandalous or obscene matter, shall not be registered.
- Further, a design should not attract the provisions of section 5 of Designs Act, 2000 i.e not be contrary to public order or morality.

TIP 5#

It's highly recommended that inventors consider getting a patent agent or attorney or a professional firm.

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IP PROTECTION SCHEMES FOR START-UPS

(As Per Indian Government)

About Startups Intellectual Property Protection

- This scheme was launched to facilitate protection of Patents, Trademark and Designs in startups, in the year 2016.
- After its success, Department of Industrial Policy & Promotion (DIPP) extended this scheme till 2020.

Eligibility Criteria:

- Must satisfy notification GSR 180(E) published in Part II, Section 3, Sub Section (i) of the Gazette of India dated 17.2.2016.
- Must hold Self-declaration to prove non-involvement with any other government schemes.
- Must be enforced within 5 years, having a turnover < 25 crores in the previous financial year.
- Must not be formed after splitting of an already existed company or business.

TIP 5#

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IP PROTECTION SCHEMES FOR START-UPS

(As Per Indian Government)

About Startup India

- The Ministry of Commerce and Industry of the Government of India released a scheme called 'Startup India' in 2015.

Eligibility Criteria:

- Must be less than five years old (for Biotechnology start-ups < 10 years)
- Annual turnover not exceeding INR 25 crore
- Focus on innovation, development or improvement of products or processes or services

Benefits:

- Fast track examination and disposal of Patent applications
- Facilitators will provide advice on promotion and protection of IPR in the overseas jurisdiction
- Rebate of 80% on patent filing fees vis-à-vis other companies

TIP 5#

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ABOUT YOUR PATENT TEAM (YPT)

A Sagacious IP Initiative (10+ Years in Business)

We have:

- 225+ technology/industry/legal experts.
- "Collaborative Patent Support" (Experts of Technology, Patent Laws, and Licensing).

We believe:

- in always keeping our client's interest first.
- in maintaining our Ethics as #1 priority.

We are delighted to offer:

- not the cheapest option available, but the best of all (it's our guarantee).
- the strongest and broadest possible protection.
- quality in much a less price during patent prosecution and after grant.

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