



Tech Transfer Hub at Venture Center
Supported by NBM - BIRAC



Topic: Patent and Other IP

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INTRODUCTION TO INTELLECTUAL PROPERTY (IP)

KINDS OF PROPERTY

- ❖ Movable Property

 - Car, Furniture

- ❖ Immovable Property

 - Land, Building

- ❖ Intellectual Property

FORMAL DEFINITION

According to WIPO, Intellectual property (IP) refers to creations of mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce

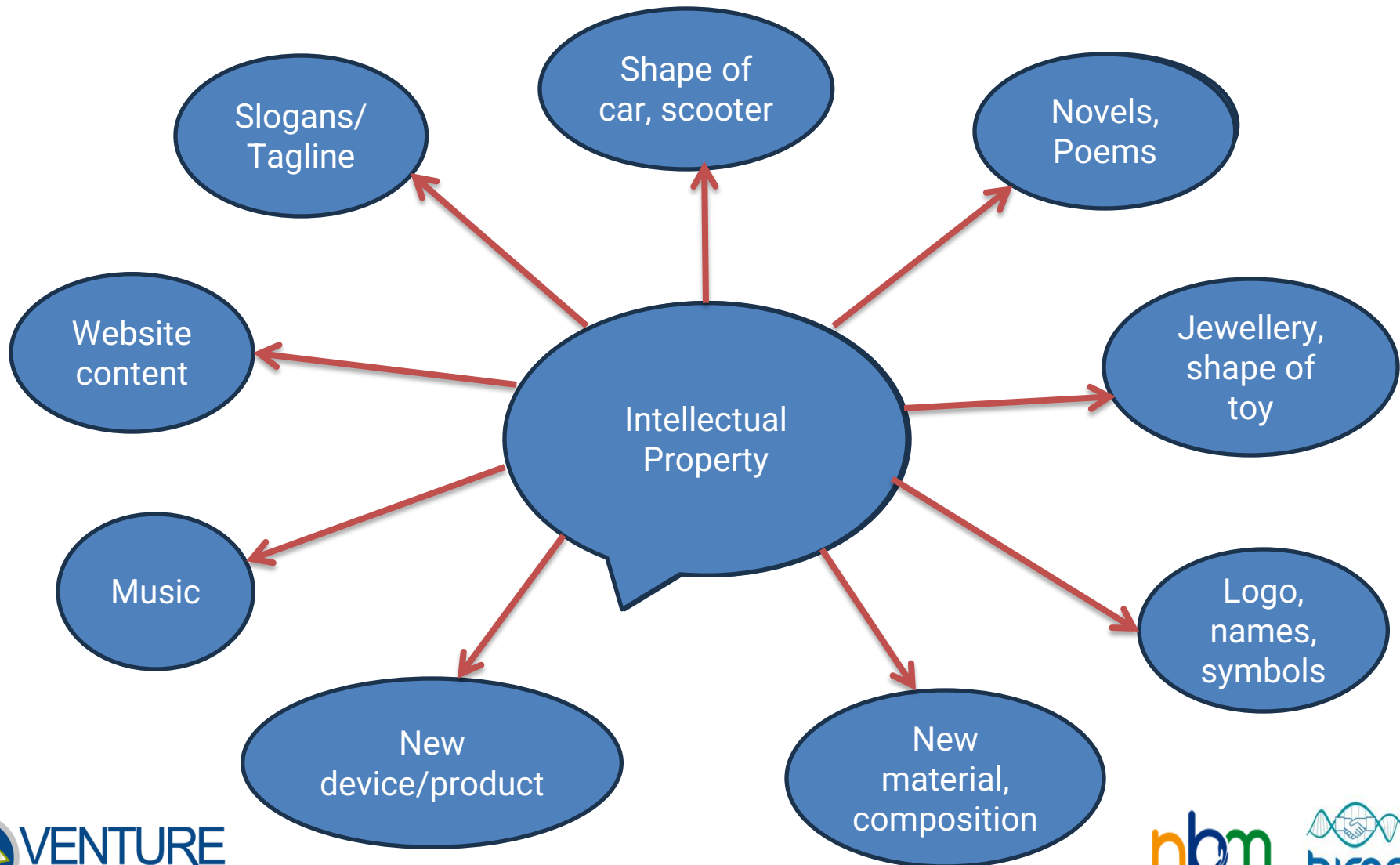
(<http://www.wipo.int/about-ip/en/>)

So, in short, Intellectual Property is,

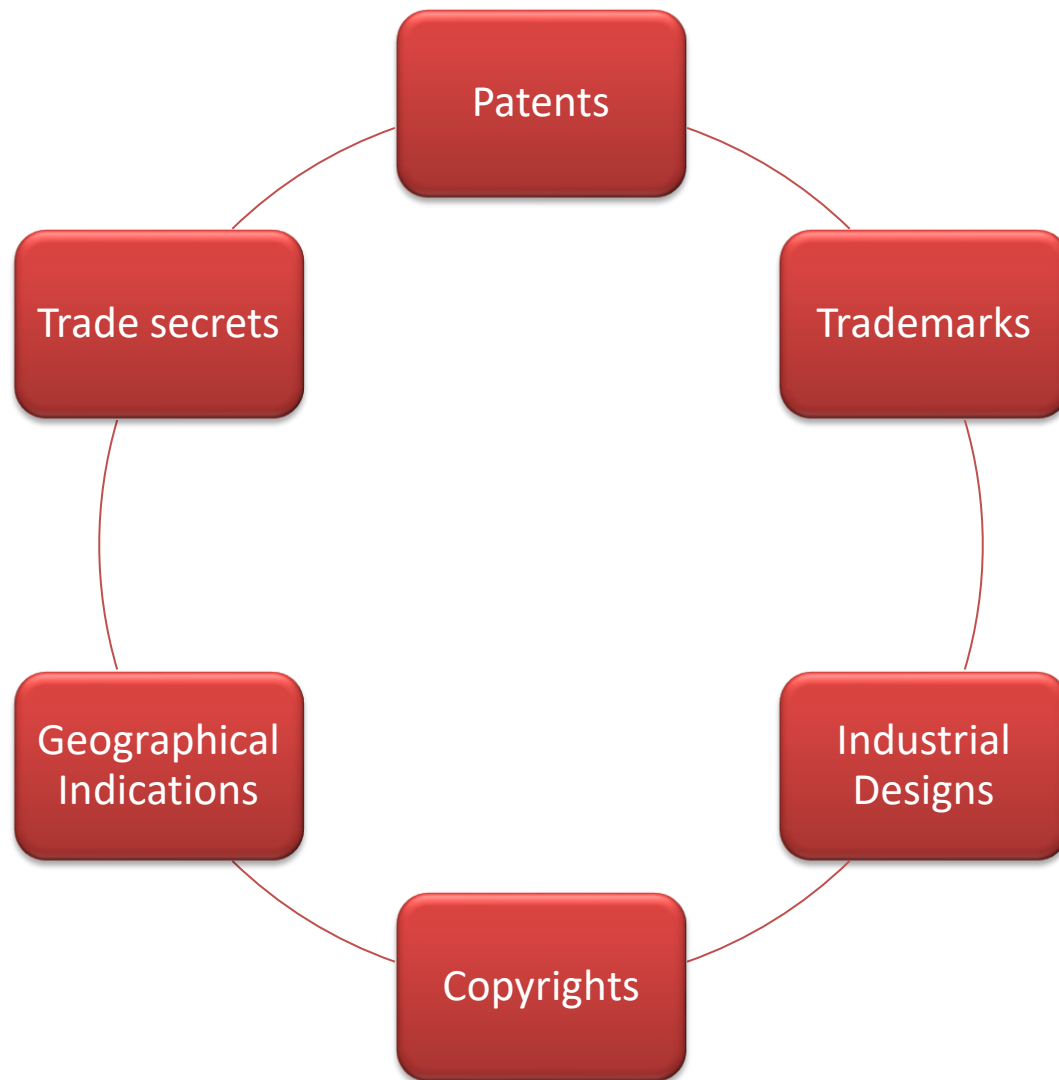
- Creation of human mind
- Intangible Property
- Exclusive rights given by statutes
- Time-bound
- Territorial



TYPES OF CREATIONS



TYPES OF IP



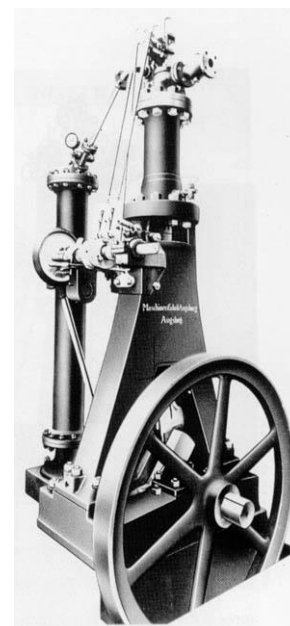
EXAMPLE

New appearance
of Shoe-Protect
Design

New
Logo/brand
name-obtain
Trademark



New cushion
sole technology-
consider **Patent**



CENTER

PATENT



A property right granted **by the Government (Office of Controller General of Patents, Designs & Trade Marks)** to an inventor “to **exclude others** from *making, using, offering for sale, or selling the invention or importing the invention*” for a ***limited time*** in exchange for public disclosure of the **invention** when the patent is granted.

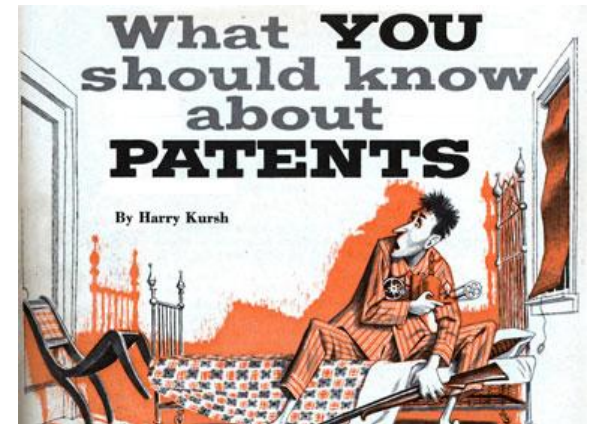
Patent is

- Territorial right
- Negative right
- For limited period of time



RIGHTS OF PATENTEE

- ❖ Right of preventing others from exploiting your idea
- ❖ Licensing the patent
- ❖ Surrendering the patent
- ❖ Suing for infringement of the patent



PATENTABILITY

N Novelty

New, unknown, not published ,undisclosed, not in public domain, not discussed, not used, not sold

U Utility

Is capable of being made or used in any kind of industry

N Non-obviousness

Involves technical advance as compared to existing knowledge or having economic significance or both which makes it not obvious to the person skilled in the art

S Statutory requirements

WHAT CAN BE PATENTED

- ❖ Process or Method (*an inventor can patent his new apparatus for filtering and purifying plant extracts as well as his filtration method*)
- ❖ Machine or Apparatus (*specialized hockey skates*)
- ❖ Composition of Matter (*aspirin, a chemical compound that relieves headaches*)
- ❖ Chemical Compounds (*new drugs*)
- ❖ Formulations
- ❖ Improvements of Any of the Above

PROCESS FOR PATENT FILING (step by step)

1. Documentation:

- Keep dated notes
- Drawings, prototypes
- Development timeline

Idea → Research → Provisional → Complete specification → Examination → Grant → Maintenance

2. Conduct a Patent Search

- Search databases (Google Patents)
- Identify prior art

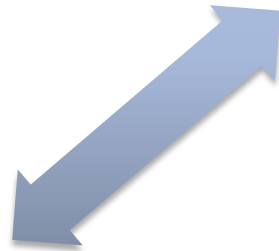
3. Decide on Patent Type:

- Decide which type of IP you wish to file

4. File a Provisional Application:

- Lower cost
- Secures priority date
- 12 months to file Complete specification

Specification



Provisional



Complete

- To establish priority of the invention
 - When the invention is only at a conceptual stage
 - Very imp document to establish the earliest ownership of the invention
 - Liberty to develop
 - Disclose to interested person to obtain financial support
- Describes the invention and the manner in which it is to be performed
 - Must contain at least one claim
 - Must be submitted within 12 months of filing the provisional spec
 - Can be filed right at the first instance

STEP BY STEP PROCESS *cont...*

5. File Complete Specification:

- Claims (most important part)
- Drawings
- Detailed description

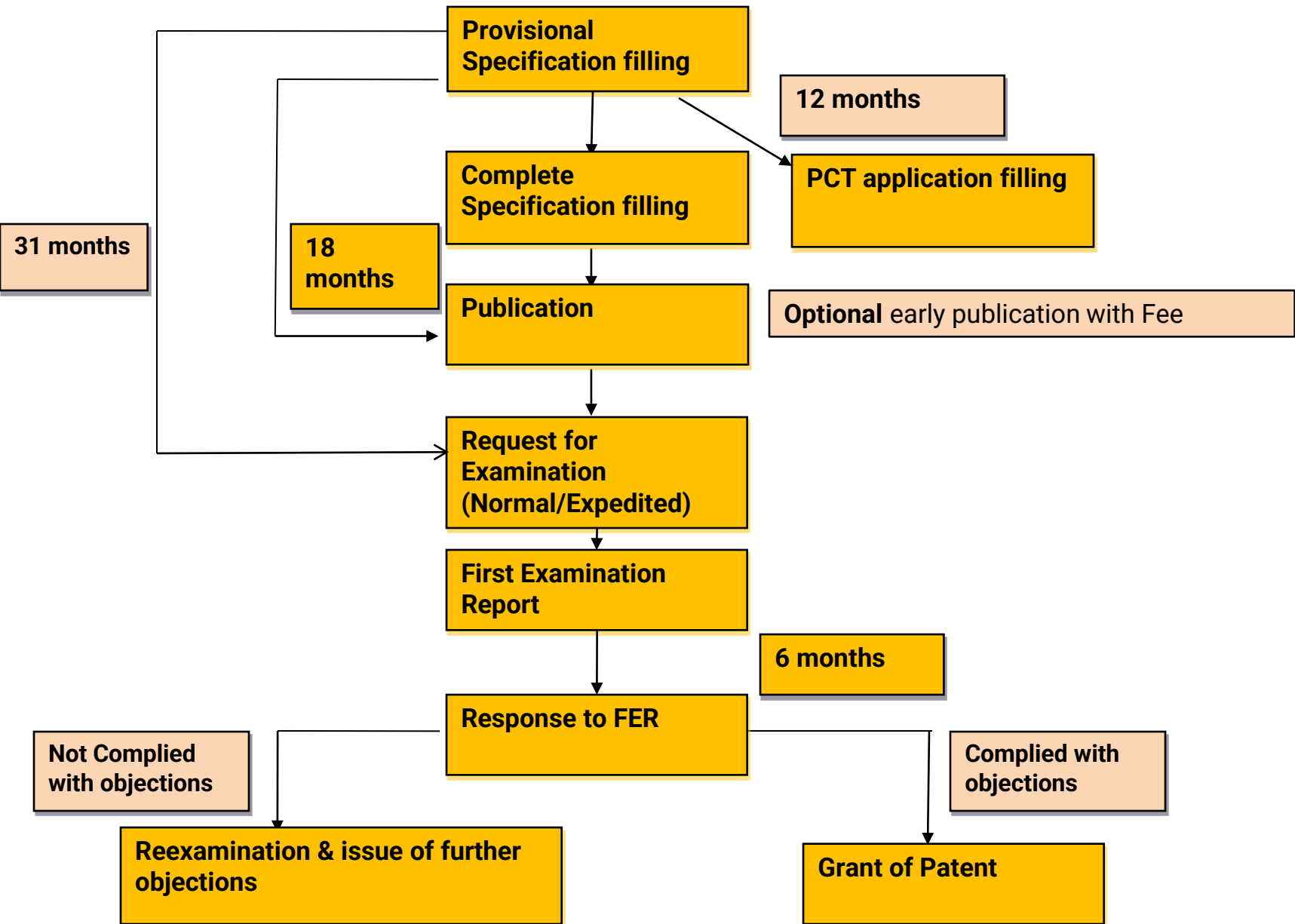
6. Patent Examination:

- Assigned to examiner
- Office Actions (rejections or objections)
- Amendments & responses
- Hearing

7. Approval & grant:

- Certificate of grant is issued

PATENT PROSECUTION TIMELINES



On what payable	For E- filing Fees (INR)		For physical filing Fees (INR)	
	Natural person/Star t-up/SME/ Educational Institutions	Others	Natural person/Star t-up/SME/ Educational Institution	Others
On application for a patent <i>(Form 1)</i>	1600	8000	1760	8800
For each sheet in addition to 30	160	800	176	880
For each claim in addition to 10	320	1600	352	1760
Request for publication <i>(Optional)</i>	2500	12500	2750	13750
Request for examination of application for patent	4000	20000	4400	22000

APPLICANT/ASSIGNEE/PATENTEE

- Can be individual/entity
- Either alone or Jointly
- Organization employing the inventor of the technology
- Can also change at a later date
- Has all the rights to exploit the invention commercially
- It has given that person all the rights to deal with the Patent

INVENTORSHIP

- Someone who made substantial contribution to at least 1 of the claims
- Joint Inventorship: conception & reduce to practice.
- Joint inventors can be combination of two people who have executed someone else's instructions generally don't qualify as inventors
- Colleagues, students, research assistants, technicians, mechanists, or their Supervisors [including those who gather essential data or construct a practical embodiment of the invention]aren't inventors unless they have made an inventive contribution
- Always an individual

MISTAKES TO AVOID

❖ Public Disclosure Before Filing

- ✗ Posting online
- ✗ Pitching without NDA
- ✗ Selling product before filing

❖ Skipping Prior Art Search

- ✗ Leads to rejection
- ✗ Wastes money

❖ Writing Weak Claims

- ✗ Too narrow → easy to design around
- ✗ Too broad → rejected

MISTAKES TO AVOID

❖ **Waiting Too Long**

- ✕ First-to-file system
- ✕ Someone else may file first

❖ **Filing Provisional and Doing Nothing After**

- ✕ Must file Complete specification within 12 months

❖ **Filing only in India**

- ✕ Patent is a territorial right
- ✕ Filing separately in each country Vs PCT application
- ✕ Filing without market assessment

COPYRIGHTS

Copyright is a legal term describing rights given to creators for their literary , dramatic, musical or artistic works

*When **J. K. Rowling** wrote “Harry Potter” , what she wrote was protected by copyright.*

(from <http://www.wipo.int/about-i/en/copyright.html>)

©Warner Bros. Entertainment Inc. 2004
Harry Potter
publishing rights ©J.K.Rowling



COPYRIGHTS

Copyright covers,

- ❖ Literary works or textual material(novels, poems, plays)
- ❖ Audio material (music, lyrics, speeches)
- ❖ Reference works, newspapers
- ❖ Dramatic works (Films, musical compositions, and choreography)
- ❖ Artistic works (paintings, drawings, photographs and sculpture)
- ❖ Advertisements, maps and technical drawings
- ❖ Computer programs(algorithm)
- ❖ Databases



INDUSTRIAL DESIGNS

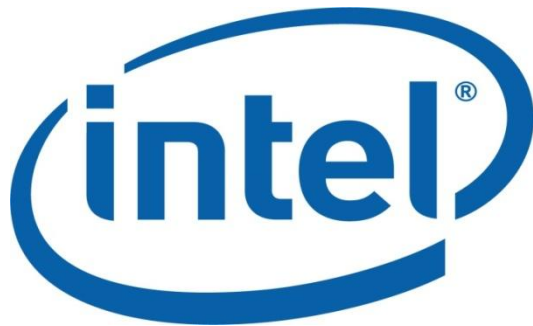
- ❖ **Ornamental or aesthetic aspect** of an article
- ❖ May consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color
- ❖ Industrial designs are what makes a product **attractive** and **appealing**; hence, they add to the **commercial value** of a product and **increase its marketability**
- ❖ Industrial designs are filed if product is improved
- ❖ Aesthetically
- ❖ Ergonomically
- ❖ From usability point of view



TRADEMARK AS A REPRESENTATION OF THE BRAND

NOKIA

IBM®



Coca-Cola

TRADEMARK

Trademarks are **distinctive signs**, used to **differentiate** between **identical or similar** goods and services offered by **different producers** or services providers

(From <http://www.wipo.int/trademarks/en/>)



Or, trademark is a **distinctive sign** which **identifies** certain goods or services as those **produced** or provided by a **specific person** or enterprise

(From <http://www.wipo.int/trademarks/en/trademarks.html>)



Trademark may be,

- One or a combination of words, letters, and numerals
- Drawings, symbols, three- dimensional signs
- Audible signs such as music or vocal sounds (Intel, MGM)
- Fragrances (eraser, furniture)
- Colors used as distinguishing features (MSN, Wipro)

(From http://www.wipo.int/trademarks/en/about_trademarks.html#what_kind)

ESSENTIAL FEATURES OF TRADEMARK

- It must be **Distinctive**
- It must not be a geographical name of a place
- It should not create confusion among consumers
- It should not contain a scandalous or obscene matter
- It should not contain any matter likely to hurt religious sentiments of people



Trademark
(after application and before
grant)

Registered

TERM OF IP

Copyrights



www.biospark.in

Term of Copyright is Life + 60 years for authors and for others, 60 years from publication(posthumous works, photographs, cinematograph films, sound recordings etc)

Trademark



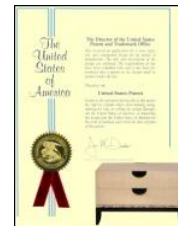
Term of TM is 10 years and may be renewed from time to time for an unlimited period by payment of the renewal fees

Patents



Term of patent is 20 years from date of filing and it can not be renewed

Industrial Design



Term of Design is 10 years and can be renewed for further 5 years

THANK YOU

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