

General Information about Patent rules

- i. **Not all inventions are patentable** subject matter. Section 3 of the Patents Act provides that subject matter which is not patentable. Therefore, while conceiving, the inventor must be clear that the invention does not fall under any of such categories which are not patentable.
- ii. All inventions must meet the **novelty criteria under the Patents Act**. The patentability opinion can be examined upon conducting an extensive search and forming a patentability report.
- iii. The **application** consists of various parts such as Claims, Background, Description, Drawing (if any), Abstract, and Summary. All such parts must be carefully drafted to provide effective disclosure of the invention. It is advised that utmost care and precision must be taken while drafting the application.
- iv. **Filing the Patent Application**
- v. The application is published after 18 months from the date of filing. There is no need for any special requirement from the applicant for publication. In case, the applicant does not want to wait till the expiry of 18 months, an **early publication request** can be made along with prescribed fees by filing Form 9. Generally, the patent application is published within one month from the request of early publication.
- vi. Unlike the publication, the examination is not an automatic process and the applicant is required to **request the patent office to examine the patent application**. The normal request must be filed within 48 months from the date of filing of an application.
- vii. The applicant needs to **respond to the objection received** from the patent office by way of the First Examination Report. The applicant is expected to file a written response to the objection raised in the examination report.
- viii. After addressing all objections, the application would be placed for a grant once it is found to be meeting all patentability requirements, and finally, the patent will be granted to the applicant. The **grant of a patent** is notified in the patent journal which is published from time to time.
- ix. Any person interested may file a **post-grant opposition** within 12 months from the date of publication of the grant of patents, by providing a notice of opposition to the controller.