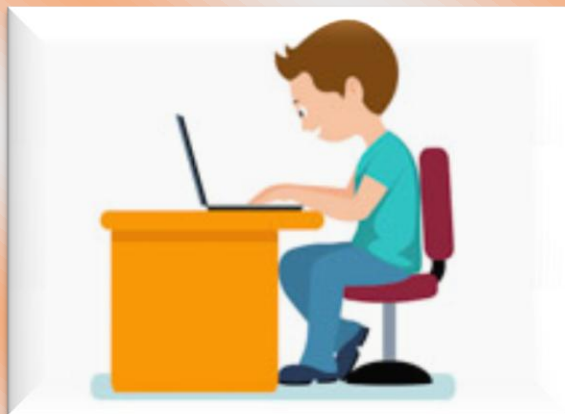


Filing of the Application

Physical filing at the Patent Office



Electronic filing









Procedure For Patent registration in India

Procedure For Patent registration in India starts with performing patent searches before patent application filing. After determining the novelty of the invention, the patent application can be filed with the Indian Patent Office in any of the branches i.e

- Delhi,**
- Mumbai,**
- Chennai or**
- Kolkata.**

The patent application can be filed as the provisional application or as the non-provisional application with the

Indian Patent Office. It would be easier to explain the procedure of patent registration in India in steps.

-  **Patent Searches**
-  **Patent Drafting**
-  **Patent Application Filing**
-  **Publication of Patent Application**
-  **Examination of Patent Application**
-  **Grant of a Patent**

1: Patent Searches

It is considered safe to do patent searches before patent application filing. If an invention is found in prior arts or closes to prior arts then the novelty of that invention can be challenged by the Indian Patent Office. Therefore, it is important to perform prior art searches in order to save the money and time of an applicant.

2: Patent Drafting

After conducting thorough searches worldwide, the invention is written in a techno-legal language known as the specification which can be with or without claims.

Without claims is the provisional specification and with claims is the complete specification. The specification specifies the field of invention, detailed description of the invention with working examples and the best method to perform an invention so that a person skilled in the art can perform the invention.

3: Patent Application Filing

A patent application filing is the first step towards obtaining a patent. Application filed as a provisional application is generally filed to claim priority date over other applications. A patent application consists of series of forms prepared according to the Indian Patent Act, 1970.

The drafted provisional or complete specification is filed in Form-2 of the Indian Patent Act, 1970. If a provisional patent application is filed then within 12 months of its

filing complete specification has to be filed. There are 6 different kinds of filing filed in the Indian Patent Office.

These are:

Ordinary application

PCT National phase application

PCT International application

Convention application

Divisional application

Patent of addition application

4: Publication of Patent Application

Once the Patent Application has been filed, then after the expiry of 18 months 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. This is a chance given to the public to raise an objection if any.

5: Examination of Patent Application/Patent Prosecution

The patent application is examined only when a request for examination has been filed. The request for examination has to be filed within 48 months of the application filing date or date of the priority. The patent examiner examines a patent application and issues an examination report. The examination report contains a series of objections raised by an examiner. The response to an examination report has to be filed within 12 months

of the issuance of the examination report. If needed examiner calls applicant or his agent for hearing. This phase is called as **patent prosecution**.

6: Grant of a Patent

After all objections to the examination report have been compiled and the examiner is satisfied with the reply of an applicant, the application is put in order for grant. On the other hand, if the examiner is not satisfied with the reply and arguments of an applicant, then he/she can reject the application.