

Patent Rules for Intellectual Property Rights (IPRs) Cell

Centre for Industry Institution Partnership Programme (CIIPP) has been striving to act as a podium for development and transfer of Technical and Managerial competence in the area of research and academics to meet the changing needs of the corporate sector and society at large. On the initiative of our Vice-Chancellor Prof. R.C. Sobti, Padam Shree, Centre for Industry Institute Partnership Programme (CIIPP) in its recent initiative in this direction has created Intellectual Property Rights Cell (IPR Cell) in collaboration with National and State patent agencies. IPR Cell will provide information, orientation and facilities to faculties, scientists and research students and of BBAU for protecting the products of their intellectual capabilities. The Cell would also be able to guide and advise researchers on how to obtain and sustain patents, facilitate routing of patent searches to National and State patent agencies and university and getting the necessary clearances from the competent authorities in the university while filing provisional/complete patent specifications. This Cell would also workout various modalities on behalf of the University for Technology transfer/ commercialization of patented technologies.

Objective and Activities of the Patent Cell

1. To provide IPRs protection information, orientation and facilities to university researchers & scientists.
2. To guide and advise researchers on how to obtain and sustain patents and help them to approach National and State patent agencies.
3. To work as a link between National and State patent agencies and university.
4. To facilitate routing of patent searchers to National and State patent agencies.
5. To get necessary clearances from competent authorities while filing patents and other IPRs like copyright registration and design registration, etc. through National and State patent agencies.
6. To workout modalities on behalf of the universities for commercialization of patented technologies.
7. To organize various IPR awareness programmes in collaboration with National and State patent agencies, in its campus.
8. CIIPP/University will provide the financial support, if needed by the faculty, for preparation and submission of the patent application after a preliminary scrutiny.

Some informations of Patent related issues

1. Intellectual Property Rights (IPRs)

IPR is a general term covering patents, copyright, trademark, industrial designs, geographical indications, protection of layout design of integrated circuits and protection of undisclosed information (trade secrets) and protection of new plant variety.

2. The aspects of IPR, we have Legislation in India

Patents: In India legislations are available for Copyright, Geographical Indications, Plant Varieties, Design, and Semiconductor Integrated Circuit Layout Design.

3. Who are responsible for administration of IPRs in the country?

Patents, designs, trademarks and geographical indications are administrated by the Controller General of Patents, Designs and Trademarks which is under the control of the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry. Copyright is under the charge of the Ministry of Human Resource Development.

4. What is a patent?

A patent is an exclusive right granted by a country to the owner of an invention to make, use manufacture and market the invention, provided the invention satisfies certain conditions stipulated in the law. A Letter Patent (a kind of certificate) is issued to the owner of the invention by the patent office of the country conferring this right. Exclusivity of right implies that no one else can make, use, manufacture or market the invention without the consent of the patent holder. This right is available to the owner of the invention only for a limited period of time.

5. What is expected from patentee as an obligation to the State?

A patentee must disclose the invention in a patent document for people to practice it after the expiry of the term of the patent or after the patent has lapsed due to nonpayment of maintenance fee or practice it with the consent of the patent holder during the life of the patent. Disclosure of an invention is a legal requirement for obtaining patent.

6. How is invention defined in the Indian Patent Act which can qualify for grant of a patent?

Invention means a new product or process involving an inventive step and capable of industrial application. Capable of industrial application means that the invention is capable for being made or used in an industry.

7. How do you explain the term .a new product or a process.?

An invention is considered new or novel if it is not known to the public through publication or prior use anywhere in the world. Oral description of the invention in a seminar/conference can also spoil novelty. Novelty is always assessed in the global context.

8. How is inventiveness defined in the Indian Patent Act? Explain the meaning of the term.

Inventive step is defined as a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.

In other words a very simple invention can qualify for a patent. A mere scintilla of invention is sufficient to found a valid patent.

9. What is considered as the date of patent?

The date of patent is the date of filing the application for patent (whether provisional or complete). The term of the patent is counted from this date.

10. What is the term of a patent in the Indian system?

Term of the patent is 20 years from the date of filing for all types of inventions