

Patent Law for Engineers and Scientists
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Lecture – 12
Patentability of Inventions
Capable of Industrial Application

The third requirement for determining patentability is that the invention should be capable of industrial application. Capable of industrial application is defined under 2 1 ac.

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Capable of Industrial Application

- S. 2(1)(ac): “Capable of industrial application”, in relation to an invention, means that the invention is capable of being made or used in an industry
- Invention is useful



It states that in relation to an invention means that the invention is capable of being made or used in an industry. So, if it is capable of being made or used in an industry, it is understood that it is capable of industrial application. Now the alternative word for capable of industrial application is utility that the invention is useful usefulness is tied to industrial application there is a reason for this, because the industry as we understand it is a place where things are mass produced they are you can replicate things in a large number and duplication of things in an industrial scale means there is an assembly line of production and things can be duplicated in great number.

Intellectual property rights especially when we talk about patents; patents are granted for things that you can repeat in big numbers. So, if an invention is patented and patent is granted it is granted with the promise that you have disclosed something which will be useful. So, the usefulness can be demonstrated when a person is able to create large numbers of it in an industrial setup or he is able to use it in an industry again for mass production. So, the mass production is something which is tied to intellectual property rights in general and more specifically to patent law patents way granted with the promise that what was patented could be repeated in the same manner by creating multiple copies of it.

So, the utility requirement which is also regarded as the invention should be capable of industrial application requires the invention to be useful in reducing mass copies of the same. Now the capable of industrial application could also bring in an element that an invention when it is patented need not be immediately capable of industrial application it could also be that a person who has filed a patent could make a working model or could make a working version of his invention sometime in the future. So, patents are also filed for there is a prospect theory which says that patents can also cover prospects even before the prospect actually incept in a working version.