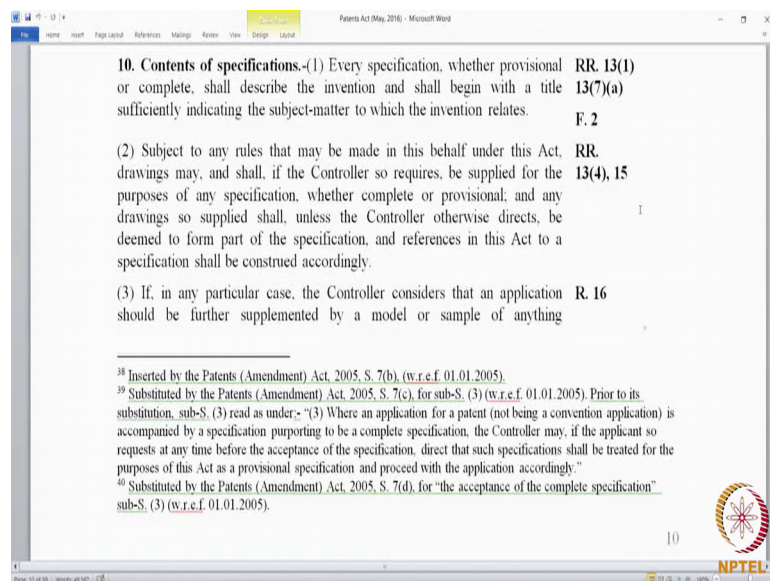


Patent Law for Engineers and Scientists
Prof. Feroz Ali
Department of Management
Indian Institute of Technology, Madras

Lecture - 15
Patent Specifications
Contents of Specifications

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In section 9, we had seen the two types of specifications provisional and complete. And the various instances where the provisional specifications had to be followed by a complete and what would happen if it is done and instances where multiple provisional's could be followed up by one complete. And instances where you could post date the provisional to that of the date of the complete specification. Form 2 describes the form that has to be used for filing board a provisional and a complete specification.

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FORM 2
THE PATENT ACT 1970
(39 OF 1970) &
THE PATENTS RULES, 2003
PROVISIONAL/COMPLETE SPECIFICATION
[See section 10 and rule 13]

1. TITLE OF THE INVENTION
2. APPLICANT(S) (a) Name: (b) Nationality: (c) Address:
3. PREAMBLE TO THE DESCRIPTION

Now, in class 3 of form 2 describes the form that has to be used for filing a provisional or a complete specification.

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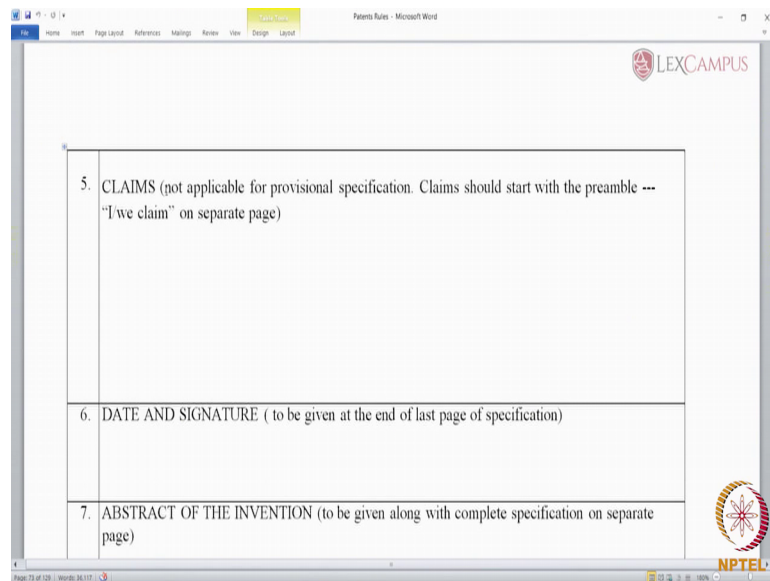
2. APPLICANT(S) (a) Name: (b) Nationality: (c) Address:	
3. PREAMBLE TO THE DESCRIPTION	
PROVISIONAL The following specification describes the invention.	COMPLETE The following specification particularly describes the invention and the manner in which it is to be performed
4. DESCRIPTION (Description shall start from next page)	

In class 3, you find the distinction between the provisional and the complete; class 3 mentions the preamble to the description, in the case of a provisional the preamble that is starting part of the document will read as following. The following specification describes the invention whereas; in an complete it will start with the preamble the

following specification particularly describes the invention and the manner in which it is to be performed.

Now, this is a very subtle difference, but this is what the form mandates. So, from the beginning statement from the preamble you should be able to see whether it is a complete or a provisional, then you have a description and the description will be of the invention then claims in class 5.

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Now if you see here it is mentioned not applicable for provisional specification, claim should start with the preamble I slash we claim on a separate page. So, the claims have to be on a separate page. And form 2 expressly mentions that claims need not to be applicable for a provisional specification. So, we understand a provisional as description of an invention because a descriptive part in class 4 is still necessary, a description of an invention without the claims, whereas a complete should necessarily have the claims.

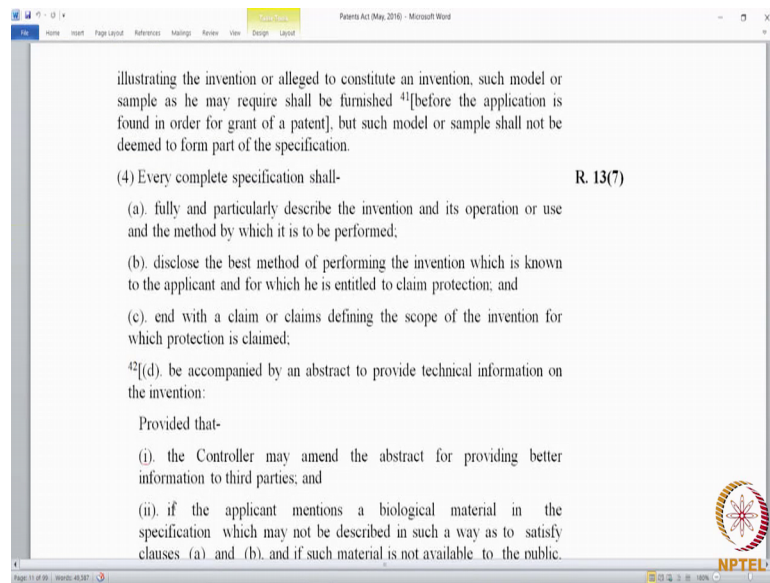
While section 9 deals with the different instances where a provisional has to be followed by a complete, section 10 deals with the contents of the specification; what should a specification contain? Section 10 1 says that every specification whether provisional or complete shall describe the invention and shall begin with the title sufficiently indicating the subject matter to which the invention relate. So, there has to be a description and a title.

In rule 13 the extent of the title is mentioned and what format should be and what should be the limitations of a title or mentioned in rule 13, we will look at it in a minute. 10 2 states that subject to any rules that maybe made on this behalf under this act and the relevant rule being mentioned there rule 13 is a relevant rule, drawings may and shall if the controller so requires we supplied for the purpose of any specification whether complete or provisional and any drawings are supplied shall unless the controller otherwise directs be deemed to be a part of the specification and references to this act to a specification shall be constitute accordingly. So, this provision says that drawings may be supplied or if the controller insists they shall be supplied. So, its optional supplying a drawing is an optional thing, but if the controller requires then it has to be done.

In most mechanical patterns you will find that there are drawings which explain the working or there is a blown up view, there are different kinds of drawing or a cross section which gives an insight into how the invention works. Drawings are treated as a part of a specification and wherever there are references to the drawing you will find that the written part of this specification will have cross references to the drawing, and drawings shall be used to since they form a part of this specification they will be regarded in construing the specification.

So, we understand this specification as a written statement of the invention, but the written statement can also be supplemented by drawings. 10 3 talks about models and samples, the controller has the power to insist on a model or a sample of anything illustrating the invention and once the controller insists the applicant shall furnish before the application is found in order for the grant, but such model or sample shall not be deemed to be form a part of the specification.

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Now this is the critical difference between the drawing and a model or a sample; the drawing is deemed to be a part of the specification which means if you search for a copy of the specification you will find the drawings in it whereas, models and samples by their very nature they cannot be textualized. So, understand that the drawing and the written part of the specification because they can be textualized, they form a part of the specification. Whereas models and samples it is hard to textualize them so they are not deemed to be a part of the specification. A model or a sample is not insisted by the controller in all the cases, but in some specific cases for instance, if the applicant claims to have invented a machine that is capable of perpetual motion, the controller can insist on a working sample so the working sample or a miniature model would show whether the invention is capable of achieving what the inventor claims.

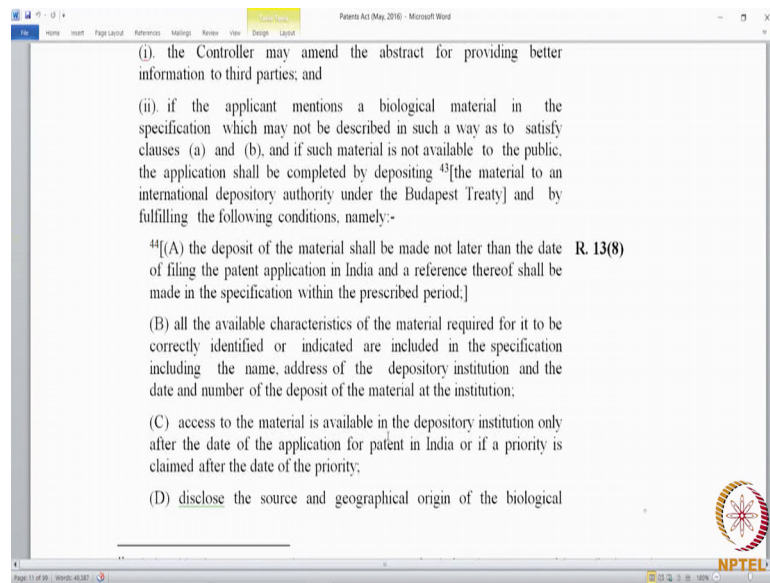
Now 10 4 describes the various paths of a complete specification and paths and functions of a complete specification. 4 A tells us that the complete specification shall fully and particularly describe the invention and its operation and use and the method by which it is to be performed. So, there is a full description of the invention and operation or use is described and the method by which it is performed. So, the working to put it in a nutshell the entire working of the invention has to be described in the complete specification; b the complete specification has to disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection. So, not only should the invention be described its working shown, but the best method of

performing the invention should also be disclosed. C the complete specification should end with the claim or claims defining the scope of the invention for which protection is claimed. So, the claims should ideally come at the end of the complete specification and they should define the scope of the invention for which protection is claimed.

So, this provision tells us that it is the claims that are enforced and it is the claims that are protected. So, when a patentee files an (Refer Time: 07:59) suite after the grant of the patent, it is the claims that he is going to enforce against the infringer. The person who infringes either the product or an act of the infringer will now be mapped on to the claim of the patentee, whatever the patentee has claimed. Only if the product or the act of the infringer falls within the scope of the invention as mentioned in the claim will infringement be proved. So, claims are the most important part of the specification, claims define the scope of the invention and it is the claims that are granted which can be enforced before a court of law.

So, the descriptive part will help us to understand what is being claimed and there are certain relations that the descriptive part has with the claim. For instance the claim has to be fairly based on what is described. So, you cannot claim something which you have not described. So, there are some relationship between these parts, but the claims are defining part of the invention, the invention is defined in the claim and the path that is enforced by a court of law is the claim and when the patent office grants the claim the patent office is granting protection to the invention in the form of the claim. D mentions that the complete specification shall be accompanied by an abstract to provide technical information on the invention. Now what should be there in the abstract is detailed in rule 13?

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The controller has the power to amend the abstract, if the information provided in the abstract is not clear or if the controller feels that by amending the abstract the better information will be communicated to third parties. The abstract is one of the parts in the specification which would be the subject matter of an initial search. Now when the patent application is published the details of the publication does not have the entire specification, the complete specification in its entirety is not published in the official journal of the patent office; but the bibliographical details of the invention and the abstract is published in the official journal.

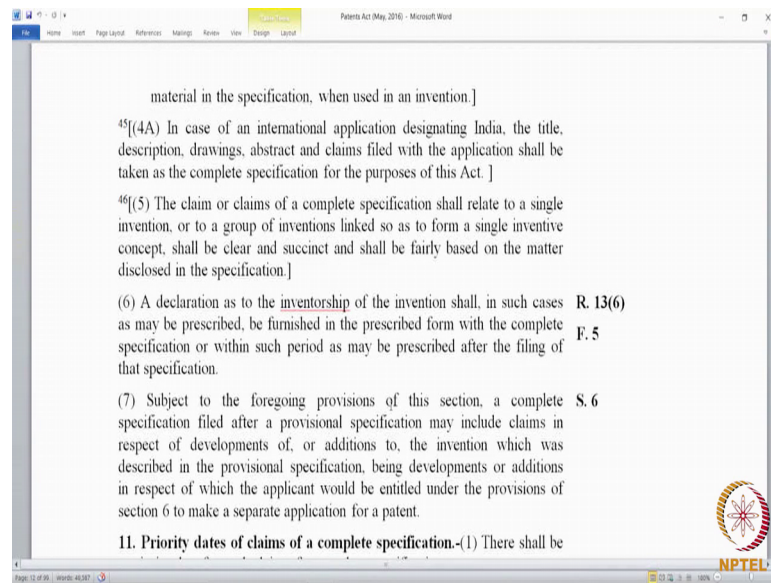
So, the abstract contains the technical information about the invention and because abstract is published earlier in time there are certain limitations on what you can mention and there are certain word limits on the abstract. So, the abstract is probably we can regard the abstract as the part of the patent specification which is searched first and if the abstract is of supplies information on a particular field of technology, then the person who is searching may look into the complete specification. Now in the complete specification where and applicants mentions biological material and if the biological material is not described in a satisfactory manner and if such material is not available to the public, then the applicant shall deposit the material to an international depository authority under the Budapest treaty.

This is a requirement which steps in only in the case of biological material that is used the requirements are if the biological material is not described in a way in which it satisfies a classes a and b and the biological material is not available to the public, these are the 2 conditions one it is not described in a way which described in classes a and b that is where the detail a full description of the particulars and best method of working and if the material is not available to the public then there is an obligation on the applicant to deposit the material to an international depository under the Budapest treaty.

Now the deposit of the material shall be made not later than the date of filing the patent application in India and reference they too shall be made in the specifications within the prescribed period. So, not only there is a timeline for making the deposit reference also has to be made in the specification within the prescribed period which is again mentioned in rule 13. There are some requirements as the specifications shall include the name address of the depository institutions and the date and the number of deposit of the material at that institution.

So, once the biological material is deposited there is a date on which that is done and a number which is given so those details have to be included in the specification. And access to the material is available in the depository institutions only after the date of the applications for patent in India or of the priority date is claimed after the date of priority. So the access if anyone needs to access this material that is allowed only after the date of application of the patent or after the date of priority, and the applicant also has to disclose the source and geographical origin of the biological material in the specification when used in an invention.

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So, if it is a plant variety which grows only in a particular country, then the applicant will mention the source from which the biological material was derived and it will also mention the geographical location. 4 A tell us that in the case of an international application designating India which includes a convention application and a pct, the title description drawing abstract and claims filed with the application shall be taken as a complete specification for the purposes of this act. Now 4 A actually tells us what are the critical parts of a specification or what comprises a complete specification title, description, drawings if there are any, abstract and claims.

So, these 5 parts comprises the complete specification. So, the complete specification will have a title followed by a description, and the description will have cross references to the drawings if there are any drawings and the drawings will also be there in the complete specification in separate sheets, there will be an abstract of the invention again in a separate sheet and claims beginning in a separate sheet. So, these parts together form the complete specification. Sub section 5 of 10 states that the claim or claims of a complete specification shall relate to us single invention, we had seen this in section 7 that there is a cross reference to section 7, which tells us that an application can be only for a single invention. So, they can only be one invention.

So, this re iterates that claim shall or the group of claims shall relate to a single invention or a group of invention linked so as to follow form a single inventive concept. So, this is

called the unity of invention. An application should pertain to only one invention or a group of inventions that are connected by what is called a single inventive concept, there are a group of inventions, but they together have the same concept. File also has another requirement that the complete specifications shall be clear and succinct and shall be fairly based on the matter disclosed the specification. The fact that the complete specification should be clear and succinct is a requirement that the complete specifications should not be ambiguous and it should communicate the invention clearly.

So, if there is any ambiguity or is there are words that are not clear or words that are capable of multiple meanings words that are ambiguous or vague, then those can actually come in the way of the grant of a patent. So, the fact that the patent is granted employees that the patent clearly and succinctly communicate the invention. Apart from the fact that the claims of a complete specification shall be clear and succinct clear and succinctness is requirement for the claims, the claim shall also be fairly based on the matter disclosed in the specification, this concept is called as fair basis which states that the claims are based on what the matter that is been disclosed in the specification.

This requirement is critical because a person cannot make a claim of something that he has not disclosed. If the applicant has not disclosed a part of the invention then it would not be proper on him to claim it without making a disclosure, because as we have already seen in classes a and b of section 10 1 that the descriptive part has to be full and particular description, it has to disclose the best method of working the operation or use and the method by which it is performed all these things has to be described in the complete specification.

So, if the descriptive part does not make a full description of the invention and if you claim something which you have not described, then the patent office will regard that your claims are not fairly based on the matter disclosed and that will be a ground for rejection of the claims. Now we can understand this that a if you make a prayer or a petition before an authority or a court of law, normally your petition will end with a set of prayers oh relief that you seek at the court of law if it is a relief against trespass into your property then you would claim a relief of injunction injecting the person that trespasses from entering into your property. Now you are not going to make this claim you are not going to seek this relief of injecting the third party against whom you have filed a suit from entering your land without describing an instance of trespass or at least

describing an instance where there is been a threat to trespass into your land. So, the relief that you claim the prayer that you make in your petition has to flow from what you have pleaded in your petition.

So, if you make a prayer without the corresponding pleading, most likely the court will not grant you the relief; similarly you cannot claim an invention or a part of an invention which you have now described in the descriptive part of the specification. So, the concept of fair basis tells us that every claim should be based on a description in the descriptive part of the specification; the description should disclose the claim or the claim should flow from the description. Now this has also led to certain techniques and pattern drafting, to ensure that you do not claim something which is not fairly based. Some attorneys draft the descriptive part first and then they try to map it with the claims or the attorneys who draft the claims first that is another approach in pattern drafting will ensure that a descriptive part has the objects that have been claimed described in details.

So, either way whether you follow the method of putting the description first and carving out the claims or drafting the claims first and working back on the description in either way you are going to ensure that the claims are based on the description to get over this objection that which would come from the patent office, in case if the claims are not fairly based on the description. Sub section 6 says that the declaration as to inventorship of the invention shall in such cases as may be prescribed be furnished in the prescribed form with the complete specification or within such period as may be prescribed after the filing of that specification.

Now we saw this the proof of write in the case of an assignment could be filed either at the time of filing the complete specification at the time of making the application or after a time period that is prescribed and we saw that the time period that was prescribed was 6 months from the date of filing the specification. So, there was an option. So, there are documents that go along with the form 1 and form 2 and if you look at the form 1 the concluding part of form 1 tells you what are the documents that has to be accompanied along with the form 1. Form 2 in all cases is accompanied accompanies the form 1 and the declaration of inventorship should also accompany the form 1.

If it is not filed along with the complete specification then it has to be filed within the period that is prescribed. Now a declaration of inventorship is filed using form 5, there is

a separate form for that now the prescribed time period we look at it when we come to rule 13. Subsection 7 states that subject to the following provisions of this section a complete specification filed after the provisional specification may include claims in respect of developments or additions to the invention which was described in the professional specification being development or additions in respect of which they have applicant would be entitled under the provisions of section 6 to make a separate application for a patent. Sub section 7 says that if there is a complete specification filed after a provisional then all the developments and additions that happen to the invention in the interregnum, in the period between the filing of the provisional and the complete can also be claimed in the complete.

So, there is no need for the applicant to file a separate application for that though he would be entitled to do it, but since there is time period between the provisional and the complete, all the development that happened after the filing of the provisional could also be included in the claims of the complete. Without doubt those claims which were included later on will have a different priority date, and we had mentioned that claims will have different priority and the priority date of the claim the date on which the claims are filed for the first time or disclose to the world for the first time, the priority date will start from the date on which the disclosure was first made.

So, if the part of the claim filed with the complete specification was disclosed in a provisional then the date of the provisional will be the priority date for that claim. If that claim was filed only in the complete and it was not disclosed in the provisional, assuming that there is a description that goes with the claim in the complete then the date will be of that of the complete.

To give you a better illustration if the provisional was filed on January first of a particular year which has a mechanical device, and in June first complete is filed for that invention with the claims, but when the complete is filed there is also an additional device are an additional component that is added to the invention which was not described in the provisional that was filed in that year then that additional device which was filed in June will have the priority in June, because it was not disclosed before where as the main device which was disclosed in January, will have its priority from January, though the claims appeared only in the complete specification that was filed in June. So, this is where the fair basis the concept of fair basis comes in.

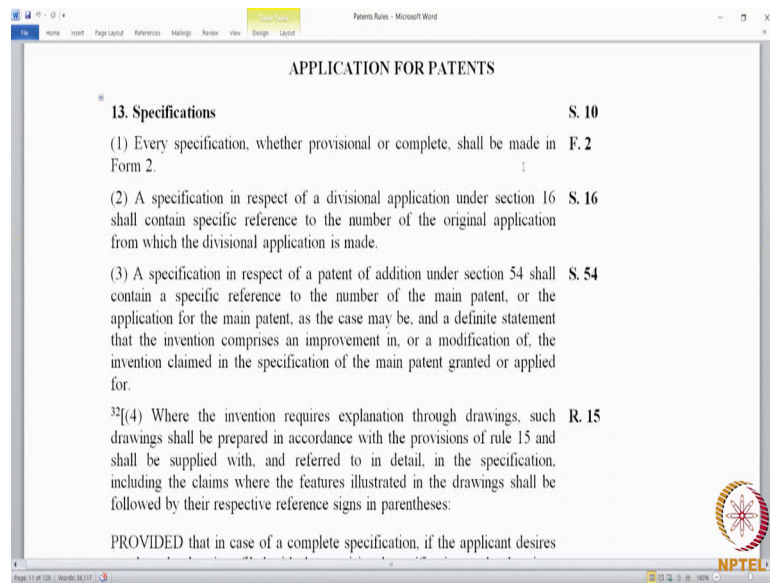
The claims that are filed in a complete specification, so far as they are fairly based on a disclosure mentioned in the provisional specification, the claims will get the priority of that disclosure. So, subsection 7 tells us that once a provisional specification is filed and the provisional specification is followed up by a complete any development or improvement or addition made after the filing of the provisional specification can be claimed in the complete specification but it will have a different priority date.

Now many of the requirements in section 10 that the complete specification shall describe the invention they shall be a full and particular description of the invention, there shall be a disclosure of the best method, the claim shall define the scope of the invention that they shall be only one single invention per application that the claim shall be clear and succinct, and the claim shall be fairly based on the matter disclosed, these are all requirements that the patent office insist before filing him patent application.

Now assume a case that where the patent application goes through the patent office scrutinized for all these things and gets granted; and due to oversight some of these requirements like the claims are not clear and succinct or the fact that it does not disclose the best method, the patent office overlook them and granted the patent. These requirements which what we call as requirements that a complete specification has to satisfy will now become grounds for revocation for a patent to be challenge because these requirements we are not satisfied at the patent office.

So, the fact that the claims are not clear and succinct could be a ground for revocation, the fact that the claims are not fairly based on the disclosure could become a ground for revocation if that patent got granted with the defect the fact that the best method is not disclose that could become a ground for revocation. So, if you look at some of the grounds in section 64, some of the grounds are actually the requirements which have to be met by the applicant if they are not satisfied before the patent office, they could become a ground for revocation later on before the applied board or the high court. Some of these grounds could also become grounds for opposition after a patent is granted.

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Now, let us look at rule 13 which gives more details about this specification, 13 1 states that every specification shall be made in form 2 whether it is complete or a provisional. 13 2 states that a specification in respect of divisional application under section 16 shall contain specific reference with the number of the original application from which the divisional application is made. Section 16 when we come to it pertains to divisional applications, divisional application is where application has more than one invention is claimed and the patent office either requires the applicant to divide the applications into 2 separate inventions or more or the applicant voluntarily divides the invention into 2 or more applications because there are 2 or more inventions in it.

Now in such cases the latter specification will have a cross reference to the specific number of the original applications, it is just to show that the divider applications came from an original application and there has to be a cross reference to that number. Similarly in the case of the patent of addition and the patent of addition is patent for an improvement that can be filed after the original application is filed.

So, if there is an improvement to an existing invention there is no need for a person to file a fresh application and file a fresh pattern. A patent for addition gives the advantage to the applicant to just add that additional improvement as a part of an earlier application. Now a patent of addition does the same work or the analogy of a patent of addition could be found in section 9 and section 10 where it was mentioned if there were improvements

made to or additions made we specifically saw the language in section 10 7; where additions are made after the filing of a provisional specification, those additions to the invention could be captured in the complete specification. So, because filing a provisional gives an applicant 12 months time to follow it up with the complete specification. So, any improvement or addition made to the invention could still be captured in the complete specification so far as it pertains to the same invention what happens if the patent applying the complete specification is filed? This 10 7 gave you a leave to include a part of an invention which was discovered or which the inventor came up with after filing the provisional specification to include that part in the complete.

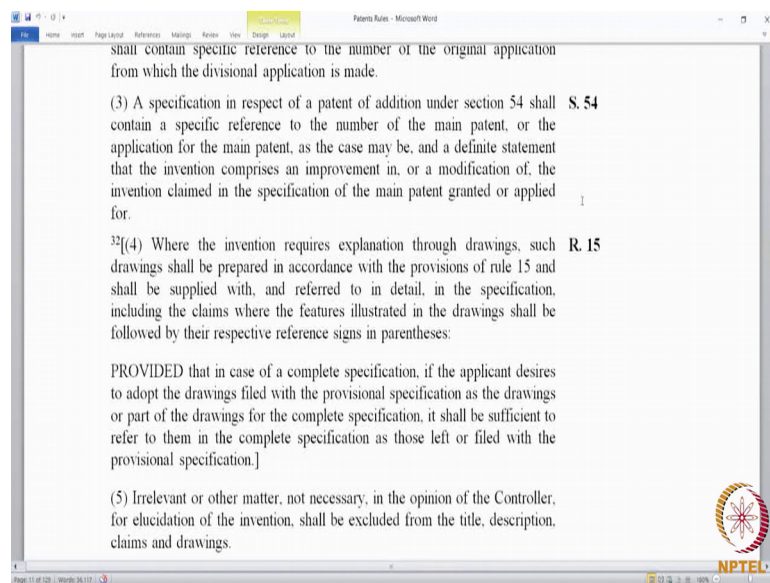
So, from the date of filing the provisional if you make developments or improvements to your invention, you could still cover those inventions or cover those developments in your complete specification by a separate claim. What happens if you had already filed the complete? If you had filed the complete then there is no way you can file further improvements. So, once a complete is filed then you do not go through the route mentioned in 10 7, you would rather go through section 54. So, section 54 allows you to cover improvements in the same manner in which section 10 7 allowed you to cover additions.

So, we will discuss those details when we come to section 54, now just like section 16 they would be now at least 2 applications one the original application and in section 16 it was the divided or the divisional application. So, there are 2 applications which are related. So, because they are related one needs to be cross reference to the other. So, in 54 again there are going to be 2 applications, there is the original application and there is the patent of addition which includes the improvement that was captured after the filing of the complete again a cross reference is required.

Now section 13 3 tells us that section 54 if a patent of addition is made under section 54, it shall contain a specific reference to the number of the main patent or the application for the main patent so which tells us that a patent of addition can be filed soon after the complete specification is filed or even after the complete specification gets granted. So, as long as the complete specification is filed you could file a patent of addition you could file a patent of addition even after the patent gets granted.

So, there has to be a specific reference as is the case with the section 16 application for a divisional patent and definite statement that the invention comprises an invention in or a modification of the invention claimed in the specification of the main patent. So, there has to be 2 things in the case of a patent of addition, one the specific reference number to the main patent and a statement that this invention that the patent of addition is an improvement or a modification of what was mentioned in the main patent. Whereas, in the divisional just reference alone was sufficient here there is a reference and a definite statement.

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13 4 was introduced recently. So, there is a change in what was there before. So, this was introduced by the 2016 amendment. 13 4 rule 13 4 tells us that there the invention requires explanation through drawings such drawings shall be prepared in accordance with the provisions of rule 15. Rule 15 deals with drawings and shall be supplied with and reference to in detail in the specification including the claims where the features illustrated in the drawings shall be followed by their respective reference signs in parenthesis.

So, the features used in the drawing have to be mentioned in the written part of the specification and the claims. So, if the drawing contains a part of an invention which is numbered as 10 see a bottle cap, now the bottle cap is numbered at as 10 in the drawing. So, when you mentioned bottle cap in the claim you will include 10 in bracket to show

that the 10 is what is been numbered as the bottle cap in the drawings. So, there has to be a reference in the claim where the features illustrated in the drawing shall be followed by the respective reference signs in parenthesis which is numbers. So, you would give a reference to the drawing by way of numbers, the parts of the inventions are described in the drawing by way of numbers, so there has to be a specific reference to that number in parenthesis in the claim.

So, if you see the claims that are being drafted after the 2016 amendment you will find that the claims will also have within brackets, the number the corresponding number to the reference in the drawing. The (Refer Time: 35:22) says that provided in the case of a complete specification if the applicant decides to adopt the drawings filed with the provisional specification as the drawings or a part of the drawings of for the complete specification it shall be sufficient to referred to them in the complete specification as those left or filed with the provisional. Now you could also file drawings along with the provisional specification and you could cross reference the drawings in the complete that is what the provisional allows you to do.

So, in case you filed a provisional with some drawings you could cross reference them in the complete because there been already filed and its already on record and there is no need to file those drawings separately. So, this is what the proviso provides for.

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removed by their respective reference signs in parentheses.

PROVIDED that in case of a complete specification, if the applicant desires to adopt the drawings filed with the provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left or filed with the provisional specification.]

(5) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

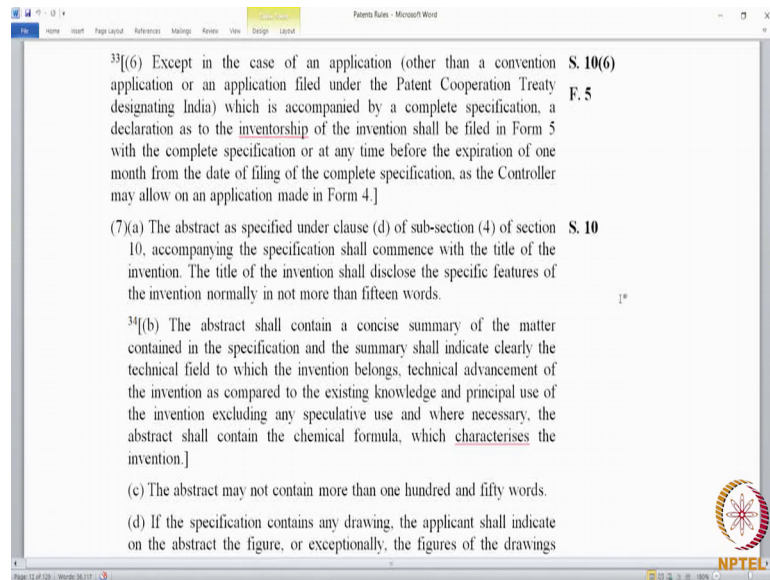
³¹ Substituted by S.O. 657(E), dated 05.05.2006, for "three months" (w.e.f. 05.05.2006).
³² Substituted vide G.S.R. 523(E), dated 16.05.2016, w.e.f. 16.05.2016. Prior to substitution, sub-rule (4) read as under:
"(4) Where the invention requires explanation through drawings, such drawings shall be prepared in accordance with the provisions of rule 15 and shall be supplied with, and referred to in detail, in the specification:
Provided that in the case of a complete specification, if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left with the provisional specification."

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13 5 gives the controller the power to exclude things that are irrelevant or not necessary from the title description claims and drawings. Now if the controller feels that there are certain parts there are certain description that is not required or irrelevant the controller can exclude them.

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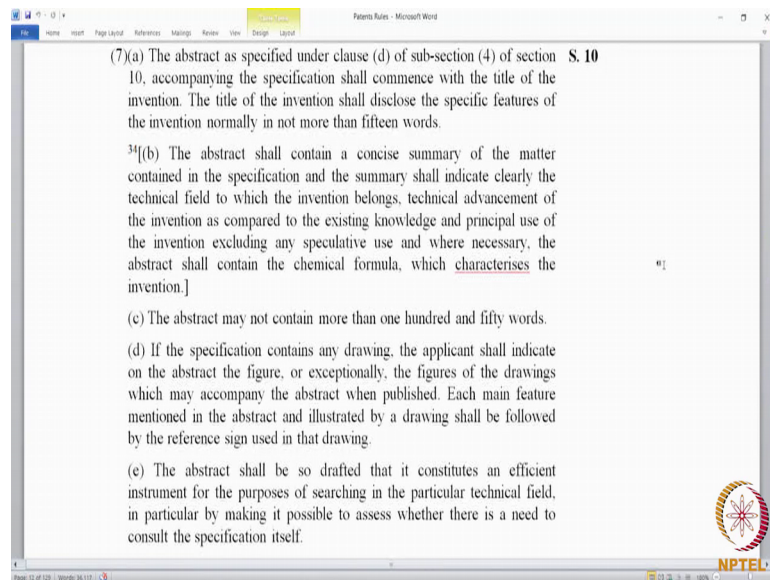
We saw in section 10 that a declaration of as to inventorship had to be filed either using form 5, either at the time of filing the complete specification or at any time afterwards. Now here in 13 6 it is explained that except in the case of an application other than the international application, which is accompanied by a complete specification a declaration has to inventorship of the inventions shall be filed in form 5 with the complete specification that is option number one you could either file it with form 1 and form 2 or at any time before the expiration of one month from the date of filing the complete specification as the controller may allow on the application made in form 4.

Now form 4 is a form that is used for extension for time it is a general form it could be used to extend the time. So, you could file the declaration of inventorship along with the complete specification which is along with form 1 and form 2, or you could file it within one month from the date of filing the complete specification. Now 13 6 is different from rule 10, because rule 10 allows you to file the proof of write within the period of 6 months after the filing of the application, there is a clear mandate that there is a 6 month period open the rule provides for the 6 month period for filing the proof of write.

Whereas, 13 6 you will get that one month extension only if you ask for it it is not extension that is given by the act or the rules you have to seek this because it clearly says that any time before the expiration of one month from the date of filing the complete specification, as the controller may allow on the application made in form 4. So, form 4 is an application that a party can make for extension of time and the extension of time would be granted in this case if it is for a one month period and express a form is taken that is form 4 is filed seeking that extension.

So, we understand 13 6 the timeline the extension provided in 13 6 which is one month from the date of filing the complete the time given for making the declaration of inventorship is different from the time line that is given in rule 10 for filing the proof of write. The proof of write automatically gets a 6 month time period to file the proof of write to furnish the proof after the filing of the application whereas, in this case in 13 6 the declaration as to inventorship has to be an extension has to be sort by the applicant by filing form 4. So, that is a critical distinction between filing of form 5 and filing of a proof of write.

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Rule 7 a gives the details of what should contain in an abstract. The abstract shall commence with the title of an invention. So, there has to be a title for the abstract which is the title of the invention. The title of the invention shall disclose the specific features of the invention normally in not more than 15 words. So, that is a requirement for the

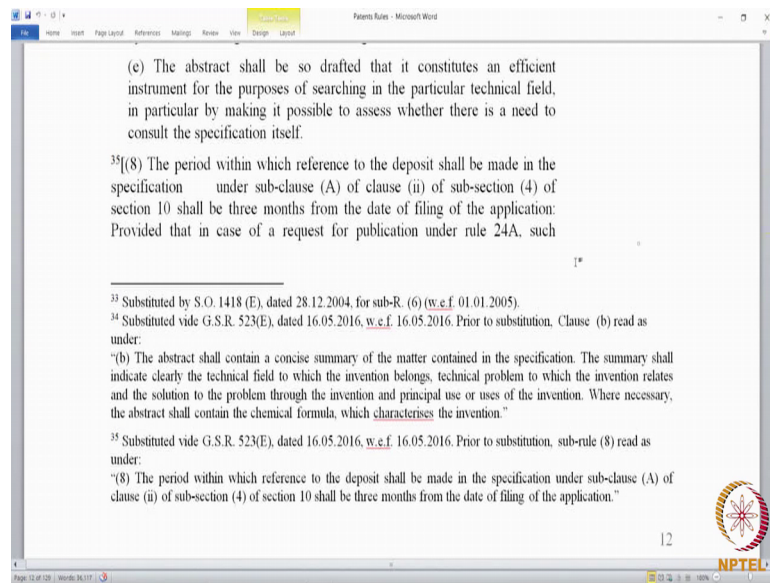
title, the title cannot be longer than 15 words and the abstract which will be in a separate page should have the title. So, the abstract will begin with the title and the title should not be more than 15 words.

The abstract 13 7 b states that the abstract shall contain a concise summary of the matter contained in this specification it is a summary, and the summary shall indicate clearly the following things the summary shall indicate clearly the technical field to which the invention belongs, the technical advancement of the invention as compared to the existing knowledge, the principal use of the invention excluding any speculative use and where necessary the abstract shall contain a chemical formula which characterizes the invention. Now the abstract is a general summary it is a concise summary and it should not exceed 150 words which you will find in 13 7 c.

So, the word limit for an abstract is 150 words and it shall contain a concise summary of the matter contained in this specification; and what should that concise summary indicate 3 things or rather 3 plus 1 things one the one is optional. The first thing it should indicate the technical field to which the invention belongs, second the technical advancement of the invention as compared to the existing knowledge, third the principle used of the invention and the principle used is alone required and all speculative uses should be excluded. If the abstract pertains to a chemical invention and where it is necessary the abstract shall contain the chemical formula which characterizes the invention. So, that is an optional thing which comes only in the case where chemical compounds are involved.

So, the 3 plus 1 are the requirements that an abstract has to satisfy and the abstract should not be more than 150 words.

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If the specification contains any drawings the applicant shall indicate on the abstract the figure or exceptionally the figures of the drawings which may accompany that as abstract when published. Each main feature mentioned in the abstract and illustrate by the drawing shall be followed by a reference sign and used in that drawing.

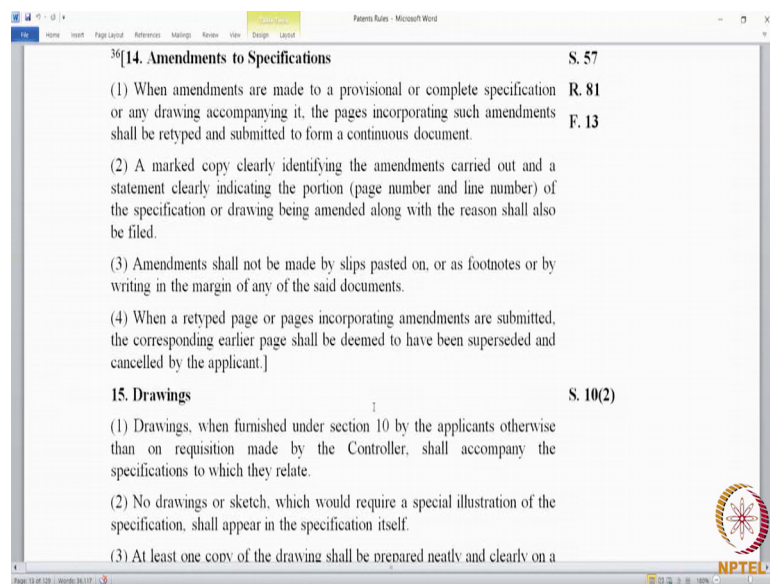
Now, we had mentioned that the numbers in the drawing the reference sign in the drawings has to be incorporated in to the claims. So, in the claim if you mention the bottle cap you are going to re refer the number which you have used in your specification for mentioning the bottle cap, see if bottle cap is numbered as 10, throughout the complete specification wherever you mentioned bottle cap in the claim then the word bottle cap will be followed by the number 10 within parenthesis.

The same rule has to be applied for the abstract as well the applicant shall indicate on the abstract the figure are exceptionally the figures in the drawings where they are accompanied by drawings and the drawings are published, and each feature mentioned in the abstract and illustrated by the drawings shall be followed by the reference sign used in the drawing; similar to how we cross a reference the drawings into the claims. Now e states that the function of the abstract is mentioned in e, the abstract shall be so drafted that it constitutes and efficient instrument for the purpose of searching in a particular technical field, in particular by making it possible to access where there is no need to cancel the specification itself.

So, as we mentioned abstract is a tool for search because it is a concise summary, the first level of search is likely to be that of the abstract. So, the abstract should be worded in such a way that there is no need for a people who are searching to access or to cancel the specification itself unless they want to look at it in detail. So, to understand what the invention is it should give an idea about the invention just by looking at the abstract. So, the abstract should be worded with all the requirements to ensure that there is no need to access to concise the specification to get an idea about the invention. So, in other words the abstract should be self contained.

So, it should give picture about the invention without they need to cancel the specification. In section 10 there was a reference to the deposit of biological material, the biological material could be deposited either at the time of filing the complete specification or at any time that is prescribed in the rules. 13 8 prescribes the timeline for the deposit, the period within which a reference to the deposit shall be made in the specification under sub clause a of class 2, of sub section 4, of section 10 that is 10, 4, 2, a shall be 3 months from the date of filing the application. So, it is a 3 month time period from the date of filing the application provided that in case of a request for publication under rule 24 a, such a reference shall be made on or before the date of filing such request.

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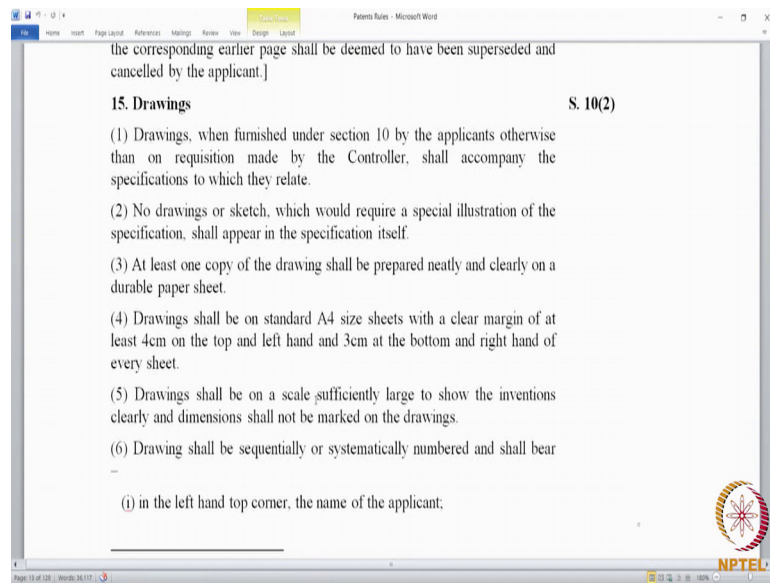


So, request under 24 a is request with regard to publication of the application and application is not examined unless a request for publication is made. Rule 14 deals with amendment of specification; now specifications can be amended at the patent office at any time before the grant and also after the grant. Now section 57 describes the details of amendment of a specification of they can be volunteers amendments, they can be amendment pursuant to a direction by the controller we will be looking at that in greater detail when we cover section 57.

14 1 states that when amendments are made to the provisional or complete specification or any drawing accompanying it the pages incorporating such amendments shall be retyped and submitted to form a continuous document. It is just a procedural requirement that all amendments have to be retyped and submitted. So that the document is looks like a continuous documents, because there are no limits to the number of amendments that an applicant can do while the patent is being prosecuted. So, is there a series of amendments just to ensure that there is a final form? This requirement cast a duty on the applicant to retype and submit to form a continuous document. 14 2 states at the mark copy clearly identifying the amendments carried out and the statement clearly indicating the portion; page number, line number of the specification being amended along with the reason also to be filed now a marked copy will show you what was removed and what was added. So, the marked copy identifying the amendments carried out clearly indicating the portion page number and the line number of the specification along with the recent shall also be filed.

So, reason for the amendment is also required and this is detailed in the procedure in section 57 you have (Refer Time: 48:18) the reason for the amendment. 14 3 amendment shall not be made by slips pasted on or as footnotes or by writing in the margin of any of the set documents. So, the amendments have to be incorporated into the text. 14 4 where a retype page or pages incorporating amendments are submitted the corresponding earlier page shall be deemed to have been. So, proceeded by the and cancelled by the applicant this is just near substitution of pages so that the amended page becomes number as the part of a original pagination that becomes the relevant pagination.

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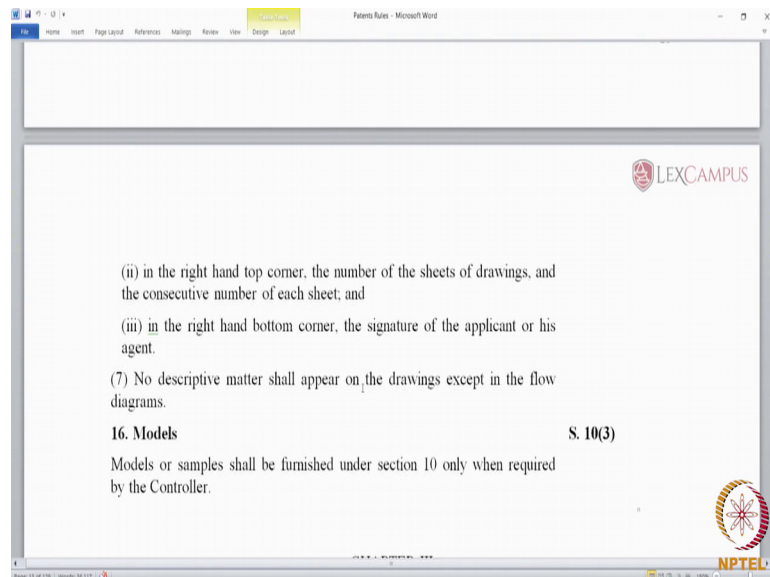
Rule 15 describes the drawings that have to be accompanied with the complete specification. We saw that drawings are not required, but if they are filed if the controller insist on drawing and if the drawing are filed then they become a part of the specification, unlike models and samples drawings are deemed to be a part of the specification which means drawings can be used to interpret if there is an ambiguity in the specification. So, because that form a part of the specification they are treated as the specification itself and you could use the drawing for interpreting the specification and for throwing light if there is a doubt or an ambiguity regarding and interpretation. 15 1 states that drawings when furnished under section 10 by the applicant otherwise than on requisition by the controller shall accompany this specification to which they relate. We saw that drawings can be filed either by the request from the controller or voluntarily by the applicant.

So, in cases where the applicant voluntary files those drawings they shall accompany the specification to which they relate they have to be filed along with the specification. 15 2 states that no drawing or sketch which would require a special illustration of the specifications shall appear in the specification itself drawings have to be in a separate sheet that that is what (Refer Time: 50:27) intend here. 15 3 says that at least one copy of the drawing shall be prepared neatly and clearly on a durable paper sheet. So, they have to be on a separate sheet, a drawings force states that the drawing shall be on a standard a

4 size sheets with a clear margin of at least 4 centimeters on the top and the left hand and 3 centimeters on the bottom and the right hand of each sheet.

5 drawing shall be on a scale sufficiently large to show the invention clearly and dimensions shall not be marked on the drawings. So, reference should not be inside the drawing, it should be out of the drawing in the sense that there should be an arrow mark and the references should be by way of an arrow mark which is the normal practice in patent drawing. 6 drawing shall be sequentially and systematically numbered and shall bear one in the left hand top corner the name of the applicant.

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And in the right hand top corner the number of sheets of drawing and the consecutive number of each sheet and in the right hand bottom corner the signature of the applicant or the agent. 7 no descriptive matter shall appear on the drawings except in flow diagrams.

So, you cannot have any descriptive matter any text which describes the drawing within the drawing except in cases where there is a flow diagram, in which case you can have descriptive matter in a flow diagram. Rule 16 talks about models it nearly states that models or samples shall be furnished under section 10, only when required by the controller.

So, in the case of drawings an applicant had the option of furnishing the drawings or when the controller requested the drawings that the applicant could furnish them. So, there was an option to voluntarily file the drawings, but in the case of model it is not there, models or samples shall be furnished only when they are required by the controller. So, models and samples cannot be voluntarily submitted before the patent office they can only be submitted if a request comes from the controller.