

Patent Law for Engineers and Scientists
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Lecture – 22
Patent Prosecution: Patent Application
Patent Application: Making, What to include, and Types

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¹⁵⁴FORM 1 (FOR OFFICE USE ONLY)

THE PATENTS ACT 1970 (39 of 1970) and
THE PATENTS RULES, 2003
APPLICATION FOR GRANT OF PATENT
(See section 7, 54 and 135 and sub-rule (1) of rule 20)

Application No.			
Amount of Fee paid			
CBR No.			
Signature:			
1. APPLICANT'S REFERENCE/ IDENTIFICATION NO. (AS ALLOTTED BY OFFICE)			
2. TYPE OF APPLICATION (Please tick (✓) at the appropriate category)			
Ordinary ()		Convention ()	
PCT - NP ()			
Divisional ()	Patent of Addition ()	Divisional ()	Patent of Addition ()
		Divisional ()	Patent of Addition ()
3A. APPLICANT(S)			
Name in Full	Nationality	Country of Residence	Address of the Applicant
			House No.

How to make a patent application? A patent application is made in form 1; form 1 as you can see is the form that is used for making an application for grant of a patent. Now the relevant sections under which this form is filed are mentioned there in; section 7, 54, 135 sub rule 1 of rule 20.

Now, when you look at the form 1, the form 1 in itself contains the details that are required that should accompany an application. The name of the applicant, the name or their names you can see here the type of application, the type of application details different type of patent application for which this the same form can be used for all kinds of application under the patents act, it is form 1 that is used; and describing the various other details that accompany what category.

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3B. CATEGORY OF APPLICANT [Please tick (✓) at the appropriate category]			
Natural Person ()		Other than Natural Person	
Small Entity ()		Startup ()	Other ()
4. INVENTOR(S) [Please tick (✓) at the appropriate category]			
Are all the inventor(s) same as the applicant(s) named above?		Yes ()	No ()
If "No", furnish the details of the inventor (s)			
Name in Full	Nationality	Country of Residence	Address of the Inventor
		House No.	
		Street	
		City	
		State	
		Country	
		Pin code	
5. TITLE OF THE INVENTION			
6. AUTHORISED REGISTERED PATENT AGENT(S)		IN/PA No.	
		Name	
		Mobile No.	
7. ADDRESS FOR SERVICE OF		Name	

Because the category of the applicant will decide the fee that has to be paid; if it is a small entity start up or other if it is a natural person if it is not a natural person then what if it is cooperate entity they will have a flat free structure.

So, the category of the applicant will decide what fee will be paid, details of the inventor, title of the invention.

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7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA		MOBILE NO.			
		Name			
		Postal Address			
		Telephone No.			
		Mobile No.			
		Fax No.			
		E-mail ID			
8. IN CASE OF APPLICATION CLAIMING PRIORITY OF APPLICATION FILED IN CONVENTION COUNTRY, PARTICULARS OF CONVENTION APPLICATION					
Country	Application Number	Filing date	Name of the applicant	Title of the invention	IPC (as classified in the convention country)
9. IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT)					
International application number			International filing date		

Now, title of the invention is the only part of the specification patent specification that gets into the form 1. The every other thing should come separately in form 2. Authorized

registered patent agent the number of the patent agent contact address and contact details, then if it is a convention application the details of that if it is not PCT application some details on that.

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10. IN CASE OF DIVISIONAL APPLICATION FILED UNDER SECTION 16, PARTICULARS OF ORIGINAL (FIRST) APPLICATION

Original (first) application No.	Date of filing original (first) application
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11. IN CASE OF PATENT OF ADDITION FILED UNDER SECTION 54, PARTICULARS OF MAIN APPLICATION OR PATENT

Main application/patent No.	Date of filing of main application
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12. DECLARATIONS

(i) Declaration by the inventor(s)

(In case the applicant is an assigner: the inventor(s) may sign herein or the applicant may upload the assignment or enclose the assignment with this application for patent or send the assignment by post/electronic transmission duly authenticated within the prescribed period)

I/We, the above named inventor(s) is/are the true & first inventor(s) for this Invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.

(a) Date
(b) Signature (s)
(c) Name (s)

And certain declaration, there are host of declarations you will find them and towards the end these are all the declaration which have to be made.

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- My/our application in India is based on international application under patent Cooperation Treaty (PCT) as mentioned in paragraph-9.
- The application is divided out of my / our application particulars of which is given in paragraph-10 pray that this application may be treated as deemed to have been filed on DD MM YYYY under section 16 of the Act.
- The said invention is an improvement in or modification of the invention particulars of which are given in paragraph-11.

13.FOLLOWING ARE THE ATTACHMENTS WITH THE APPLICATION

(a)From2

Item	Details	Fee	Remarks
Complete/ provisional Specification)#	No of pages		
No. of Claim(s)	No. of claims and No. of pages		
Abstract	No. of pages		
No. of Drawing(s)	No. of drawings and No. Of pages		

In 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 under rule 13(4), the number of such pages filed with the provisional specification are required to

Towards the end in column 13 what are the documents that has to be attached with the application. The first one will be form 2. So, form 2 will form a part of form 2 is here.

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The screenshot shows a Microsoft Word document titled "Patents Rules [Compatibility Mode] - Word". The document is a form for "FORM 2 THE PATENT ACT 1970 (39 OF 1970) & THE PATENTS RULES, 2003 PROVISIONAL/COMPLETE SPECIFICATION [See section 10 and rule 13]". The form is divided into sections: 1. TITLE OF THE INVENTION, 2.. APPLICANT(S) (a) Name: (b) Nationality: (c) Address: and 3. PREAMBLE TO THE DESCRIPTION. The form is currently empty, with a cursor visible in the "APPLICANT(S)" section. The NPTEL logo is visible in the bottom right corner.

Form 2 is filed along with form 1. Now form 2 you will find, that form 2 is the document that is filed as the provisional or the complete specification. So, form 2 has a different structure and form 2 has the substituent details of the invention what we call the specification. Be it provisional or complete form 2 is used for bringing out the substantial details of the invention.

So, you again have title of invention applicant's names preamble of the description how it is the description of a provisional will be different.

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The screenshot shows the same Microsoft Word document as above, but now the "3. PREAMBLE TO THE DESCRIPTION" section is expanded. It is divided into two columns: "PROVISIONAL" and "COMPLETE". The "PROVISIONAL" column contains the text "The following specification describes the invention." and the "COMPLETE" column contains the text "The following specification particularly describes the invention and the manner in which it is to be performed". The "4. DESCRIPTION (Description shall start from next page)" section is also visible below. The NPTEL logo is visible in the bottom right corner.

The beginning of the description of the provisional will be different from that of a complete the description itself.

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5. CLAIMS (not applicable for provisional specification. Claims should start with the preamble --- "I/we claim" on separate page)

6. DATE AND SIGNATURE (to be given at the end of last page of specification)

7. ABSTRACT OF THE INVENTION (to be given along with complete specification on separate page)

And finally, you have claims in the case of a complete provisional need not have claims then date and signature and the abstract of the invention.

So, this is a separate form in itself form 2; form 2 is can only be filed accompanying form 1. So, form 1 and form 2 has to be filed together what to include in a patent application. As we just said form 1 has to accompany form 2 so that is a minimum; whenever you file form 1 which has all the details about the inventors the applicants the agent who helps in filing the application, the title of the invention the fee to be paid. Form 2 will have the substantive details about the inventions, be it in the form of a provisional or a complete.

Now, when you file form 1 if you come to the last column of form 1, you will find that there are certain attachments that have to go with the application. Now form 1 requires you to file a form 2. So, form 1 as we already mentioned form 1 has to be filed along with form 2.

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(b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).

(c) Sequence listing in electronic form

(d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).

(e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS.

(f) Translation of priority document/Specification/International Search Report/International Preliminary Report on Patentability.

(g) Statement and Undertaking of Form 3

(h) Declaration of Inventionship on Form 5

(i) Power of Authority

(j) _____ I

Total fee ₹ _____ in Cash/Banker's Cheque/Bank Draft bearing No _____ Date.....op
_____ Bank

I/We hereby declare that to the best of my/our knowledge, information and belief the first and

NPTEL

Then be complete specification as amended before the international preliminary examination authority as applicable 2 copies, that is if there is a amendment made before the IPEA in such cases then you will find 2 copies. Sequence listing in electronic form drawings wherever they are applicable, priority documents if you clean priority before the date of filing the complete specification then you will include the priority documents; translation of priority document if the priority document is in a different language statement of undertaking of form 3.

Now, statement of undertaking is filed in form 3, declaration of inventor ship on form 5 power of authority or form 26 and any other documents that is required along with the total fee.

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(c) Sequence listing in electronic form
(d) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies).
(e) Priority document(s) or a request to retrieve the priority document(s) from DAS (Digital Access Service) if the applicant had already requested the office of first filing to make the priority document(s) available to DAS.
(f) Translation of priority document/Specification/International Search Report/International Preliminary Report on Patentability.
(g) Statement and Undertaking of Form 3
(h) Declaration of Inventionship on Form 5
(i) Power of Authority
(j) _____

Total fee ₹ _____ in Cash/Banker's Cheque/Bank Draft bearing No _____ Date.....op
_____ Bank

I/We hereby declare that to the best of my/our knowledge, information and belief the first and matter stated herein correct and I/We request that a patent may be granted to me/us for the said invention.

Dated this _____ day of _____ 20 _____
Signature _____

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Now, so we understand that when you file form 1 it has to be accompanied by form 2 and all these documents as and when they are applicable. So, form 3 can be filed along with form 1 declaration of invention ship form 5 can also be filed along with form one. So, this gives you a list of documents that have to be filed along with form 1. So, this comprises the list of what you will include while making a patent application, types of applications.

Form 1 tells us; what are the different types of application that can be filed before the Indian patent office. Now the second column an applicant is required to tick the appropriate category of the applications. So, we find in this column that an application could be an ordinary application by ordinary we mean an application that is filed in India alone. It is an application which is filed for a patent in India. Convention application which could be an application that is filed under section 135 or a PCT national phase. PCT national phase is a PCT application when it enters India as a national phase application. So, the application could be one of these 3 things, and it could also be in the column beneath it could be a divisional it could be a patent of addition in the case of ordinary it could either be a divisional application or a patent of addition. Now divisional is an application that is filed under section 16. So, you will know that in the case of divisional or in the case of a patent of addition there has to be an earlier application. So, in both these cases there must be an earlier application.

So, ordinary convention PCT and national phase applications are the main categories, in that they could be divisional or they could be a patent of addition. If it is an ordinary application then it means that it is the first application filed; if there is a follow up to divide an invention there were 2 or more inventions mentioned in the application, then it could be an divisional filed as on ordinary application or if there is an improvement or a modification filed after the ordinary first filed application, they could be a patent of addition and that is the same for convention as well as for PCT.