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

Lecture – 22 Patent Prosecution: Patent Application Patent Application: Making, What to include, and Types

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3A. APPLICANT(S)										
Name in Full		Nation	ality	Cou Resi	intry idence	of	Address of the	Applicant		
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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 role 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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4. INVENTOR(S)	Please tick (✓) a						_	
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the applicant(s) nar	ned above?							
If "No", furnish the	details of the inv	entor (s)						1
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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 Name APPLICANT IN INDIA 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 Title of the applicant IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT)	APPLICANT IN INDIA Postal Address Telephone No. Nobile 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 the convention country) I 9. IN CASE OF PCT NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY	7 4000	ECCEOD CE	DVICE OF			ie no.			-	
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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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	12. DECLARATIONS		1		
	upload the assignment or enclose the a	e inventor(s) may sign herein or the applicant may ssignment with this application for patent or send the ssion duly authenticated within the prescribed period)	I		
		are the true & first inventor(s) for this Invention and are my/our assignee or legal representative.			
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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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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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	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:		I
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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.

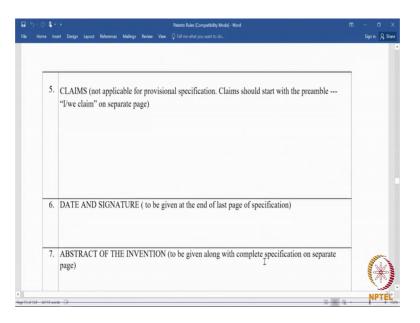
So, you again have title of invention applicant's names preamble of the description how it is the description of a provisional will be different.

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

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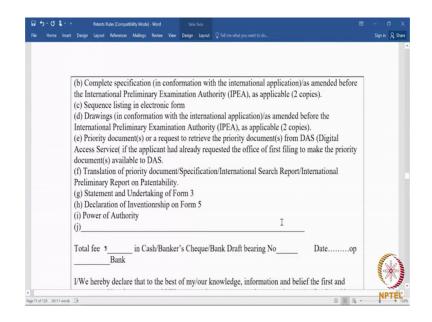


And finally, you have claims in the case of a complete provisional need not have claims then date and signature and the abstract of the invention.

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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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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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 inventor 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. 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.