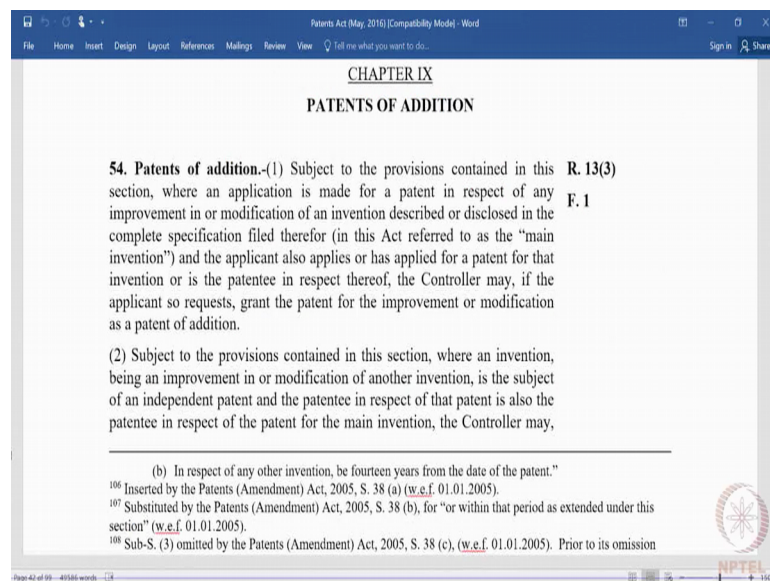


**Patent Law for Engineers and Scientists**  
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**Lecture - 24**  
**Patent Prosecution: Patent Applications**  
**Patents of Addition**

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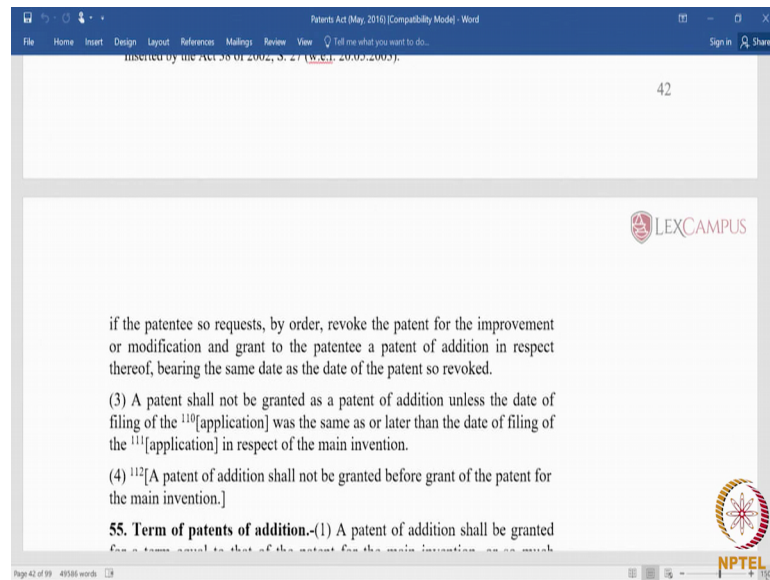


Section 54; patents of addition; after an application is made an applicant feels that there is a particular improvement or modification to that invention that he wants to include which he had not included when he filed the application. The patents act allows the applicant to file a patent of addition. Now the patent of addition requires an earlier application on the same matter to be made, that is a minimum requirement you cannot file a patent of addition when there is no earlier application made. 54 refers to that as the main invention. So, there is a disclosure an application made what we call the main invention and later on after filing the main invention, the applicant feels that there is an improvement he has come up with or a modification to that invention he has come up with.

Now, the act allows him to file a patent of addition. A patent of addition is normally filed for an improvement or for a modification. Now there are certain requirement that has to be satisfied for something to be a patent of addition. 1 it has to pertain to an

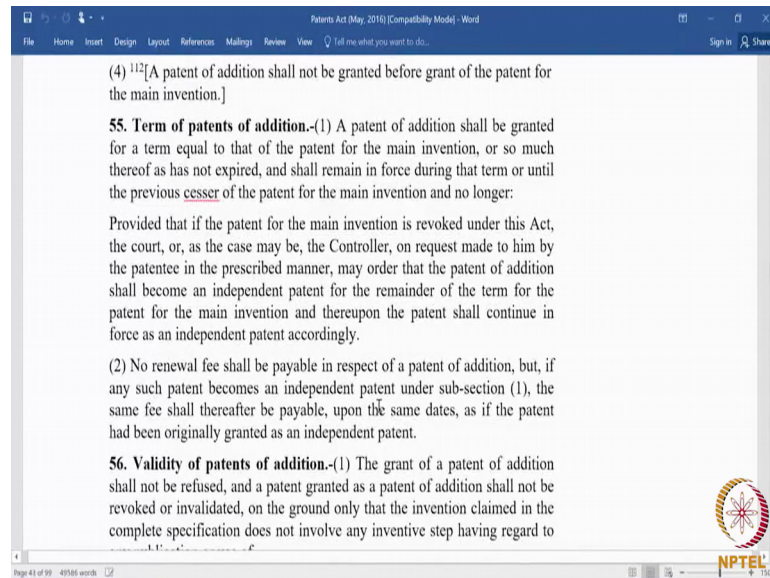
improvement or a modification it cannot be an entirely new invention. Application should be made in form 1 and file along with form 2. The form of a complete specification will have a cross reference to the main invention that is another requirement it will have a cross reference to the main invention.

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The patent of addition since it is filed after the main invention, a patent of addition shall not be granted before the grant of the main invention because it is something additional to the main invention, so it cannot proceed the main invention. So, the main invention has to be granted and the patent of a addition has to be granted along with it, but not before it.

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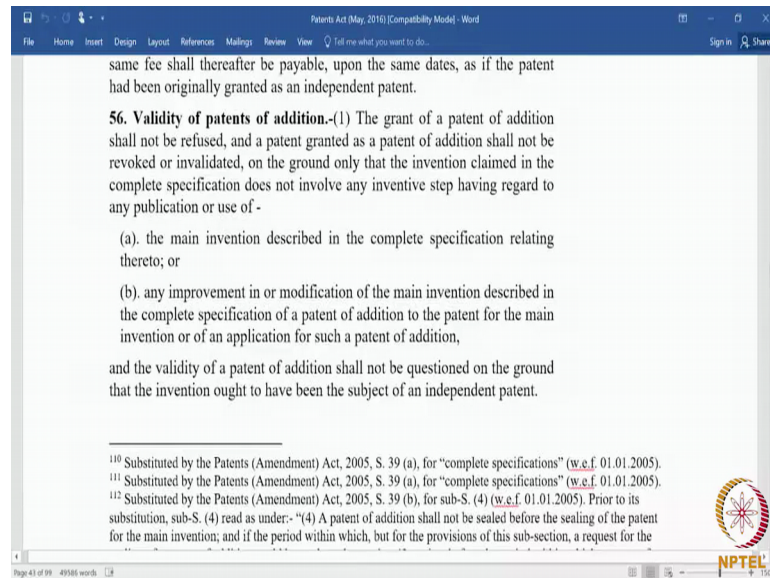


Now, the term of a patent of addition section 55 deals with the term of a patent of addition, the term states that the patent of addition shall run along with the term of the main invention. It shall have a term equal to the term of a main invention, but if the patent of addition is filed many years after the main invention, it will have the remaining term corresponding to the main invention. Say a patent of additional file in the tenth year the main invention has already been there for 10 years, the term of a pattern is 20 years. So, the patent of addition will continue for another 10 year which means a patent of addition the term of a patent of addition is tied to the term of the main invention.

So, if the main invention expires the patent of addition will also expire. Now in cases where the main invention is revoked 55 gives one instance or the controller may request the patentee to make an order that the patent of addition shall become an independent patent for the remaining term. Now if the facts allow the controller to do that, then the patent of addition could continue its life as an independent patent. Another feature of the patent of addition is that there is no need for paying any renewal fee in respect to the patent for addition, because the patent of addition because it is tied to the main invention event of renewal fee for the main invention will surface.

But in cases where the patent of additional becomes an independent patent for instance where the main invention is revoked, then the fees have to be paid.

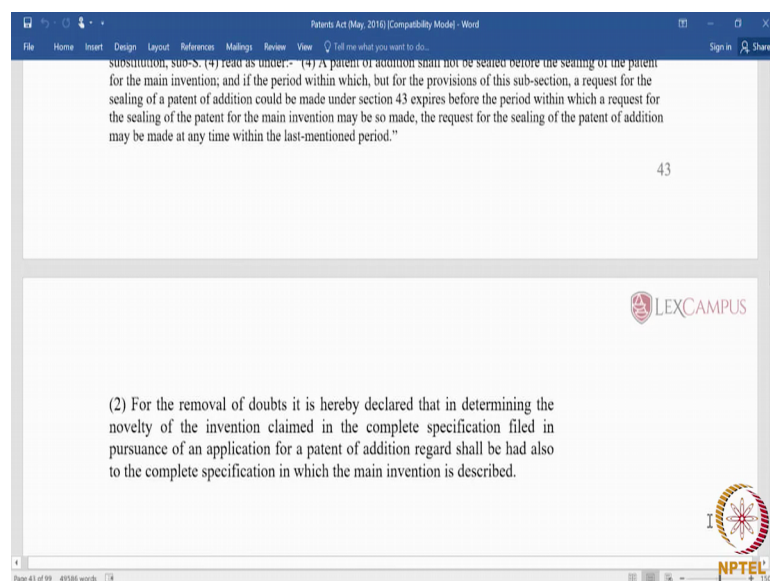
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Now, in questioning the validity of a patent of addition, you cannot raise lack of inventive step with regard to any publication or use of the main invention. Because a patent of addition is filed after the main invention, and the main invention will normally disclose the inventive step for the patent of addition.

So, you cannot use that disclosure in the main invention, as the disclosure that could invalidate the inventive step.

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And the for the purpose of novelty because the invention is disclosed in the main invention, a patent of addition the novelty check for a patent of addition shall not include the disclosure that is main in the main invention. Subsection 2 says at for the removal of doubts it is hereby declare that in determining the novelty of an invention claimed in the completes specification filed along with the patent of addition, shall be had also to the complete specification in which the main invention is described. So, the novelty of the main invention will act as the novelty of the patent of addition as well.