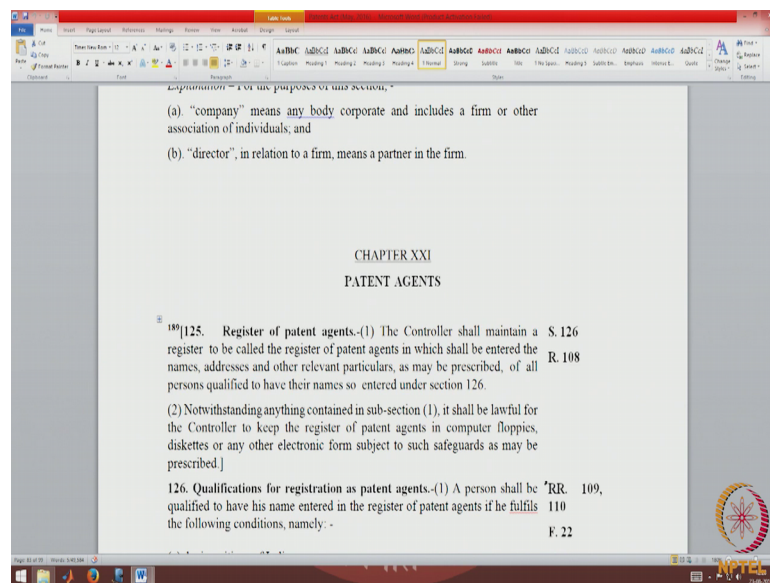


**Patent Law for Engineers and Scientists**  
**Prof. Feroz Ali**  
**Department of Management**  
**Indian Institute of Technology, Madras**

**Lecture - 57**  
**Patent Office and Patent Prosecution**  
**Patent Agents**

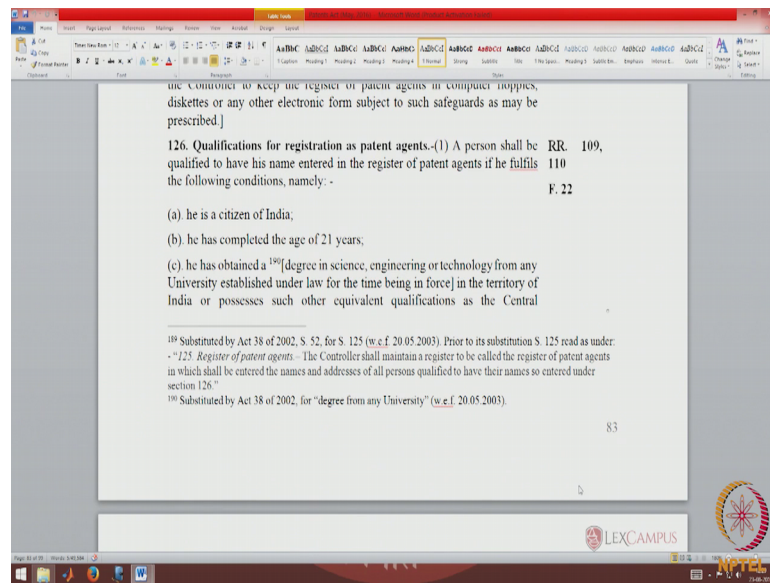
(Refer Slide Time: 00:16)



Chapter 21 deals with patent agents. Patent agents are the professionals who can practice before the patent office, they can file patent application prosecute them and represent the inventor or the assignee for all matters and purposes before the patent office. Now there is a register of patent office which patent agents which is maintained by the controller, which includes the names of all the practicing patent agents online version of the register is also available at the patent office website.

Now, this comprises of all the people who are active. In fact, you will find that some of the names have been removed because they have not paid the renewal fee and so, the register of patent agents maintained by the controller has the names addresses and relevant particulars of the patent agent. So, that the registered because it is online becomes a tool for any person who wants to engage a patent agent to know whether that person is a practicing patent agent.

(Refer Slide Time: 01:22)

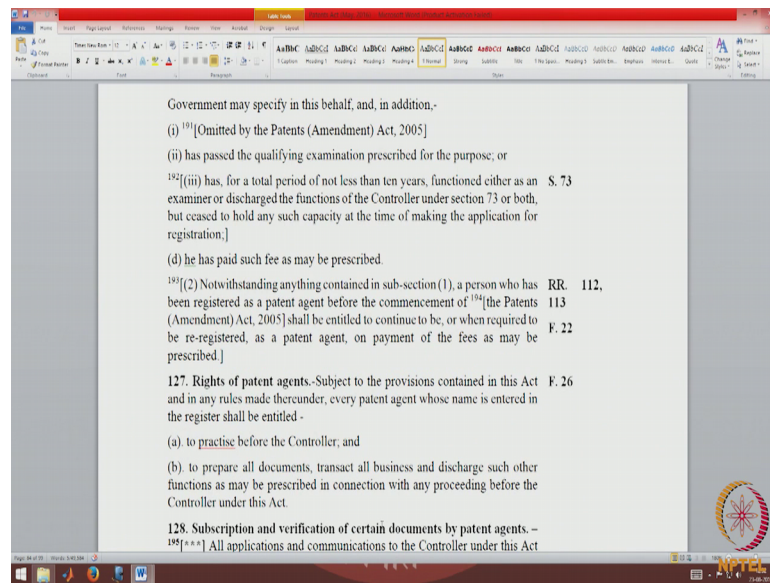


Now, the qualifications are to become a registered patent agent: 1, you should be a citizen of India; you should have completed 21 years and should have a degree in science engineering or technology from a recognized university.

Now, science in engineering and technology includes quite lots of courses; and it includes courses on a purely on computer applications and computer administrations. So, it is a big basket of things and this also corresponds to the work that the patent office does. Patent office does work on science engineering and technology in fact; the patent examiners are specialized based on different streams of science engineering and technologies; so as for as long as you have a degree in science engineering or technology, you could take the examination.

Now this is the preliminary qualifications citizenship age and degree in science engineering or technology.

(Refer Slide Time: 02:26)

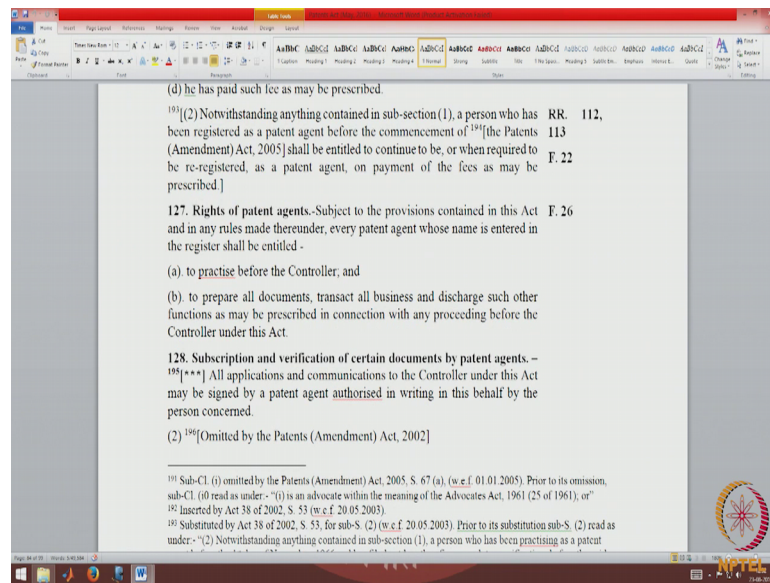


So, in addition to this, the person should have pass the qualifying examination prescribed for that purpose or for a total of not less than a 10 years function either as a examiner or discharge the functions of the controller, but sees to whole any capacity at the time of making the application.

So, the only way you can become a patent agent registered patent agent without taking the exam is by having spent at least 10 years in the patent office, either as an examiner or as a controller and then giving up the job to become a patent agent. So, so and there is a fee requirement. So, if the sum up all the requirements the person should be a citizen of India, should have reached crossed 21 years of age, should have a degree in science engineering and technology should have taken the examination patent agent examination and qualified it or should have in the alternative should have at least 10 years of experience in the patent office, in addition to that. So, this is the education qualification and the exam is one requirement because you need to satisfy both and should have paid the fee the registration fee and the renewal fee as prescribed.

A person who has been registered as a patent agent before the commencement of the patents act shall be entitled to continue as a patent agent. Now before the amendment a person could take the examination even without having a degree in science and technology. So, the now that requirement has been removed.

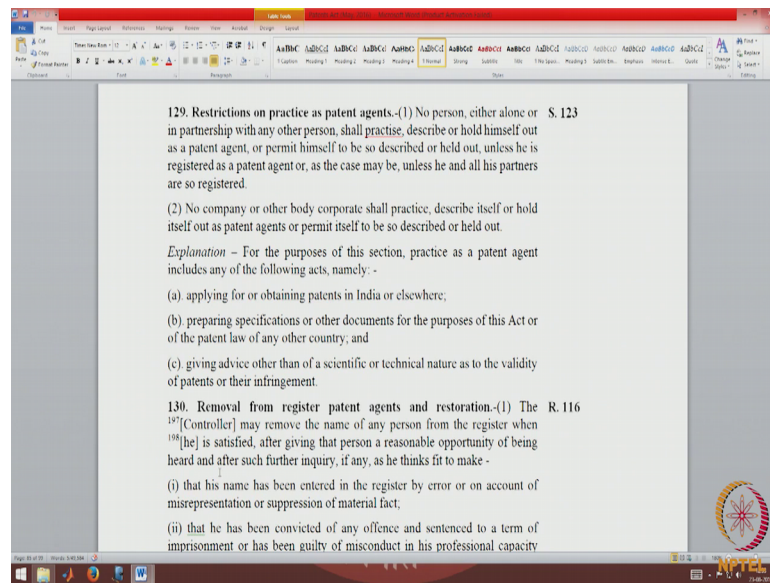
(Refer Slide Time: 04:12)



Now, what are the rights of a patent agent? 127 tells us that the person has a right to practice before the controller, to prepare all document transact all business and discharge such functions as may be prescribed with any proceeding before the controller. So, they can practice before the controller and they can prepare documents and transact the business of getting a patent.

Now, 128 describe certain details of the functions of a patent agent, all applications and communications to the controller under this act may be signed by the patent agent authorized in writing in this behalf by the person concerned. So, once an authorization is given to a patent agent, every other communication that needs to be sent to the controller can be signed by the patent agent. So, once a form of authorization that is form 26 is filed in favour of a patent agent, then the patent agent need not get the signature of the inventor or the assignee for any other matter, everything else can be signed by the patent agent. So, the patent agent acts as the agent of the person filing the application.

(Refer Slide Time: 05:29)



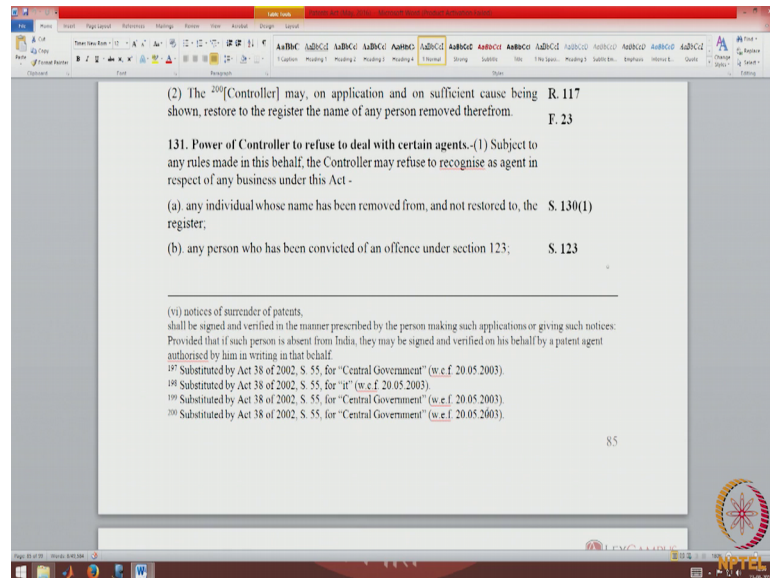
There are some restriction on the practice; now the restrictions are that no person can hold himself out as a patent agent, unless he an is part of partners are so registered. So, if you are a single person or an association of individuals, you cannot show yourself as partnership unless all the partners are also a patent agent, you cannot say that you cannot call your form name and say that registered patent agents unless everybody in that form is also a registered patent agent.

Now, no company or body corporate shall practice describe itself as patent agents or permit itself to be described or held out. So, patent agent is something that is tied to an individual and not to a company or a body corporate. Now the practice of the patent agent we saw practice before the controller in the earlier section now that is mentioned here in detail. Now what is the practice include applying for an obtaining patents in India or elsewhere. Preparing specifications and other or other document for the purpose of this act and of the patent law of any other country, giving advice other than of a scientific and technical nature has to the validity of patents and their infringement.

Now, patent agent though they are required to be people who have a degree in science engineering and technology, they cannot give advice on the technical or scientific nature. The advice they give pertains to the validity of patents or their infringement and there we are talking about the legal aspect of validity and legal aspect of infringement. Now they

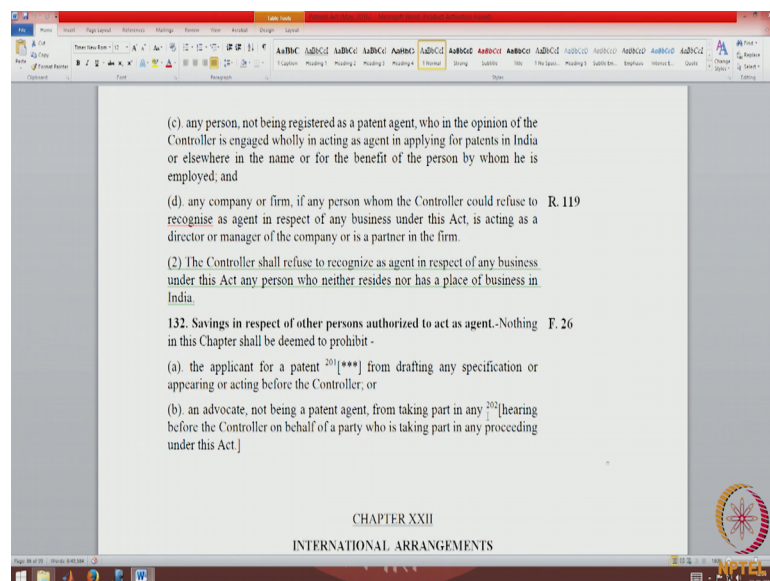
can be removed from the register and if their name is removed they can be restore to now the provision is given 130 deals with a details of how that can be done.

(Refer Slide Time: 07:33)



And the power of the controller to refuse the power the controller also has a power to refuse to deal with certain persons as patent agents the details are given and 132 deals with a saving provision.

(Refer Slide Time: 07:42)

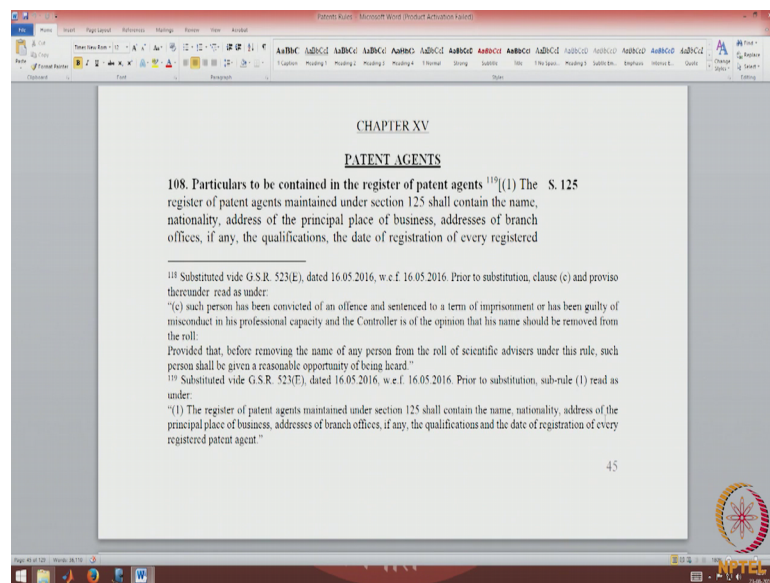


Now we are already mention the only person who can represent a client before the controller is a patent agent, but there are two exceptions that provision; obviously, an

applicant for a patent can do everything that is required to file prosecute and to get patents granted. So, this is the do it your do it yourself way if an applicant feels that the applicant wants to file a patent on their own they can do it. So, the applicant for a patent can draft for any specification appear before the controller, and deal with a patent office for all purposes. So, the applicant is given the power to do it even without a patent agent, and an advocate not being the patent agent from can take part in a hearing before a controller on behalf of a party, who is taking part in proceedings under this act.

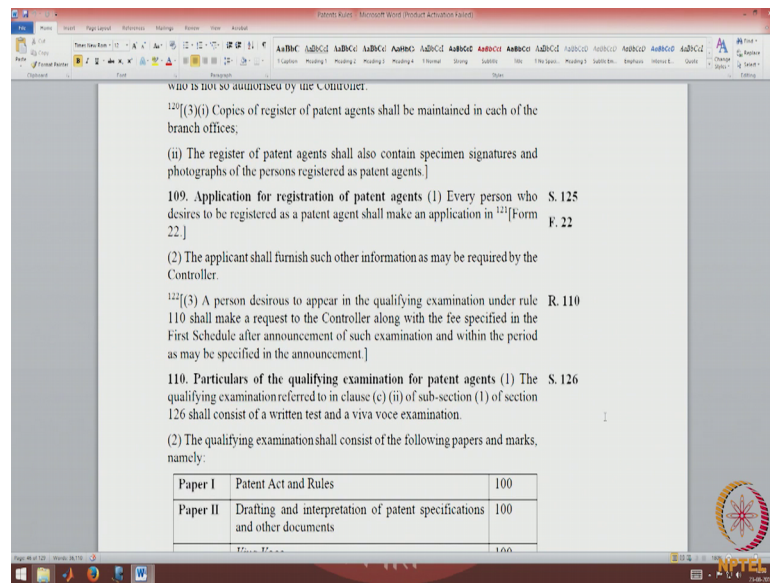
So, advocates who are registered under the advocated act can appear before the controller, where the controller calls for a hearing and we had seen that there are many instances where the controller can call for a hearing. So, the party who is expected to appear before the controller can authorize an advocate to appear. So, these are the two exceptions to the people who deal with a patent office and a advocate can appear in a hearing and a patent applica can do anything from drafting to appearing before the controller.

(Refer Slide Time: 09:18)



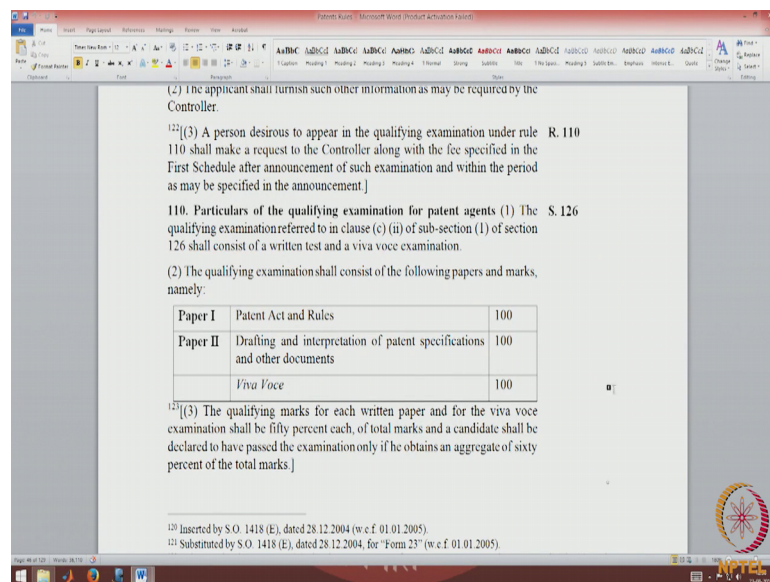
Now, there are some rules on patent agents, now the rules are supplemental details covering certain aspects of the act, now what are the details that are contained in the register.

(Refer Slide Time: 09:34)



Now, application how does a person make an application for registration as a patent agent form 22 there are relevant application.

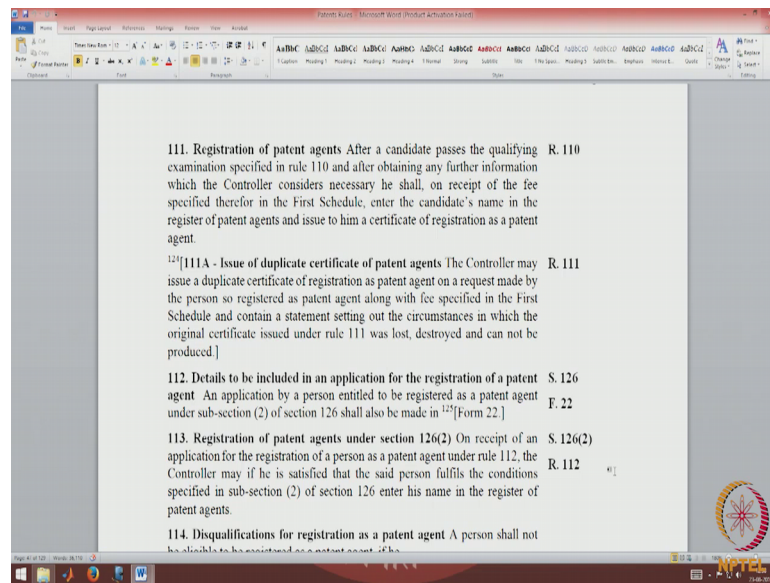
(Refer Slide Time: 09:41)



There are some details on the examination, there are two papers and a viva voce and details about that what is the number of amount of marks you need to get in aggregate then.

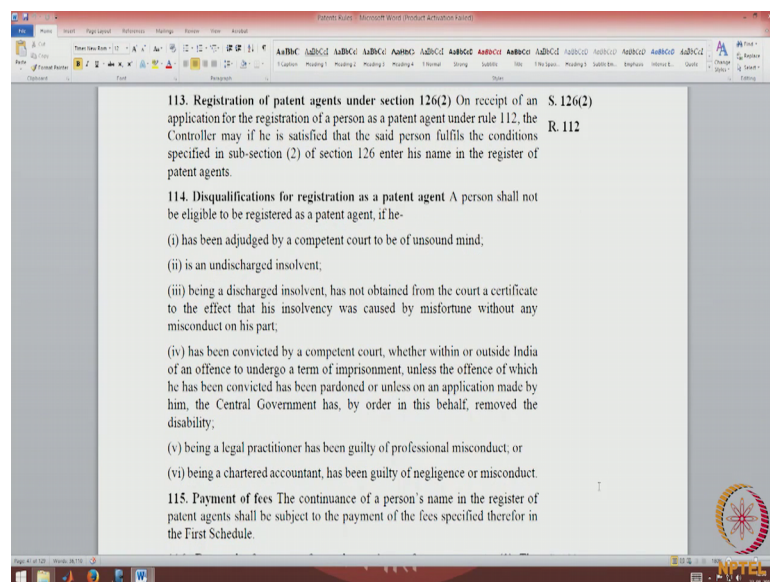


(Refer Slide Time: 09:54)



Then the certificate of registration that is issued to a patent agent rule 111 covers that and issue of duplicate certificates under 111 A. 112 deals with the details be included in any application for registration of a patent agent that is filing of form 22

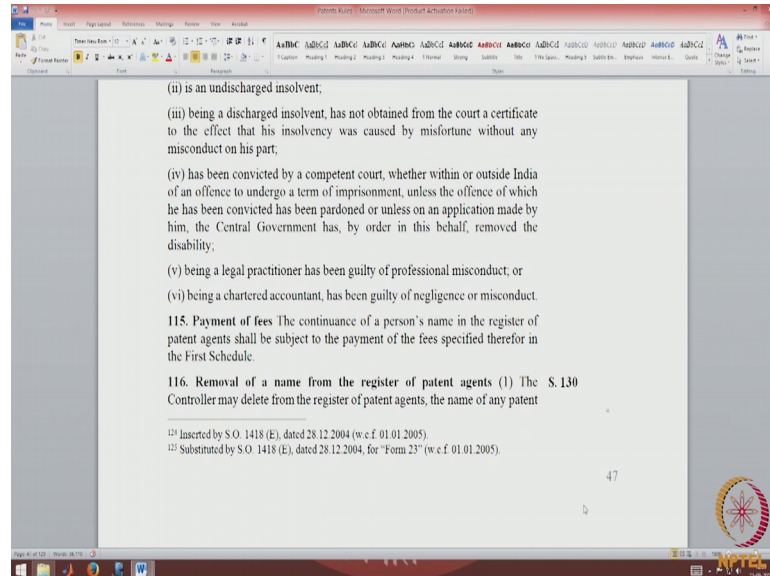
(Refer Slide Time: 10:26)



113 deals with a registration of patent agents under section 126 2 the details of how the procedure happens. 114 talks about a disqualifications like scientific advices there are certain things that can disqualify a patent agent, if he is been adjudged by a competent

court to be of unsound mind, if he is an un-discharged insolvent or a discharge solvent who is not obtained a certificate, they tend to be similar.

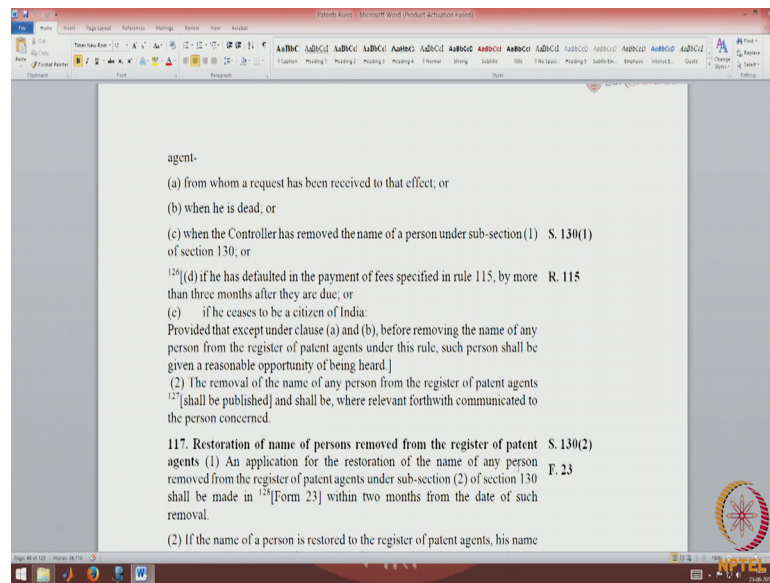
(Refer Slide Time: 10:57)



Additionally you have being legal practitioner who has been professional of who has been guilty of professional misconduct or being a chartered accountant, being guilty of negligence on misconduct.

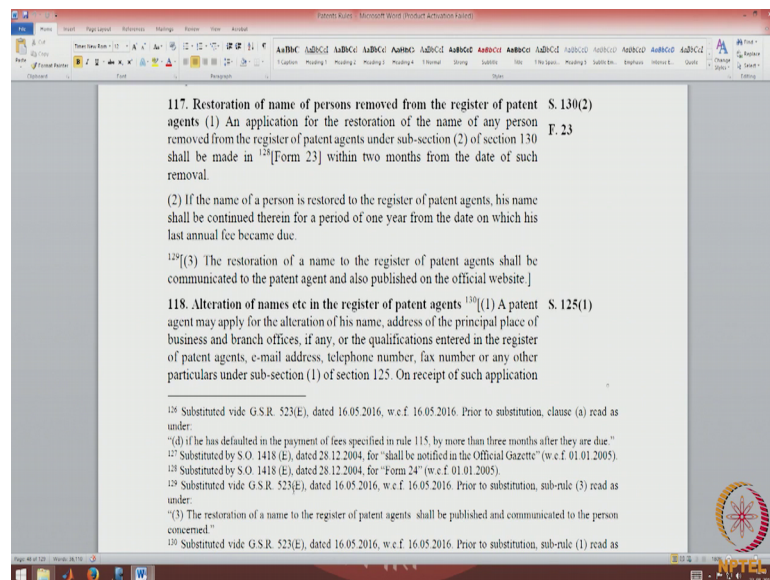
So, these two additional requirements are there; then 115 deals with a payment of fees the fees as mentioned in the first schedule and 116 on removal of the name of a patent agent.

(Refer Slide Time: 11:15)



The circumstances in which a person's name can be removed; now default of payment of fees something that is a prominent reason why the name of a patent agent is removed from the register and when the patent agent dies, his name is gain removed.

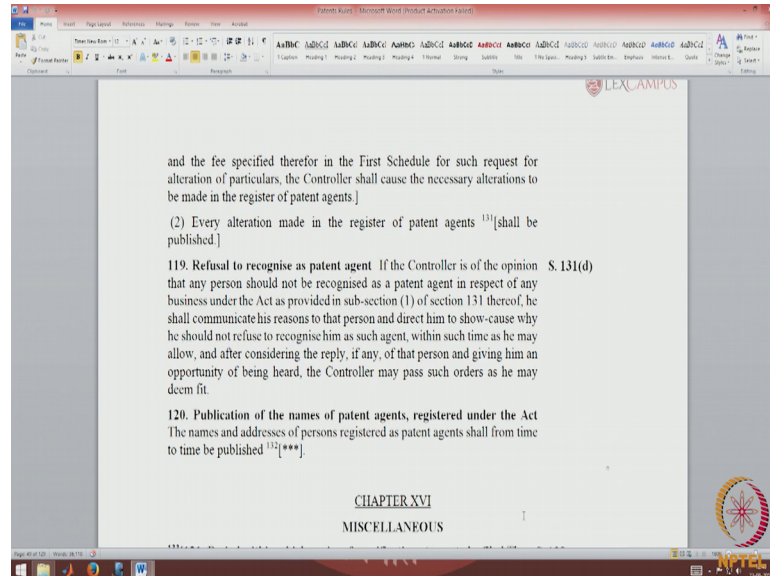
(Refer Slide Time: 11:34)



Now, 117 deals with a restoration of name of. So, persons who were whose names were removed and the form 23 is the form that is used for that, and 118 deals with the alteration of names in the register I have some detail needs to be supplemented change of

address, change of E mail ids, telephone numbers there are provisions to take care of that. So, that their register stands updated.

(Refer Slide Time: 12:01)



Now, the controller also we had seen that has the power under section 131 to refuse to deal with or recognize patent agent, the details of that is given in rule 119 and rule 120 calls for the publication of name. So, of patent agents registered under the act.