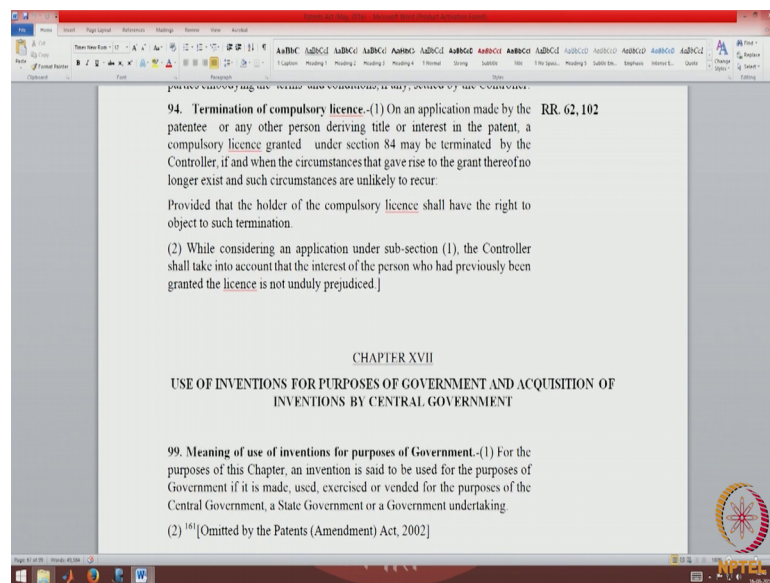


Patent Law for Engineers and Scientists
Prof. Feroz Ali
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Lecture - 58
Patent Office and Patent Prosecution
Use and Acquisition by Government

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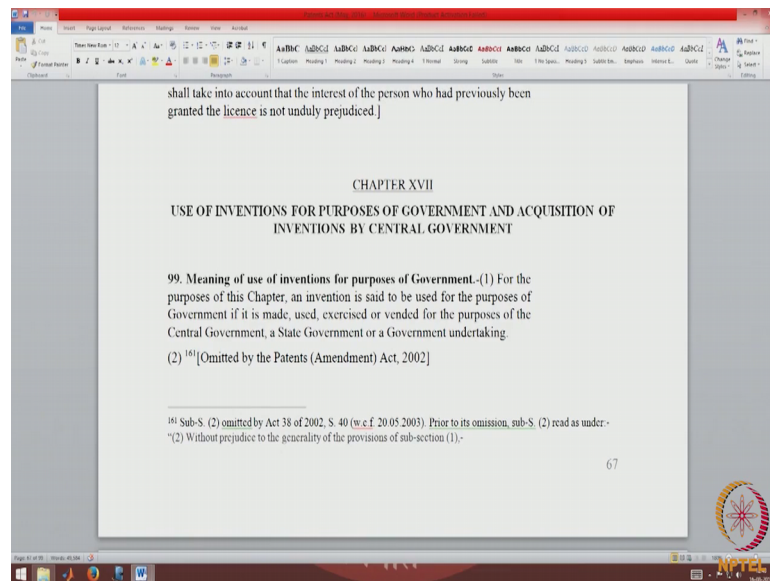


Chapter 17: use of invention for purposes of government and acquisition of inventions by central government. This chapter deals with use by the government and acquisition by the central government. Just as the government has the power to acquire land and private property in certain cases, the government also has the power to acquire inventions or patents.

Now this can be done either as a complete acquisition or for just the use of the government. So, in these cases just how if the land is acquired belonging to a citizen the government would pay him or her compensation. So, the rules here are very much the same and we understand that because we have already seen that patents are treated as movable property, properties of the patent exists and the government recognizes it. So, if the government uses it or if the government acquires a patent from a private entity then the government would compensate. There are procedures from acquiring this. So, that is contained in section 99 onwards.

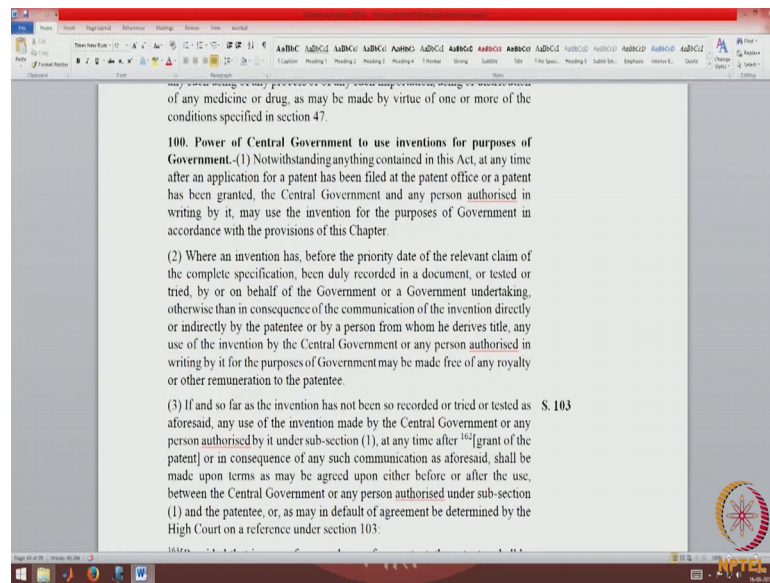
Now, you will see that after 94 there is a jump and we start with section 99. These sections in between 95 to 98 were deleted. Now they were repealed in 2002. So, those sections are missing. So, after 94 the next section is 99. Now 99 generally talks about what does the meaning of use of an invention for the purposes of the government. And you will find that the government could in central governments state government or the government undertaking.

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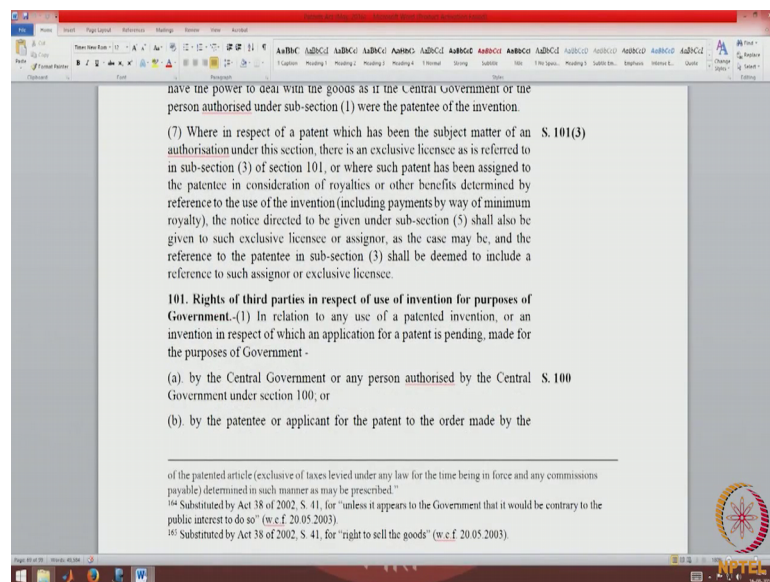
And 100 deals with the powers of the powers of the central government to use inventions for the purposes of the government.

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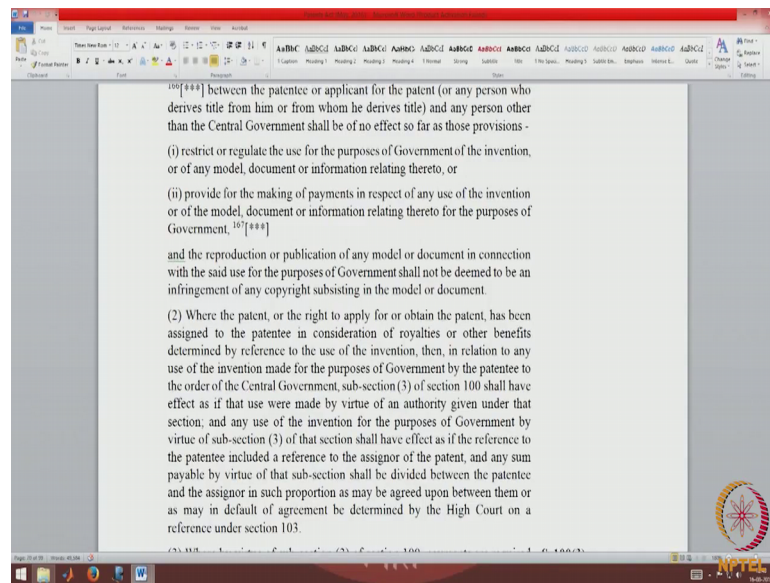
Now, what are those powers? And how the government can use? Are mentioned in 100 there are some details.

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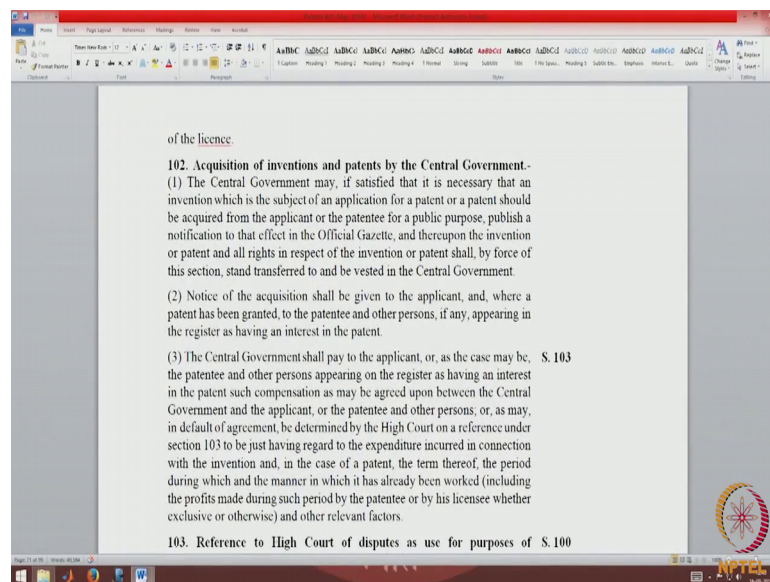
And in 101: the provisions relating the right of third parties in respect of use of invention for the purpose of the government. Now what are the rights of a third party where the government uses the invention?

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Now, as I mentioned there are ways in which the government can compensate b paying a amount to the people who are interested in the invention.

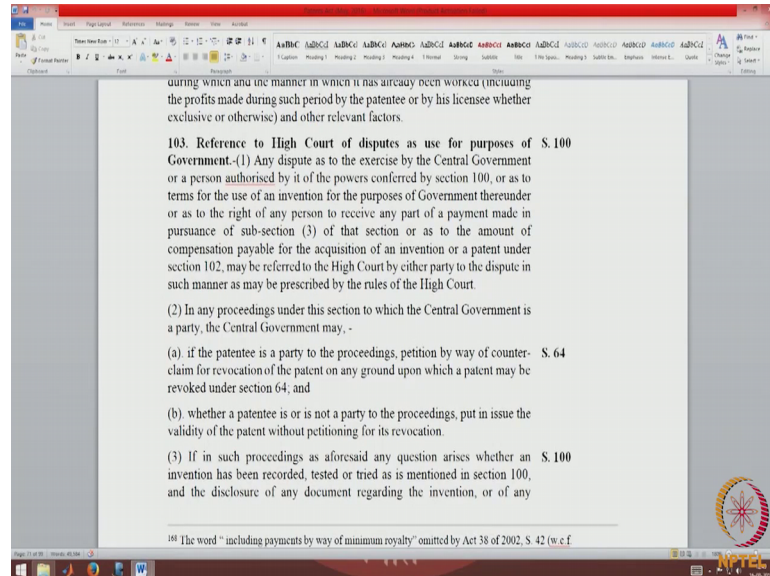
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102: talks about acquisition of invention and patents by the central government. And this is again a provision where the government wants to acquire the invention or the patent are not just used it wants to. So, in just as in the case of an acquisition of a land, there is a provision for giving notice and then the person will be heard whoever has an interest.

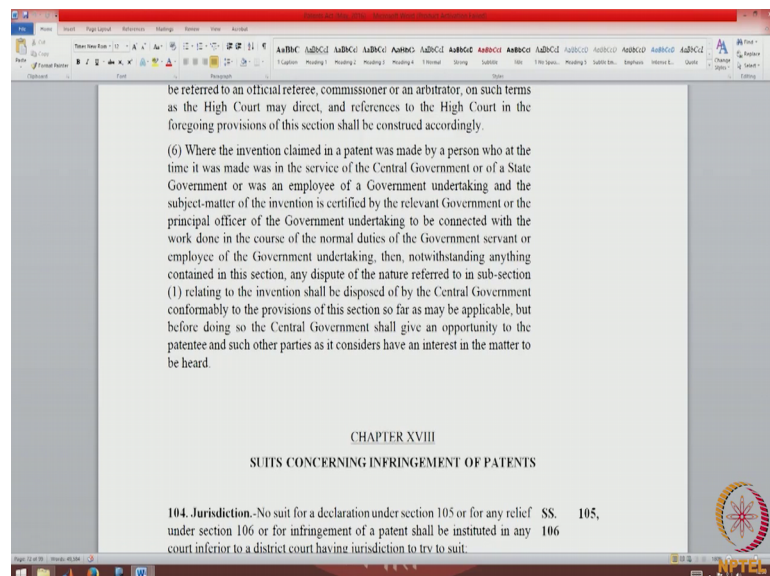
And based on certain factors a compensation will be agreed upon between the central government and the applicant and that would be paid.

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Now, there is a provision for reference to the high court in section 103, where the private entity or the person holding the patent or the invention and the government are not able to come to an agreement. There is some dispute between them then there is a provision by which a reference can be made to the high court and the high court will resolve the dispute.

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Now, these provisions largely cover the cases in which the government can use or the government can acquire an invention.