

ROADMAP FOR PATENT CREATION

INTRODUCTION TO PATENT: DEFINITION, CONCEPTS, PATENTABILITY

INTRODUCTION TO COURSE

A very warm welcome in this journey to the course“road map for patent creation”I am Gouri Gargate,..Professor at IIT kharagpur.Please meet PHOSITA who is also participating in this Journey I hope and anticipatethat you have got the chance .to go through the assignment. 0. I am sure..... that you have browsed throughthe complete course structure and the coverage. Todaywe will try to walk through the detail course structure and the overall planning for the 8 weeks. We will seethat how we are going to be engaged for the next 8 weeks. here we startSo.... the first question in your mind might be,how much time I have to invest for this course? it is just two and half hours each week. Now, before beginning with the introduction to the course, I wish to share one scenario.....scenario at the Indian Patent office..... Do you know how many patents are filed at Indian patent office every year? Yes? Almost 45000 patentsOut of which how many are filed by Indian nationals? Any guess? only 13000 then what about the remaining

patent applications? These are filed by other foreign nationals.So out of 45000 13000 are filed by Indian nationals Just for a simple comparisonLet us see the scenario in some other country say USA How many patents are filed in USA patent office? Any guess? in USA almost 5000 patent applications are filed every week. It is Interesting to note that India, although very rich in intellectual capital, with the population of 1.3 billion only 13000 patents are filed each year. This figure is despite the factsthat you and I observe Which are these facts?

We observe that many R &D organizations and academic institutes in the country are engaged in research work Then why there is no substantial patent filing? The second

fact that we observe is. some or the other day on news channel you see a news about a small kid or college going student or a farmer from the very corner of the country, may be not having formal education ...but comes up with very interesting product ...or solution to some problem. Am I right? Both the scenarios you have observed

Now one more scenario I would like to put forward ...students and teachers in the universities and colleges develop something new and are struggling for understanding the patent filing procedures...

The last scenario I wish to share is of MSMEs..... here what happen...generally the founder is working on a particular project for years together ..hence his/her knowledge about the particular process is sharpen... eventually when they explore new ideas definitely they create something which is patentable... but they are not able to identify this potential patent as well as they face the issue of finding IP experts...So, what is the solution....

Here we will try to examine these four scenarios... extensive researching in a few organizations & institutes...no formal education but created a novel product or like, students/teachers struggling to understand procedure for patent filing, MSME unable to identify potential patent

In the first case if academic and research institutes are of national level, well settled IPR cells are established and processes for IP management are streamlined to assist researchers in patent filing, and hence you see in the top list of patent filing names like IIT, CSIR... In second, third and fourth case there is no such facility available However, one thing is common in all above mentioned scenarios.... IP awareness is a major issue throughout... Being a part of IIT, I observe that we have to work hard for IP awareness ... we see a good substantial research is going on in the institute but researchers are not approaching IPR cell So first major issue is IP awareness.... Now there is another issue to understand ...I am trying to put forward another scenario. This is something related to a mindset of researcher....Indian philosophy has always been about "Knowledge is for sharing" In such case the critical decision making. by the

researcher is required We should respect our culture but we should appreciate that we are in a knowledge economy where knowledge is power. Globalization has played a very important role we are now competing with the world.

Intellectual Property system is designed in such a way where intellectual efforts of a person are recognized and appreciated with keeping balance of social welfare. IP is an instrument which helps people to protect their knowledge and to create wealth as well as they can donate their IP for social welfare... All these scenarios and last 10 years' experience in IP field motivated to create this course

This course is an attempt to create awareness about the importance of patent and try to give answers to most of your questions and doubts Which are the problems /doubts generally a creator face ...here I am citing a few such misconceptions... First misconception is that the patent filing procedure is very time consuming Second misconception is patent filing is very costly Third problem not misconception availability of IP expert...a right Ip expert who have thorough knowledge of technology, IP law and management..... Fourth issue with reference to organizations is there is a belief that patent is confined to R & D ...a very big misconception..... Thus schools, colleges, research institutes, academic institutes of national importance, Indian MNCs, MSMEs all need a clear guideline and understanding about patent filing ...and hence this course which will help you to plan from 0 that from the idea stage till the patent filing....So, are you ready to explore and apply the knowledge gained through this course to your idea currently you are workinglet us start...? you will ask what background is necessary to take this course ... So, answer is nothingno education restriction age restriction or profession restriction. Only requirement is you are passionate about some technology...that's it.... so, students, teachers, scientists, Startups, MSMEs, Corporations and Non- teaching staffs anyone can take this course

How is the course plan? There will be video lectures, How many? As this is 8-week course there are total

40 videos, each of 30 minutes. 5 videos per week so as informed earlier two and half hour per

week We will provide you reading material which you can go through any time during the course...At the end of each week there is an assignment work ...simple MCQ type of questions may 15 or 20 The objective for the assignment is to get an idea if we are able to convey the concepts of the subjects.

We can keep little bit flexibility with the timing of the assignment submission considering your time availability, however all the assignments we expect you to solve....So, video, reading material. assignment ...Now the fourth important thing...How we are going to. communicate. There are 3 ways

1. Discussion forum- details are shared along with the course structure document
You can easily locate the link on the NPTEL site This is a good opportunity to communicate with us as well as fellow course participants.
2. Interactive sessions, there will be 2 such sessions during the course. Here you can ask questions to us and we will try to answer all your questions .so this is a direct communication platform...make use of this most Apart from the above two, you can always approach us through email rfpcnptel@gmail.com. Email is also shared in the course structure document.

Now, Let's look into the weekly course structure. Week 1 is about the Introduction to Patent: Definition, concepts, patentability. It covers

1. Introduction to the course,
2. Property and Intellectual property;
3. IPR,
4. IP and future areas and
5. an introduction to patent

This week will be dedicated to property and intellectual property what is the difference between them and what are the similarities between them The other topic i.e.

IPR to introduce you to different types of IPR as many times people use word patent and then copyright and industrial design interchangeably. So, with this video you will understand that

there is a difference. WEEK 2 deals with the Patentability Criteria: How to identify whether my invention is patentable? Which includes

1. Patent searching and analysis
2. Patent-Definition
3. Novelty
4. Non-obviousness
5. Industrial application

Week 2 deals with all your major queries such as if you have any creation and you want to know that whether that is a patentable or not? so here you will get the answer so we will give you information about what is that patent searching and analysis, patent definition and what are the three important criteria for patent. We have dedicated full one video on each of the criteria so that you can clearly understand the concepts

The topic for WEEK 3 is “How to read a patent document?” and includes topic like

1. Parts of patent document
2. Terminologies and codes used in a patent document
3. How to read a patent? - I
4. How to read a patent? - II
5. How to read a patent? – III

This week you will learn to read a patent document, understand the importance of each part of the patent document and analyze it to check it vis-à-vis your creation. Patent is a techno legal document hence reading it requires skill. Hence whole week is dedicated for this learning

The title for WEEK 4 is “Patentability – tools”. The topics covered are:

1. IP identification tool

2. Patentability tool
3. IP audit framework

4. Public patent databases
5. a capsule version.

Here we will share with you a simple tool which you can apply to your project to identify potential patent, to audit your own IP and a patentability identification tool. We will share with you a free resource and how to use it. This will be very useful to you to check the current state of the art in your domain. At the end as we will finish 4 weeks a capsule version will be released to recap the syllabus, we covered in 4 weeks. In next week i.e., week 5 we will be learning “Procedure for patent filing”

The broad topics for this week are:

1. Types of patent
2. Patent filing procedure in India
3. Patent timelines - India and PCT
4. Inventions not patentable in India
5. Indicators for patentability

This is most important week where we will cover all the statutory provisions and a few important sections in the Act. But need not to worry about sections and subsections ... we will make it very simple. By the end of this week you will be able to understand the various types of patent, the filing procedures, timeline and about inventions that are not patentable in India.

In the subsequent week i.e. WEEK 6, you will be learning research planning and the topics covered are: Research/ project Planning I

1. Use of patent database
2. Importance of laboratory notebook
3. In which technical category my invention falls? - IPC

4. Statutory differences in Patent Act in India, Europe and USA

5. Identification of inventor and applicant and their rights

Research planning methodology is extended for the 3 weeks. So, you will be learning various methods during subsequent weeks. Research/ project Planning II

1. Developing your own IP system

2. When to publish and when to patent (confidentiality)

3. Statutory exceptions(anticipation)

4. Procedure for patent filing (Forms and fees)

5. Interaction with IP attorney (Initial drafting, FER reply and hearing)

Assignment VII

WEEK 8

Research/ project Planning III

1. Demonstration - Research/project planning

2. Post patent filing- mandatory requirements (statutory and general)

3. Patent commercialization (licensing, entrepreneurship, bank loan, insurance)

4. Capsule revision

5. Am I ready to file my patent? (Course applicability)

At the beginning of week 8, we will actually do research planning At the last there will be summary a recap what we have learned in this course.... So, that's all on the course plan. With this we come to the end of this video. See you in the next session where we will see what are the similarities and differences between property and intellectual property are.....

Thank you!