

ROADMAP FOR PATENT CREATION

PATENT TIMELINES-INDIA AND PCT

LECTURE 23

A very warm welcome in the third module of week 5 of the Course, roadmap for patent creation, titled "Patent timelines-India and PCT" Before knowing the timeline of patent filing and prosecution in India, we will check the jurisdiction with respect to patent filing. What is meaning of this? So we know now that in India there are patent offices located at four different places Which are these locations Delhi, Kolkata, Mumbai and Chennai.

So when we say jurisdiction The meaning is the state residents of particular area are allowed to file the patent in that particular patent office only. So how this works? So let us check first the state list as below

- **Haryana**
- **Himachal Pradesh**
- **Jammu and Kashmir**
- **Punjab**
- **Rajasthan**
- **Uttar Pradesh**
- **Uttaranchal**
- **Delhi**
- **Union Territory of Chandigarh**

Now residents of this area can file the patent application in Delhi patent office Now here note one thing Now a days all patent office activities are almost paperless and generally the patent filing is online... so automatically as per the address the coding of the patent application will done So what this coding is? So suppose patent application number is 201814000007 So this number gives the information as The patent application is filed in the year 2018 It is filed in Delhi patent office So jurisdiction is Delhi That is applicant is from the areas like

- **Haryana**
- **Himachal Pradesh**
- **Jammu and Kashmir**
- **Punjab**
- **Rajasthan**
- **Uttar Pradesh**
- **Uttaranchal**
- **Delhi**
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Then it says that the patent application is conventional patent application and the last six digit denote the serial number So if it instead of 1 it is 2 after the year then it is indicating that the jurisdiction is Mumbai. The states under this jurisdiction are

- **Gujarat**

- **Maharashtra**
- **Goa**
- **Madhya Pradesh**
- **Chhattisgarh**
- **Union Territories of Daman and Diu & Dadra and Nagar Haveli**

Then if it is 4 it denotes that jurisdiction is Chennai So it includes

- **Andhra Pradesh**
- **Telangana**
- **Karnataka**
- **Kerala**
- **Tamil Nadu**
- **Union Territories of Pondicherry and Lakshadweep**

And last if it is 3 it will indicate Kolkata jurisdiction and it will include rest of the India So this is the jurisdiction and the code system followed by India patent system for assigning the patent application number. Ok so now let us check India timeline. So let us assume zero time as filing of the provisional patent application. Now we know what is provisional patent. Right So what is it. It is the application filed by the applicant to secure the priority where the specification is filed without claim as the process of the invention is ongoing however, the inventor is assured that he/she can complete the process within one year...right so I have put in general way what the provisional patent application is...now as a rule within 12 months the complete specification is to be filed.

As I have mentioned several times, that provisional application drafting can be done by applicant himself or the inventor however, for complete specification it is suggested to take the help of the patent expert. Now after this the next stage is the publication so automatically at the end of 18 months the patent will be published we know now what the meaning of the publication is that the patent bibliographic information, abstract, no. of claims and no. of drawings this information will be published in the gazette and the gazette is updated every Friday okay so this the publication stage then the next is examination so why this 48 months it is the timeline. Timeline for filing the request for the examination but it is suggested that the request for examination can be filed at the time of the patent complete specification filing...why this is so because this filing of the request of examination determines your number in the queue for the examination what is this the meaning is that the date on which you file the request for examination determines the number of your application in the queue of the other patent application now then the next is first examination report FER so as discussed although it is mentioned here 54 it is tentative so if you file the examination request along with complete specification filing then tentatively your patent application may be considered for examination and by 54th month you may get the FER...12 18 48 are fixed timelines 54 and the next one that is 66 is tentative there may be change depending on the date of the filing of the examination request, then the time taken by the applicant for the FER reply, then the workload in the patent office...so this and like this many other parameters will determine the time of FER issuance.

so as an example if the applicant has filed the request for examination at the end of 12th month as per the timeline here then the probability of getting the FER is 54th month however suppose applicant files the request for the examination in the last week of the 48 month then

probably the patent application will be considered for examination approximately around 84 to 96 month....Okay so this is the timeline as provisional Then complete Then publication Then examination Then FER Then grant Now it is not necessary that you have to file provisional , applicant can directly file complete specification as a stage Fine Then there are two stages where opposition can be faced Pregrant opposition And postgrant opposition Pregrant opposition is after publication and before grant and postgrant opposition is after the grant however within the one year from the date of the grant Again requisite form and supporting documents submission is suggested to substantiate the opposition Okay So this is the India patent timeline Generally 4 to 5 years for the grant However there is express patent route where The applicant can file early patent publication request with requisite fee and can reduce the time of the grant Okay Now let us check the PCT So what is PCT Do you remember Yes It patent cooperation treaty.

So as already discussed it is the system facilitated by WIPO for filing the patent in many countries So it is the route offered through WIPO Okay So it works This PCT you can file at local patent office or you can directly file it at WIPO There is availability of the system called " PCT easy" which helps you to do this filing directly with the WIPO Fine 2 clicks So let us check the timeline So suppose you have filed your patent application either provisional or complete say at 0 Now within 12 months you have to file PCT application So whatever the application that provisional or complete before 12 months please file PCT if you want to explore the patent filing in many countries and you wish to explore PCT route than the conventional patent application Okay Then automatically at the end of 16th month you will receive the ISR International search report Please note it is so perfectly followed that exactly at the end of 16th month you will receive in your email box the ISR report Okay

Then what this ISR It is the international search report on the patentability of the invention under consideration Okay Next Automatically at the end of 18 months your application will be open for public examination on Patentscope site the site of WIPO The database hosted by WIPO So without any mistake in timeline this ISR will be issued and publication of the patent application is done Now next is IPER international preliminary examination report So at 22nd month if applicant want he can opt the IPER service It is a paid service so extra fees is required to be paid to avail this facility This is an optional phase So once you received the ISR and publication is done Then based on the ISR if required without changing the scope amendments in the claim can be done before filing this application in any national patent office So note the amendment must be within the scope.

So fine after 18 months that after publication applicant can enter in national phase or he/she can wait till 30th month Again if applicant wish to avail the IPER then of course after that based on the report applicant can decide on the national phase enter. At any of the case the time available is of 30 months or 31 months depending on the country where the applicant wish to apply for the patent So Provisional or complete Within 12 months PCT application 16th month ISR 18th Month Publication Optional IPER Entry in national phase after 18 months till 30 or 31 as per the country where the applicant want to file a patent so this is the PCT timeline So we have seen India patent office timeline and then PCT timeline Let us check now an interesting video on international patent filing Okay Now After knowing this India timeline PCT timeline and types of patent The question is what are the advantages or what are the differences between conventional application and PCT application

So let us check this difference So to start how many countries are the member of the PCT 152 countries And what about the conventional There are 177 countries Fine What is the difference between the timeline for national entry Pct gives the time of 30/31 months while conventional application system provide 12 months Next what about the filing system one application at PCT and then the national phase this is what pct route is While for conventional it is direct national patent office applications need to be filed within 12 months File Any other difference yes The most important difference is of ISR PCT system provides ISR which gives you pretty well idea about the quality patent quality in a sense the patentability related examination of the invention Thus you get good idea about the novelty nonobviousness and industrial applicability

Thus within 16 months only applicant can understand the probable status of the patent Then one more advantage is that based on ISR amendments are allowed in the claims without affecting the scope Thus PCT provides little bit more advantages over conventional patent application. So this is the PCT conventional and we have seen the India patent office timeline With this we come to the end of this session. See you in the next session

thank you!