



# INTELLECTUAL PROPERTY RIGHTS & TECHNOLOGY TRANSFER

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# WHAT IS INTELLECTUAL PROPERTY RIGHT?

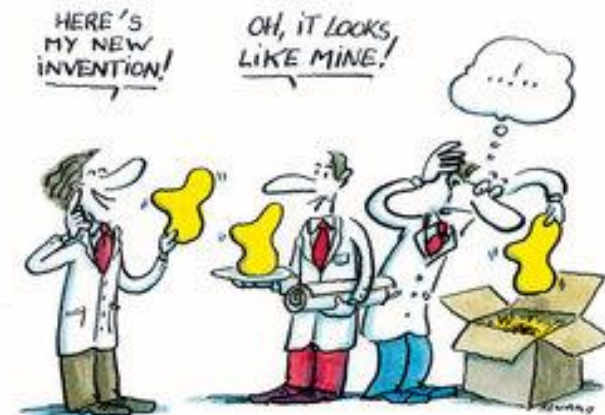
## LEGAL DEFINITION:

The legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields.

## NORMAL:

it is a property that arises from the human intellect. It is a product of human creation. Intellectual Property comprises 2 distinct forms:

1. Literary & Artistic Works
2. Industrial Property



# PROPERTY

There are two types of properties:

## 1) Tangible Property

Movable property

Car, pen, furniture, dress...

## 2) Intangible property

Intellectual property

Literary works, inventions ...



## IP AS A PROPERTY

Can be  
Sold

Can be  
Bought

Can be  
Lease or  
Rent

Can be  
Assigned

Can Pass  
Under a  
Will

## ROLE OF INTELLECTUAL PROPERTY

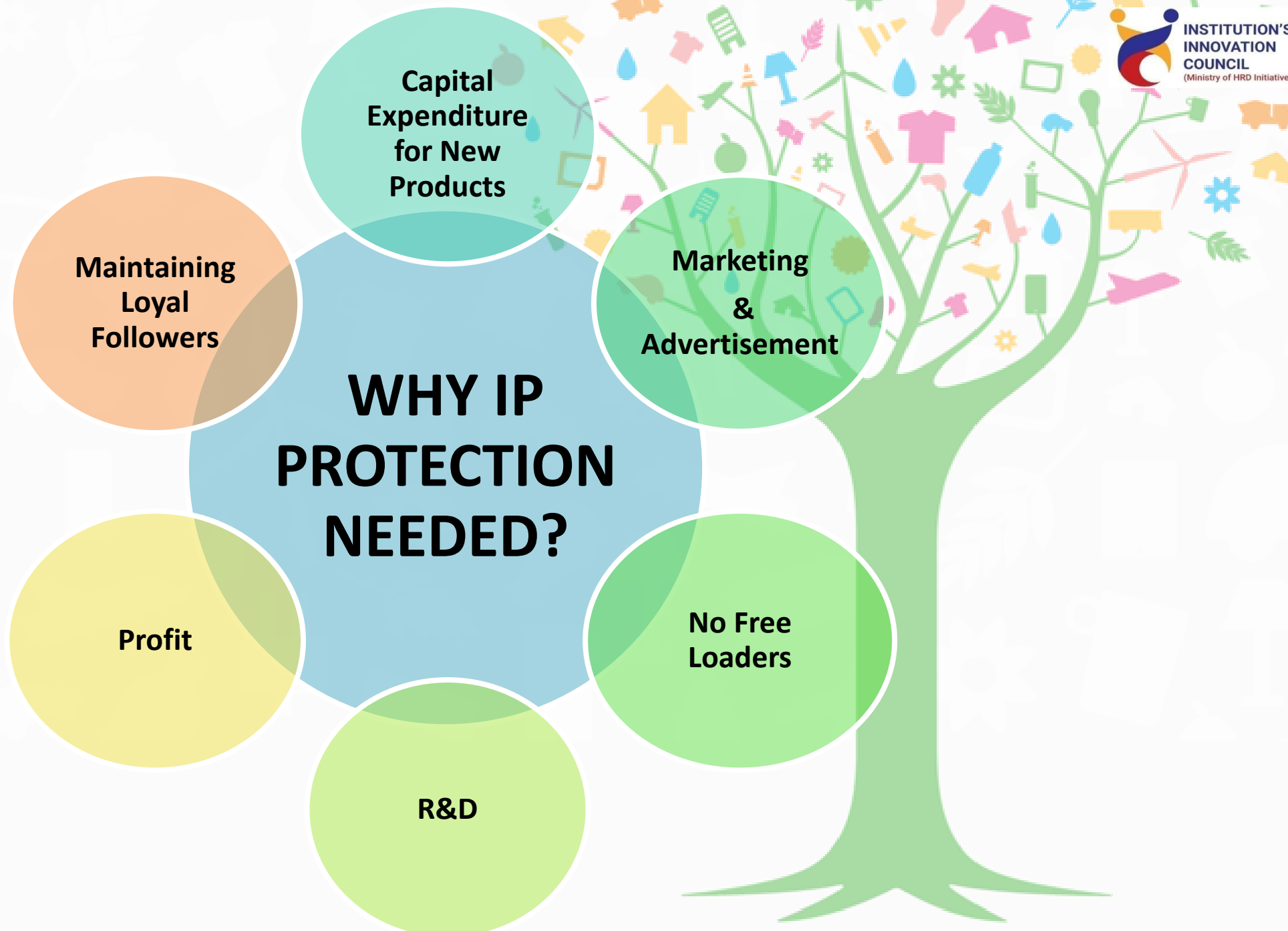
Economic  
Rights of  
Creators

Commercial  
Exploitation of  
IP by owner

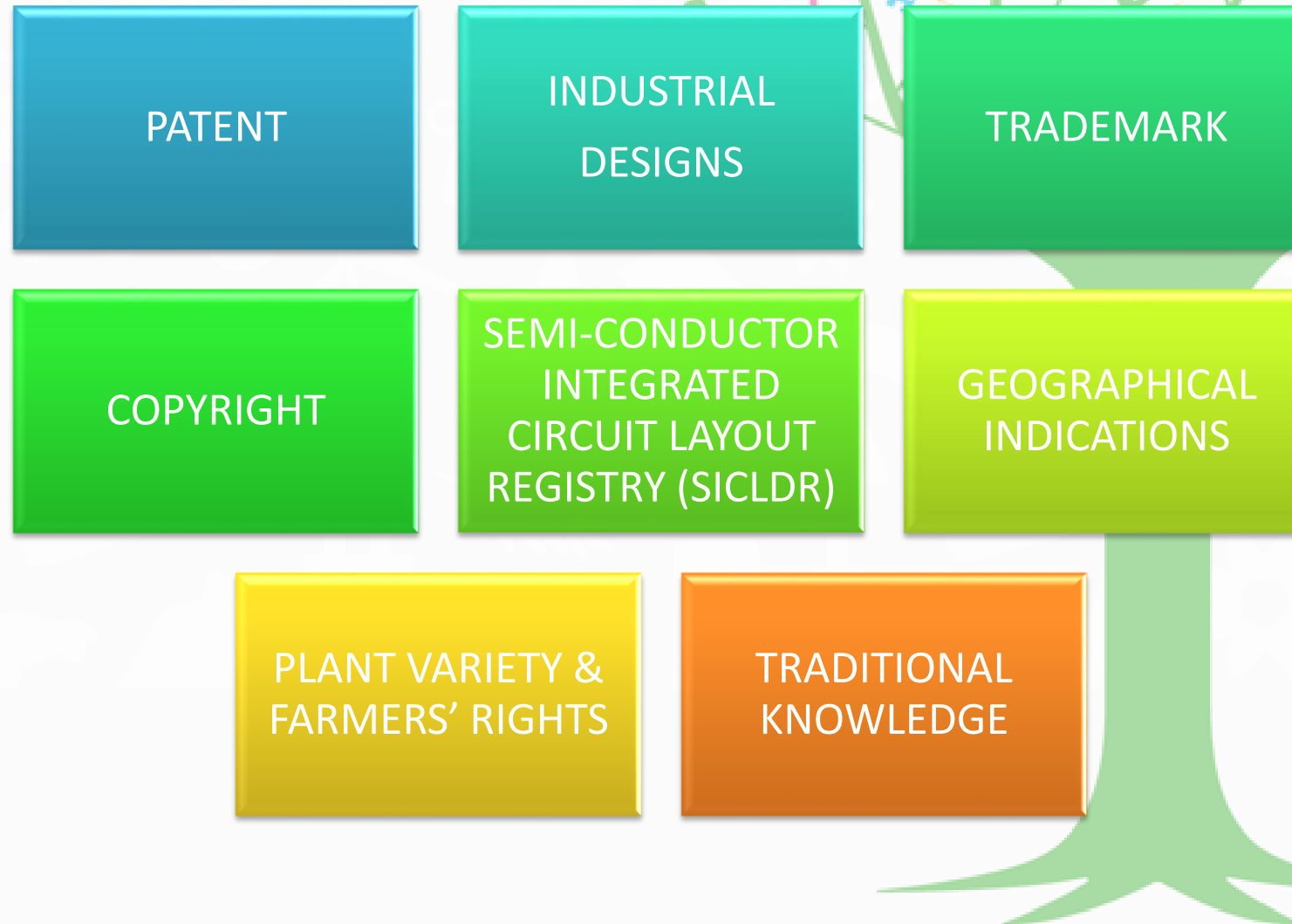
Capital  
Expenditure

Transfer of  
Technology

Cultural  
Development



## TYPES OF INTELLECTUAL PROPERTY RIGHTS



## IP IDENTIFICATION & MANAGEMENT: START-UPS/ ENTREPRENEURS

### Do's

- Develop an IP strategy
- Consider all forms of IP
- Conduct trademark availability & domain name clearance searches
- Involve IP Attorneys
- Use NDA at early stages of business

### Don'ts

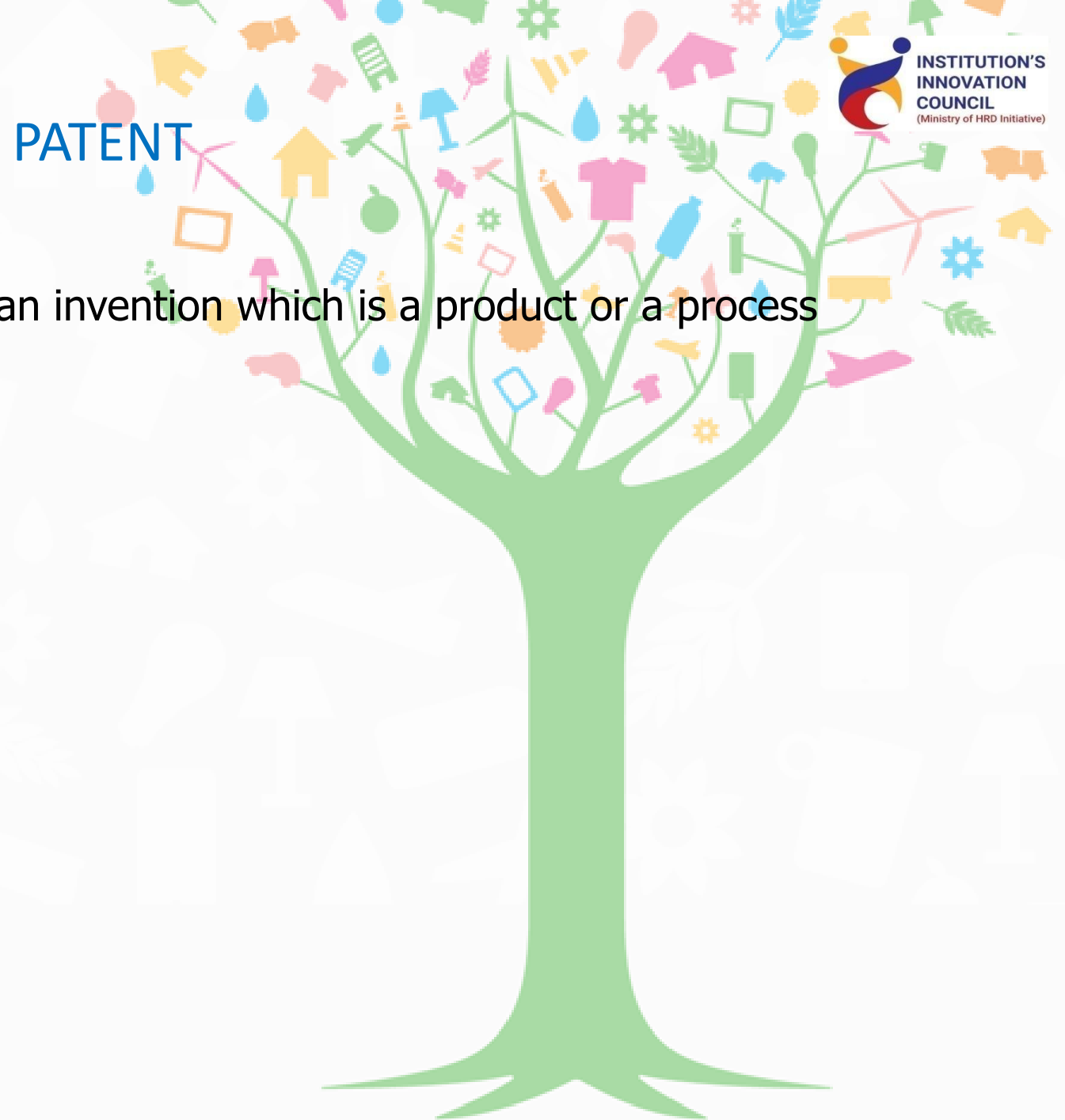
- Skimp on your IP budget
- File perfunctory provisional patent applications
- Focus patent applications on a specific technology
- Ignore competitors' patents
- Overlook the details

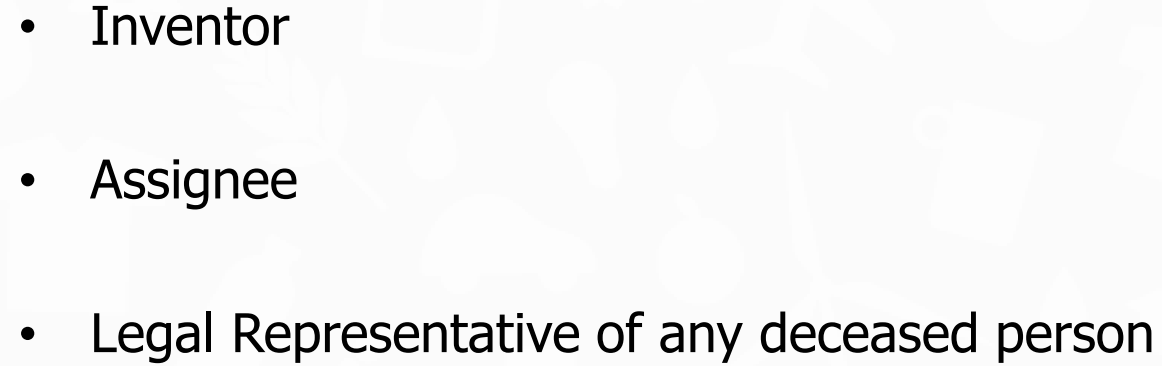




## PATENT


- Patent is an exclusive right granted for an invention which is a product or a process
- Patent is granted for 20 years
- Patent is a territorial right
- Patent is granted on the basis of:
  - ☐ Novelty
  - ☐ Inventive step (Non-obviousness)
  - ☐ Capable of industrial application





## WHERE TO FILE A PATENT APPLICATION?

- **Indian resident** – can file for a patent at the Head Office of Indian Patent Office or its branches depending upon the jurisdiction where he resides or has a domicile or has a principal of business
- **Foreign national**- must have a address for service in India or a principal place of business in India

	Patent Office	Territorial Jurisdiction
	Mumbai	States of Gujarat, Maharashtra, Madhya Pradesh, Goa, Chhattisgarh; Union territories of Daman and Diu, and Dadra and Nagar Haveli.
	Delhi	State of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Utter Pradesh, Uttaranchal, National Capital Territory of Delhi and Union Territory of Chandigarh.
	Chennai	States of Andhra Pradesh, Kerala, Karnataka, Tamil Nadu; and Union Territories of Pondicherry and Lakshadweep.
	Kolkata (Head Office)	Rest of India.

# TYPES OF PATENT APPLICATION IN INDIA

Ordinary  
Application:  
Provisional  
Application or  
Complete  
Application

Conventional  
Application

PCT:  
International  
Application

PCT:  
National Phase  
Application

Patent of Addition

Divisional  
Application

# DOCUMENTS REQUIRED FOR FILING A PATENT APPLICATION

- ✓ **Covering letter** indicating the list of the documents
- ✓ Application form (**Form-1**)
- ✓ Provisional or Complete Specification in duplicate (Form-2)
- ✓ If the provisional specification is filed it must be followed by complete specification within 12 months
- ✓ **Drawing**
- ✓ **Abstract** of the invention

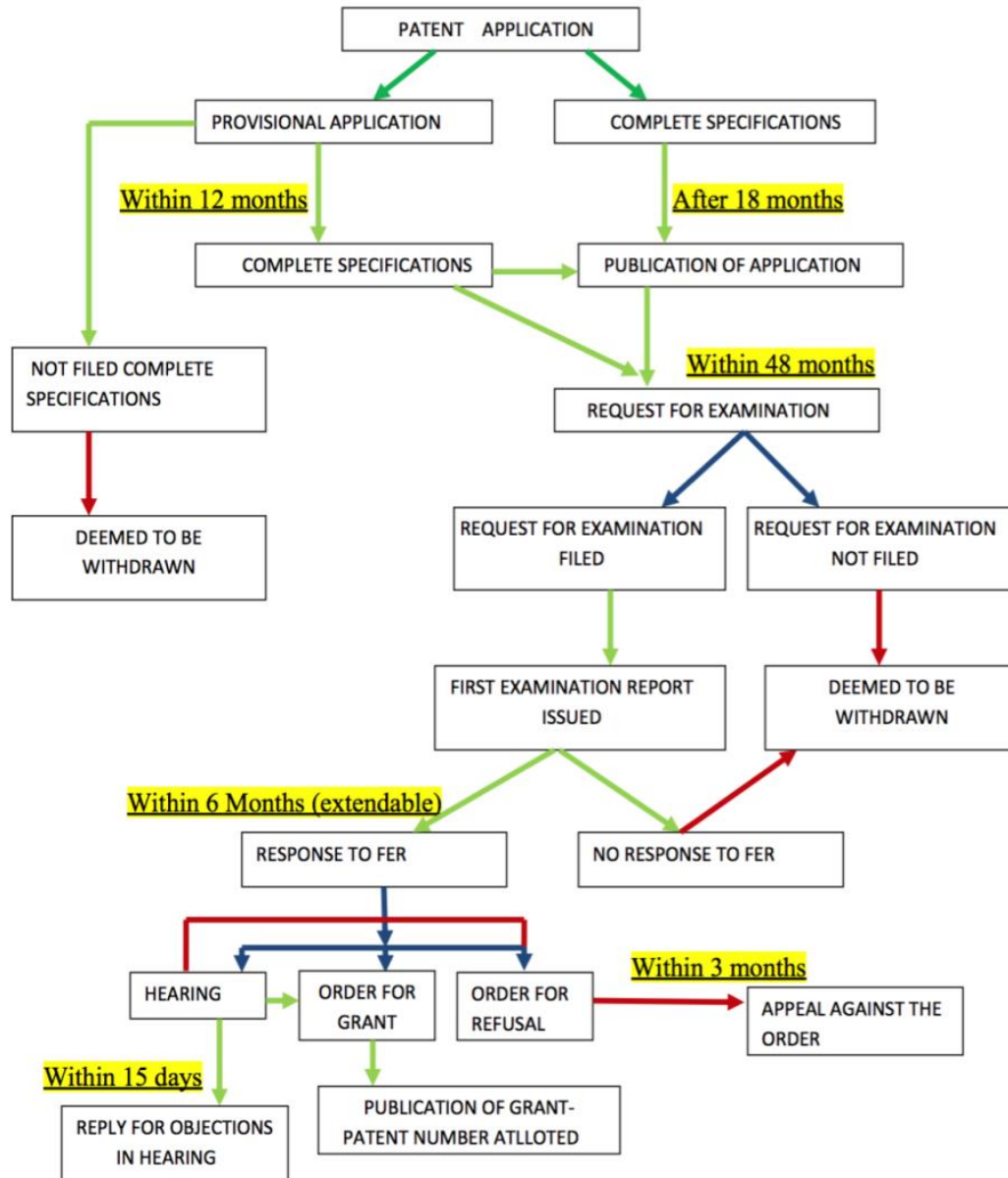
## DOCUMENTS REQUIRED FOR FILING A PATENT APPLICATION (Cont.)

- ✓ **Information and undertaking** listing the number, filing date and current status of each foreign patent application (Form-3)
- ✓ Certified true copy of the Priority document in case priority is claimed
- ✓ **Declaration of Inventorship** where provisional specification is followed by complete specification or in the case of convention application (Form-5)
- ✓ **Power of attorney** (if filed through patent Agent)
- ✓ Requisite **Statutory Fees** (online payment/ cheque/DD)

# FORMS FOR FILING A PATENT

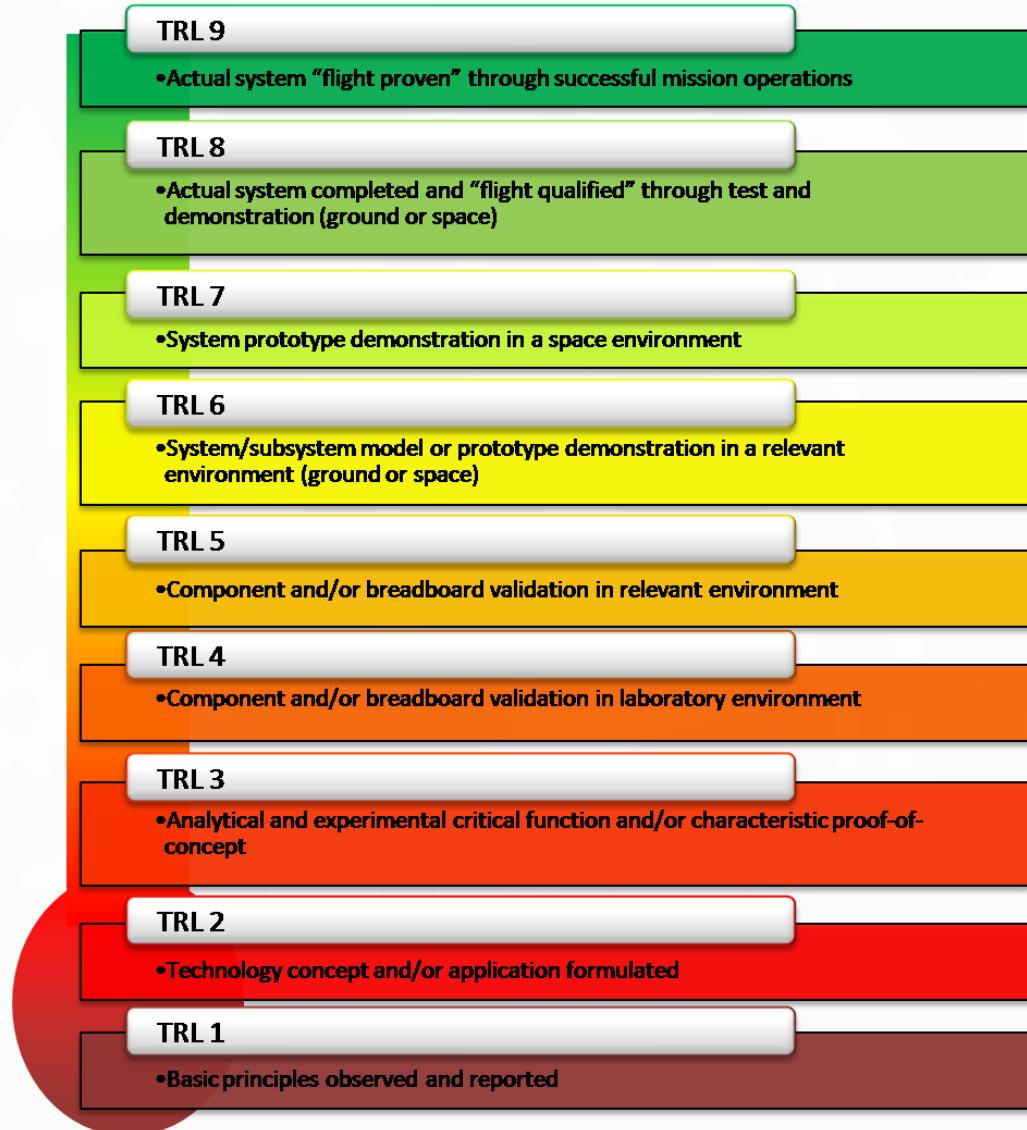
FORMS	DESCRIPTION
<b>MANDATORY FORMS</b>	
<b>1</b>	Application for grant of patent
<b>2</b>	Provisional/ Complete Specification (to be filed within 12 months of filing the provisional specification)
<b>3</b>	Statement & Undertaking for foreign applications (to be filed within 6 months from the date of filing of application)
<b>5</b>	Declaration of Inventorship (to be filed with complete specification or within 1 month of from the date of filing of the complete specification)
<b>18 18A</b>	Request for examination Request for expedited examination (to be filed within 48 months from the date of filing or priority, whichever is earlier)
<b>26</b>	Authorisation of a Patent Agent/Or any Person in a Matter or Proceeding
<b>OPTIONAL FORMS</b>	
<b>9</b>	Request for early publication
<b>30</b>	To Be Used When No Other Form Is Prescribed

# PATENT PROCESS AND TIMELINE






# INTRODUCTION TO TECHNOLOGY TRANSFER

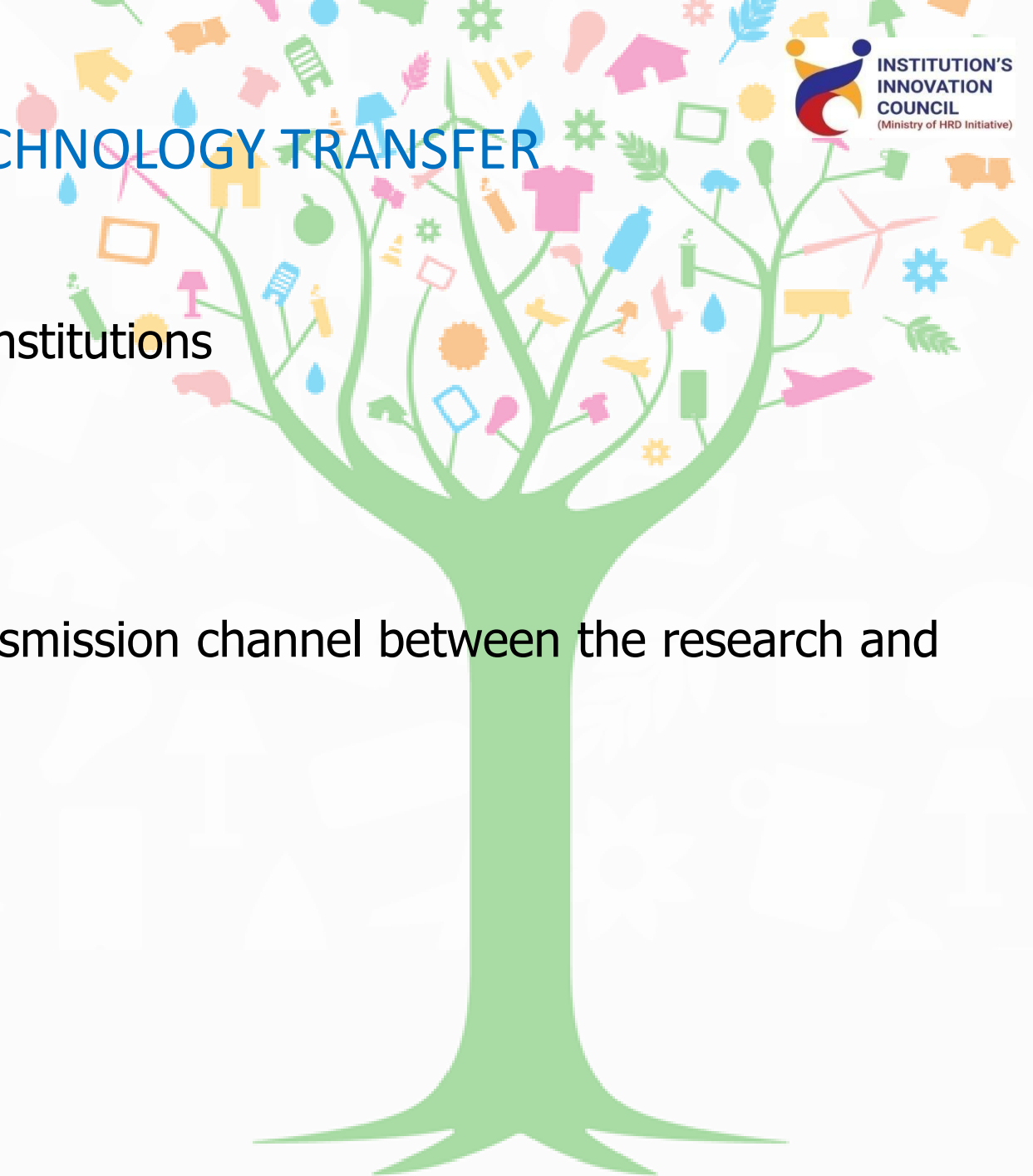


<https://www.nasa.gov/sites/default/files/trl.png>

- 
- A large green tree with many colorful icons (house, car, lightbulb, gear, etc.) on its branches, symbolizing innovation and technology transfer.
- Technology transfer may be defined as **movement or flow of technical knowledge, design, prototype, data, know-how, trade materials, invention, software from one party to another party capable of commercialization**
  - **Technology Readiness Levels (TRLs)** are used as a measurement of the maturity level of particular technologies

## KEY PLAYERS OF TECHNOLOGY TRANSFER

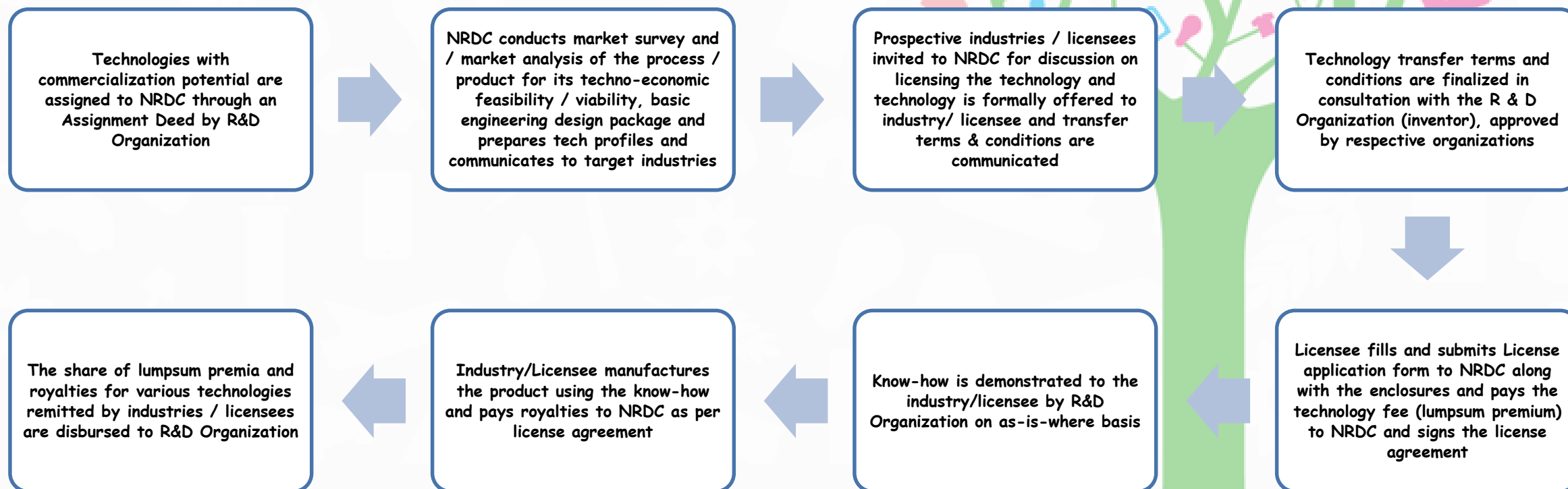
- Research and Development/ academic institutions
- Companies (Private/ MSME's/ startups)
- Funders
- Technology Transfer Offices (TTOs): transmission channel between the research and market environments



# TECHNOLOGY TRANSFER PROCESS

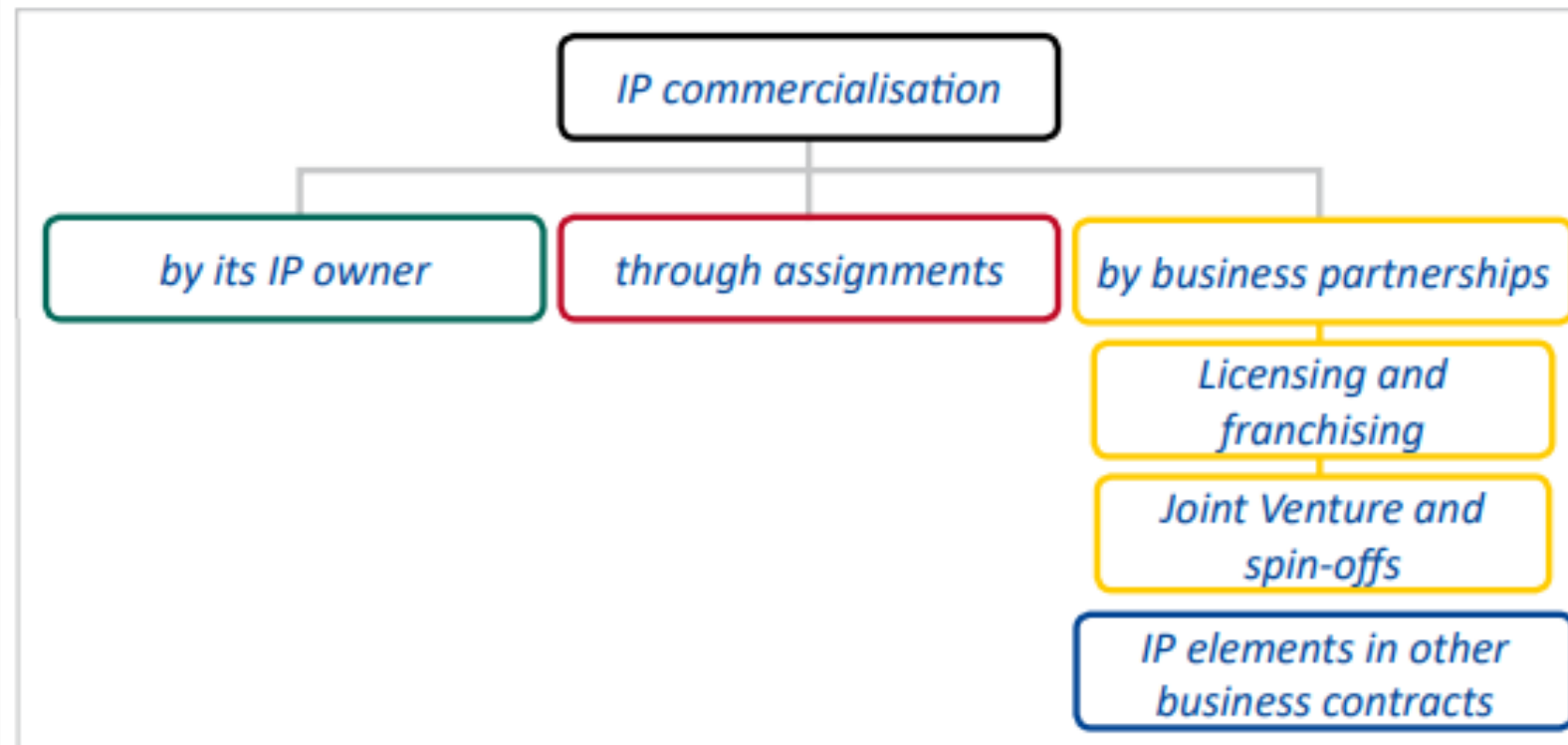


# TECH TRANSFER PROCESS AT NRDC



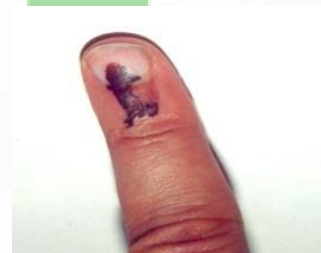
## COMMERCIALIZATION OF IP

- Commercialization of IP is defined as the **process of bringing IP to the market in view of future profits and business growth.**
- Selection of the most appropriate tool for commercialization is often challenging for startups/SME's



# MAJOR TECHNOLOGIES LICENCED AND COMMERCIALISED BY NRDC

SN	Name of the Technology / product	Developed by	No.of Licensee
1	Amul Baby Infant Food:	CFTRI	1
2	20 HP Tractors	CMERI	2
3	Indelible Ink for Election Purpose.	NPL	1
4	Titanium Substrate Insoluble Anodes	CECRI	4
5	Artificial Heart Valve	SCTIMST	1
6	Mini Cement Plant	NEIST	35
7	Auto Rust Scale Inhibitor	DMSRDE	10
8	Disposable Blood Bag System	SCTIMST	4
9	Spirulina Algae	MCRC	2
10	Water Filter Candles	CGCRI	15
11	Silver Impregnated Graphite (SIG) Contacts	NPL	10
12	Test kit for micro-biological quality of drinking water	DRDE	21
13	Monocrotophos	IICT, Hyderabad	5
14	Glucose Bio-Sensor	NPL	3
15	Invert Sugar:	BARC	6





*.... thank you*

*..happy to help you in filing an IP application in India*

for any queries or help?

please feel free to write us:  
[sanjeev.nrdc@nic.in](mailto:sanjeev.nrdc@nic.in)

