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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



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There are two types of properties:

1) Tangible Property
Movable property
Car, pen, furniture, dress...

2) Intangible property
Intellectual property
Literary works, inventions ...

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Can be

Sold





### ROLE OF INTELLECTUAL PROPERTY

Economic Rights of Creators

Commercial Exploitation of IP by owner

Capital Expenditure

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Transfer of Technology

Cultural Development







### TYPES OF INTELLECTUAL PROPERTY RIGHTS

**PATENT** 

INDUSTRIAL DESIGNS

**TRADEMARK** 

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**COPYRIGHT** 

SEMI-CONDUCTOR
INTEGRATED
CIRCUIT LAYOUT
REGISTRY (SICLDR)

GEOGRAPHICAL INDICATIONS

PLANT VARIETY & FARMERS' RIGHTS

TRADITIONAL KNOWLEDGE



### 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

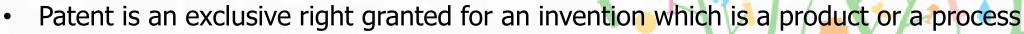
### Don'ts

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





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- 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



## WHO CAN FILE A PATENT APPLICATION

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- Inventor
- Assignee
- Legal Representative of any deceased person







- 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.
Exist The second	Delhi	State of Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Utter Pradesh, Uttaranchal, National Capital Territory of Delhi and Union Territory of Chandigarh.
65.	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)



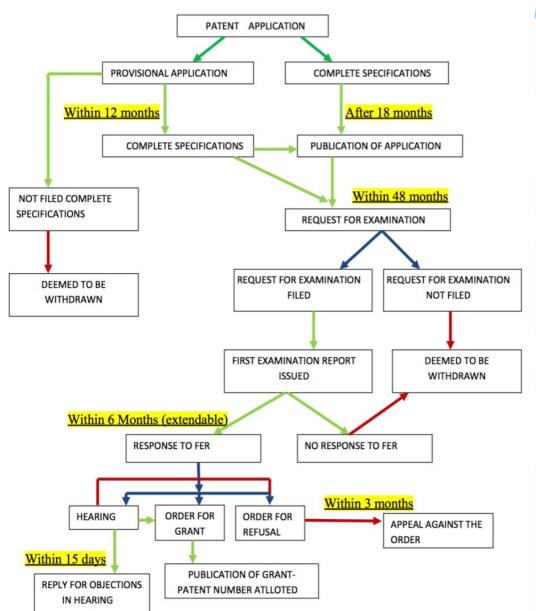
# FORMS FOR FILING A PATENT

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



### PATENT PROCESS AND TIMELINE





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### INTRODUCTION TO TECHNOLOGY TRANSFER



#### TRL9

Actual system "flight proven" through successful mission operations

#### TRL8

 Actual system completed and "flight qualified" through test and demonstration (ground or space)

#### TRL 7

System prototype demonstration in a space environment

#### TRL 6

 System/subsystem model or prototype demonstration in a relevant environment (ground or space)

#### TRL 5

Component and/or breadboard validation in relevant environment

#### TRL 4

Component and/or breadboard validation in laboratory environment

#### TRI 3

 Analytical and experimental critical function and/or characteristic proof-ofconcept

#### TRL 2

Technology concept and/or application formulated

#### TRL 1

Basic principles observed and reported

Technology transfer be defined may movement flow of or technical knowledge, design, prototype, data, know-how, trade materials, invention, software from one party to another party capable of commercialization

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Technology Readiness Levels (TRLs) are used as a measurement of the maturity level of particular technologies

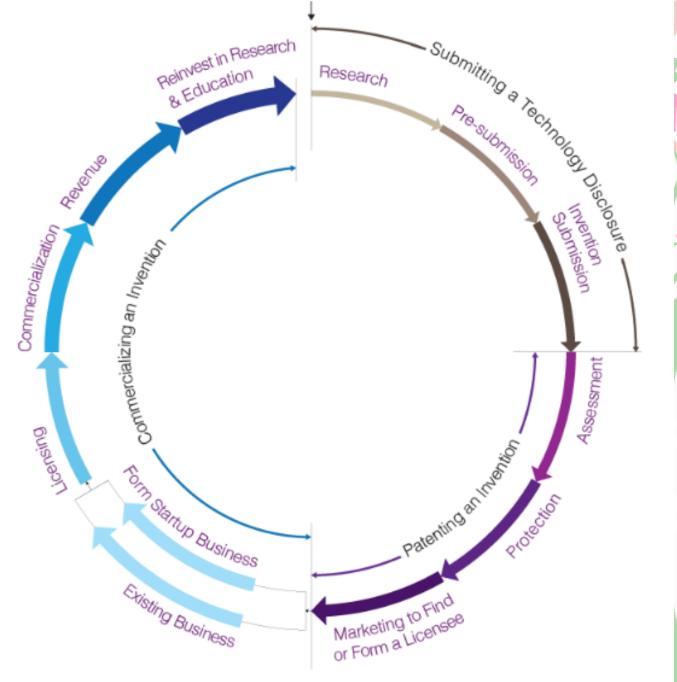


### KEY PLAYERS OF TECHNOLOGY TRANSFER

- 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



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### TECH TRANSFER PROCESS AT NRDO



Technologies with commercialization potential are

assigned to NRDC through an

Assignment Deed by R&D

Organization



NRDC conducts market survey and / market analysis of the process / product for its techno-economic feasibility / viability, basic engineering design package and prepares tech profiles and communicates to target industries



Prospective industries / licensees invited to NRDC for discussion on licensing the technology and technology is formally offered to industry/ licensee and transfer terms & conditions are communicated

Technology transfer terms and conditions are finalized in consultation with the R & D Organization (inventor), approved by respective organizations

The share of lumpsum premia and royalties for various technologies remitted by industries / licensees are disbursed to R&D Organization



Industry/Licensee manufactures the product using the know-how and pays royalties to NRDC as per license agreement



Know-how is demonstrated to the industry/licensee by R&D
Organization on as-is-where basis

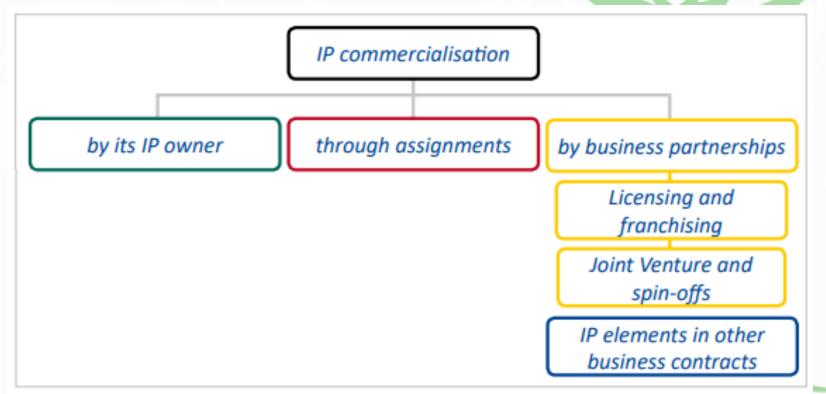
Licensee fills and submits License application form to NRDC along with the enclosures and pays the technology fee (lumpsum premium) to NRDC and signs the license agreement



### 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 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





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# .... 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