



DPIIT IPR CHAIR
&
N.C.BANERJEE CENTRE FOR IPR STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD



Introduction to IP

MA - Space & Telecommunication law
NALSAR University of Law, Hyderabad
Contact Sessions; Semester II
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ANINDYA SIRCAR

Intellectual Property



Elements of IP

- Copyright
- Trademark
- Patents
- Other forms of IPs
 - Geographical Indications
 - Industrial Designs
 - Integrated Circuits
 - Trade Secrets
 - Plant Varieties
 - Contracts

IP is a group of legal rights that provide protection over things people create or invent



Elements of IP

- **Copyright** covers all forms of creative expressions like literature, Music, Cinema, Drama and Sound recordings (includes software under literature).
- **Trade Marks** covers various signs of enterprises used in Products and Services.
- **Patents** covers all forms of inventions and the processes involved in such inventions.
- **Geographical Indications** covers the names of products which are indicative of the origin and well known to the consumers.
- **Industrial Designs** cover all forms of design element which appeals to the eye.
- **Integrated Circuits** covers the design and functionality of various chips.
- **Trade Secrets** covers all forms of confidentiality of products or services owned by individuals or organizations.
- **Plant Varieties** covers asexually produced seed varieties.
- **Contracts** are legally binding agreement that is intended to be enforceable by law.

COPYRIGHT

The Basics –

- The work has to be original
- A Work has to be in a tangible form
- It has to be Creative under one of the category mentioned
- It is the expression part not the idea part
- Utility is not a criteria in the work unlike patents

TERM –

- Life plus 60 years:
 - Literary works,
 - Dramatic works,
 - Musical works,
 - Artistic works,
 - Photographs
- 60 years:
 - Cinematograph films,
 - Sound recordings,
 - Posthumous works,
 - Government works,
 - Works of Public Sector & International Organizations

Can there be more than one original work ?

COPYRIGHT

Literary Works

Dramatic Works



Books



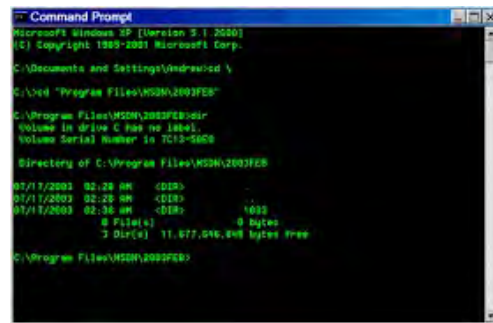
Articles



Letters



Pamphlets



Computer Programs



Tables & Compilations



Recitation



Acting



Choreography



Scenic Arrangement



Mime

Back to School

It's always a struggle to get out of bed
As you cry out "Mum"
Please let me rest my head
We dress in our Houses
With grey and maroon
And smart skirts and blouses
Pity Summer is over so soon!

Poems

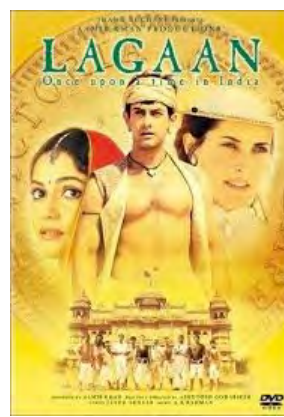
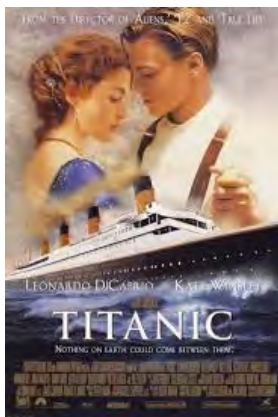
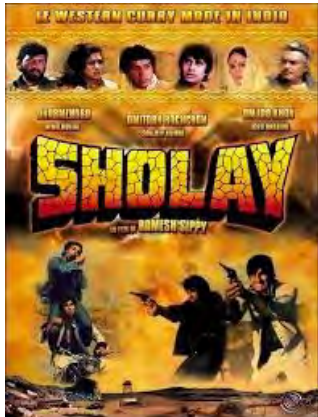
COPYRIGHT

Musical Works



Notes

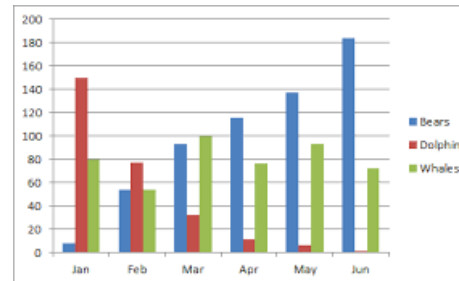
Cinematographic Works



Painting



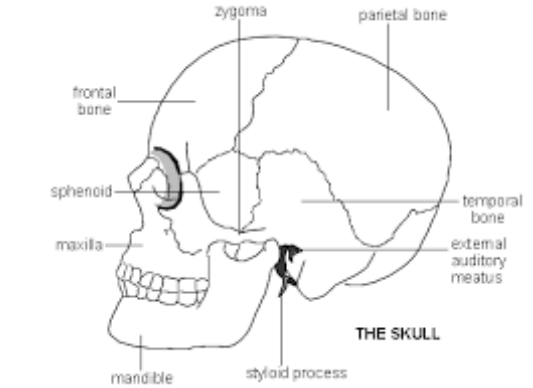
Drawing



Charts & Maps



Sculpture



Diagram



Plan



Engraving

TRADEMARK

The Purpose –

- To protect the public so that it may be confident in getting the product which it asks for and it wants to get.
- To protect an owner's investment from misappropriation by pirates and cheats.
- Trademark helps customers to select goods.
- By identifying the source of goods, valuable information is conveyed to consumers.

The Benefits –

- *Functional Benefit*
- *Emotional level*
- *Self Expressive sense*

Brand Value

- When Philip Mores brought Kraft, the maker of cheese, the price was US\$ 12.9 Billion for the brand names, which was four times Kraft's tangible assets.
- Nestle paid US\$ 2.5 Billion for the brand name KITKAT, which was 5 times Rowntree's book value.
- In the Life Insurance joint venture between Bajaj Auto and Allianz of Germany, a premium of INR 72 Crores has been paid to Bajaj Auto for using the brand name BAJAJ in the life Insurance business by the joint venture.

TRADEMARK

TYPES -

- Device, brand, heading;;
- Label, ticket, name, signature;
- Word, letter, numeral;
- Shape of goods, packaging; or
- Combination of colors; or
- Any Combination thereof;
- Services

TERM -

- Usually ten years.
- It can be renewed indefinitely on payment of additional fees.

TRADEMARK

Device



Heading



Label



TRADEMARK

Tickets



LACOSTE



Name



Signature



TRADEMARK

Word / Initials



Number



Shape



TRADEMARK

Packaging



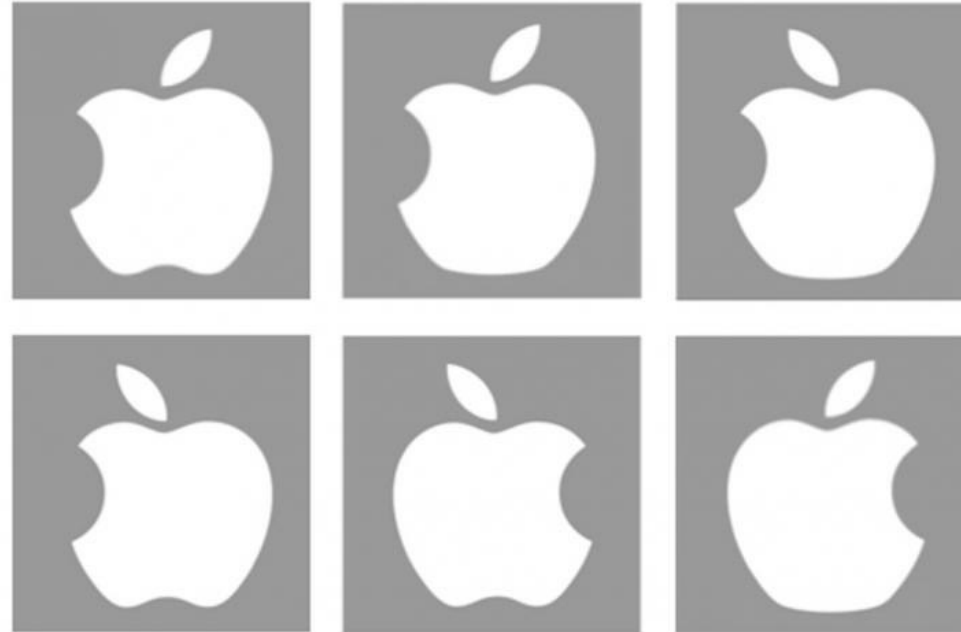
Color Combination



Services



Counterfeits



at&t



verizonwireless



PATENTS

The Purpose –

- Patent is an monopoly right given by the sovereign to an inventor for an invention.
- An invention to be patented should fulfill the criteria of the patent legal regime of a country.
- It is for a limited period of time (20 years).
- To get the Patent the Inventor should disclose the invention fully.
- The Monopoly to the inventor means to exclude any one from manufacturing, using or selling the invention during the period of the patent (A negative right !)
- This exclusive right is only in the country(ies) in which the patent is granted.

Patentable –

- *New and useful,*
- *Process,*
- *Machine,*
- *Manufacture Composition of matter, or*
- *Any new and useful improvement thereof*

NUNS Test –

- ***Novelty (New) requirement,***
- ***Utility (Industrial Applicability),***
- ***Non-obviousness (Inventive step),***
- ***Statutory Subject Matter (Section 3 of the Indian Patent Act or equivalent)***

Patent - Infringement

■ Infringing activity

- Section 48 of the IPA confers exclusive rights upon the patentee to exclude third parties from making, importing, using, offering for sale or selling the patented invention.
- Any violation of these is an act of infringement.

■ Non-infringing activity

- Government use,
- Research exemption,
- Supply of patented drugs to health institutions,
- Use of patented drug on foreign vessel,
- *The Bolar Exemption*,
- Importation by authorized person and issue of compulsory license



Legal Remedies

- **Administrative Remedy**

Importation of infringed goods can be prevented in to territory by approaching Customs office.

- **Civil Remedy**

- Interim injunctions – (before full fledged trials) by showing prima facie case and balance of convenience by showing irreparable loss if temporary injunction is not allowed
- Permanent injunctions – (after full fledged trials)

- **Criminal Remedy**

The Indian Penal Code provides for penal remedies against infringement of Trademark and Copyright



Geographical Indications

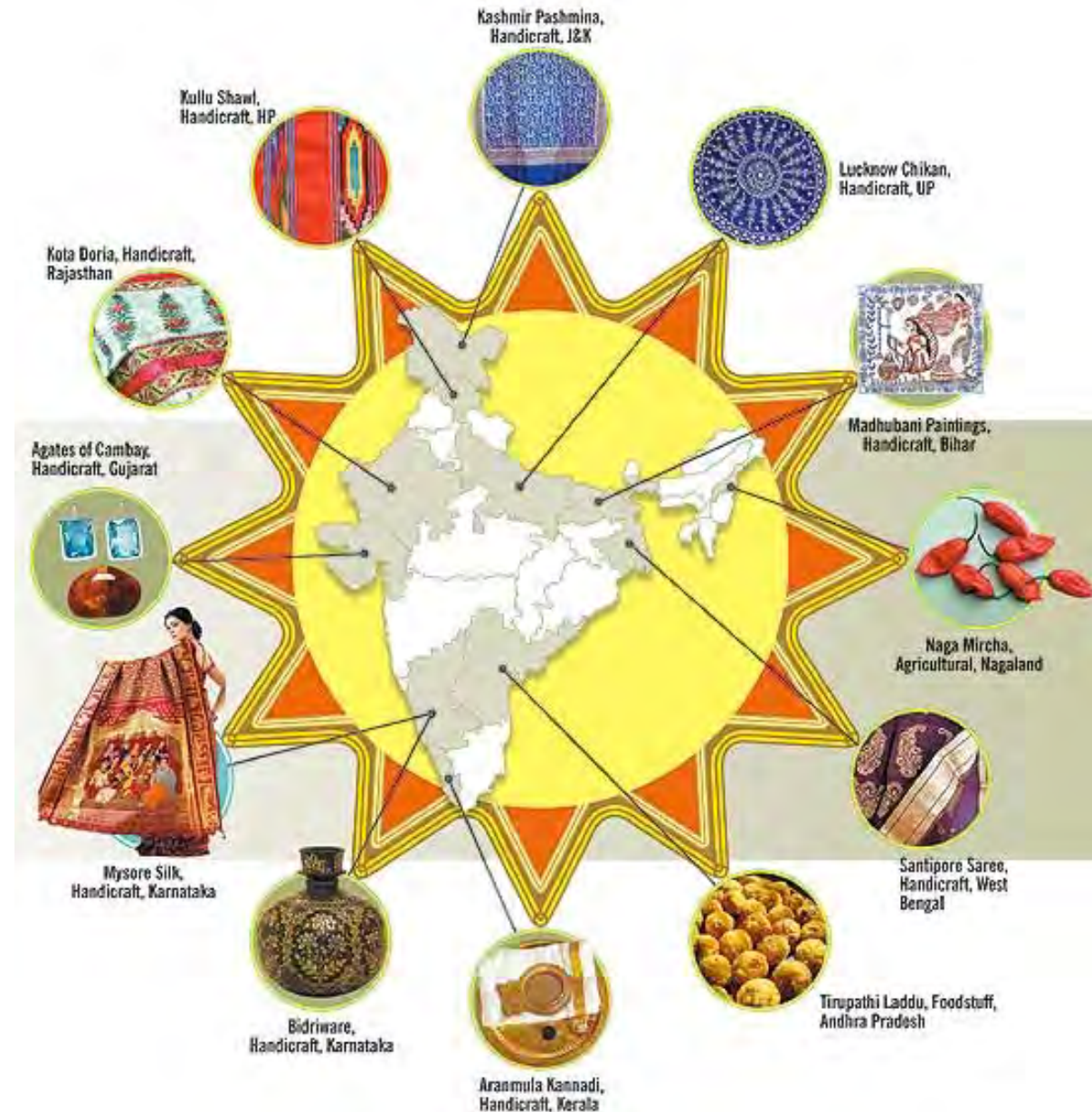


- **Geographical Indications** covers the names of products which are indicative of the origin and well known to the consumers.
- A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.
- A GI, a sign must identify a product as originating in a given place.
- In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin.
- There is a clear link between the product and its original place of production.
- There are three main ways to protect a geographical indication:
 - so-called *sui generis* systems (i.e. special regimes of protection);
 - using collective or certification marks; and
 - methods focusing on business practices, including administrative product approval schemes.
- **Protection – National**
 - Not based on a decision taken by the competent authority establishing protection with respect to a particular geographical indication, but which result from the direct application of legislative provisions or principles established by jurisprudence.
 - Through registration of collective marks (including *agricultural labels*) or certification marks (or *guarantee marks*).
 - All special titles which result from a decision made by the competent government authority establishing the protection.
- **Protection – Multilateral Treaties**
 - The Paris Convention for the Protection of Industrial Property,
 - The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, and
 - The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

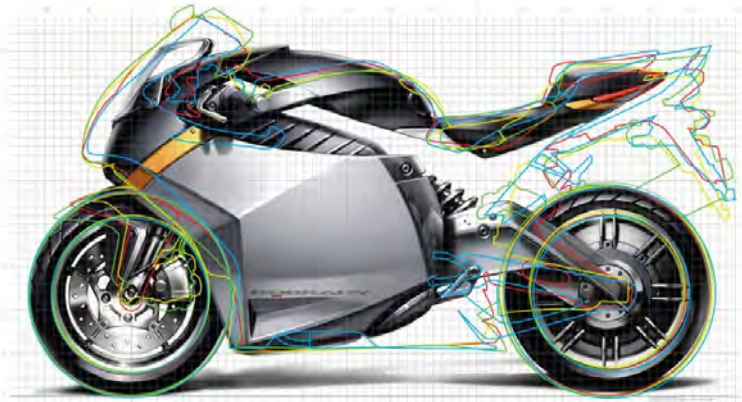


Geographical Indications

- An **Appellation of Origin (AO)** is a special kind of geographical indication.
- It generally consists of a geographical name or a traditional denomination which serves to designate a product as originating therein, where the quality or characteristics of the product are due exclusively or essentially to the geographical environment, including natural and human factors, and which have given the good its reputation.
 - The most important difference between AOs and other GIs is that the link with the place of origin should be stronger in the case of an AO. In other words,
 - AOs are a more restrictive sub-category of GIs.



Industrial Designs



- **Industrial Designs** cover all forms of design element which appeals to the eye.
- In a legal sense, an industrial design constitutes the ornamental or aesthetic aspect of an article.
- An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or colour.
- The owner of a registered industrial design or of a design patent has the right to prevent third parties from making, selling or importing articles bearing or embodying a design which is a
- Industrial design rights are territorial.
- Alternatively WIPO's Hague System for the International Registration of Industrial Designs provides a practical business solution for registering up to 100 designs in a large number of territories through filing one single international application.
- An industrial design needs to be registered in order to be protected under industrial design law as a "*registered design*". In some countries, industrial designs are protected under patent law as "*design patents*".
- The duration of the protection of industrial designs varies from country to country, but it amounts at least to 10 years.
- At present, no "world" or "international" industrial design right exists.

Semiconductors & Integrated Circuits



- **Integrated circuits**, commonly known as “chips” or “micro-chips” - are the electronic circuits in which all the components (transistors, diodes and resistors) have been assembled in a certain order on the surface of a thin semiconductor material (usually silicon).
- In general, layout designs of integrated circuits are not considered to be industrial designs, since they do not determine the external appearance of integrated circuits, but rather the physical location, within the integrated circuit, of each element with an electronic function.
- Moreover, layout designs of integrated circuits are normally not patentable inventions, because making them usually does not involve an inventive step, although it does require a great deal of work by an expert.
- The layout-designs of integrated circuits are creations of the human mind - are usually the result of an enormous investment, both in terms of the time of highly qualified experts, and financially.
- An application for registration has to contain information on the owner, a title and a drawing of the topography, and a detailed description or deposit of the topography of the integrated circuit - in some countries, where the integrated circuit has been commercially exploited, submission of a sample of that integrated circuit, along with information defining the electronic function performed by the integrated circuit, may be also required.
- Registration is usually subject to the payment of a fee.
- Each national law provides protection of layout designs of integrated circuits related to activities in its territory. In countries where registration is required, an application for registration has to be filed in each country in which protection is sought.
- In other countries, the first commercial exploitation anywhere in the world is sufficient for obtaining protection

Trade Secrets



- **Trade Secrets** covers all forms of confidentiality of products or services owned by individuals or organizations.
- A trade secret is defined as any information that is:
 - not generally known to the relevant business circles or to the public;
 - confers some sort of economic benefit on its owner. This benefit must derive specifically from the fact that it is not generally known, and not just from the value of the information itself; and
 - the subject of reasonable efforts to maintain its secrecy. A trade secret continues for as long as the information is maintained as a trade secret.
- Virtually any type of information may qualify as a trade secret.
- Contrary to patents, trade secrets are protected without registration, that is, trade secrets are protected without any procedural formalities.
- Consequently, a trade secret can be protected for an unlimited period of time.
- Some conditions for the information to be considered a trade secret. Compliance with such conditions may turn out to be more difficult and costly than it would appear at first glance.
- Some general standards exist which are referred to in Art. 39 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement):
 - The information must be secret (i.e. it is not generally known among, or readily accessible to, circles that normally deal with the kind of information in question).
 - It must have commercial value because it is a secret.
 - It must have been subject to reasonable steps by the rightful holder of the information to keep it secret (e.g., through confidentiality agreements).

Plant Varieties

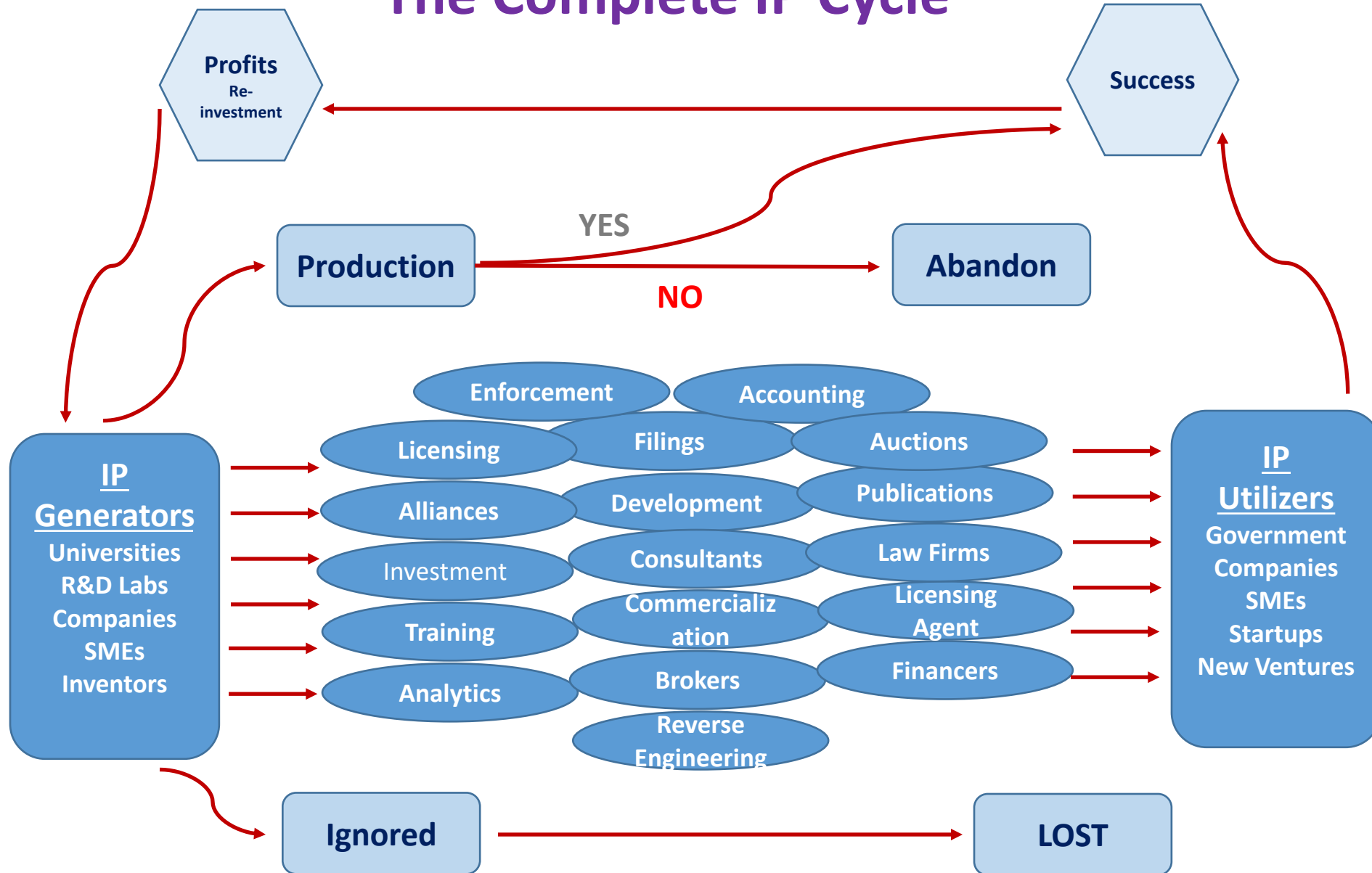
- **Plant Varieties** covers asexually produced seed varieties.
- Plant variety protection, also called a "*plant breeder's right*" (PBR), is a form of intellectual property right granted to the breeder of a new plant variety .
- Any person who creates, or discovers and develops, a plant variety may apply for PBR.
- Once the PBR has been granted to the breeder, it means in practice that the title holder is the owner of the variety and anyone else who wants to commercialise that protected variety requires the authorisation of the holder of the PBR (i.e. the breeder of the variety). This authorisation is normally in the form of a license agreement between the title holder and those who sell the variety.
- For a variety to be protected, it must be **novel, distinct, uniform and stable, and must have a suitable denomination** - a PBR will be granted if the requirements are fulfilled.
- Once granted under the 1991 Act of the *UPOV Convention*, the PBR is valid for a minimum of 25 years in the case of trees and vines and for 20 years in the case of other crops from the date of granting the PBR.
- The PBR is valid in the territory where it was granted while in the case of intergovernmental organisations which grant PBRs, validity applies in all the member states of that organisation. For example, the *Community Plant Variety Office* (CPVO) grants PBR, which are valid in all member states of the European Union.

UPOV

- The International Union for the Protection of New Varieties of Plants, known as "*UPOV*", is an intergovernmental organisation based in Geneva, Switzerland.
- The acronym UPOV is derived from the French name of the organisation namely, "*Union Internationale pour la Protection des Obtentions Végétales*".

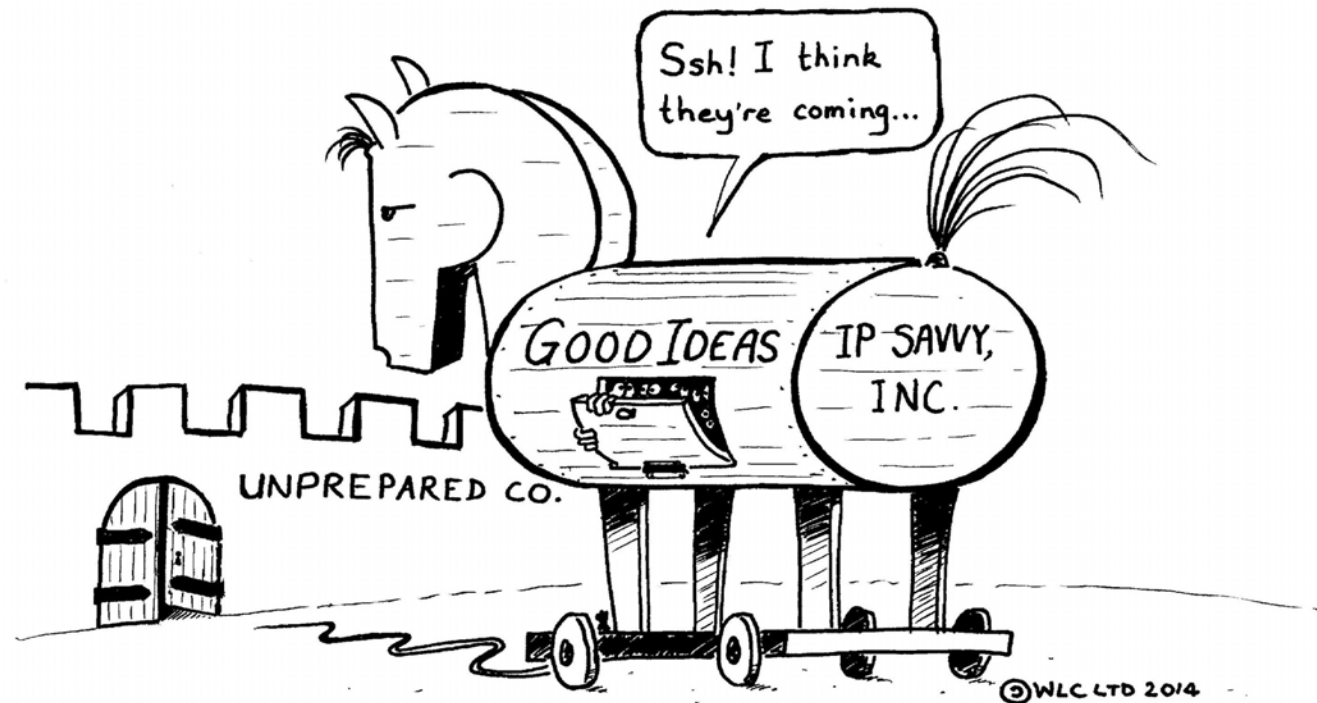


The Complete IP Cycle



Business Strategies

- Identifying all possible IPs in the group.
- Building an IP portfolio.
- Technology Innovation + Business Innovation.
- Integrate IP as a business tool.
- Litigation.
- Licensing.
- Trolling.
- Patent Ambush (Submarine Patents)
- Auction.
- Not always PATENTS but also DESIGNS.
- Consider Trade Secrets cautiously.



Protections

Patent

Copyright

Contract

Protected
Mechanical
Inventions

Protected
Literary
Codes
Expressions

Protected
Trade
Secrets



Integrated Strategy



IP Management - Integration



IP Management - Hierarchy



A hierarchy of IP management, from Edison in the Boardroom: How Leading Companies Realize Value from Their Intellectual Assets, Julie Davis and Suzanne Harrison

Defensive level: Businesses at this level use their IP only for defensive purposes which include protecting their own innovations and ensuring they do not infringe the IPRs of others. Concerns of members at this level will be the costs in filing fees, enforcement and other legal expenses which can be high.

Cost control level: Businesses at this level are still focused on protecting their own IP but now incorporate a strategy for minimizing the costs of development and maintenance.

Profit centre level: Businesses reach this level once they begin to license out their IP and utilize it as an asset to generate profits.

Integrated level: At this level, the business has integrated the IP assets into all areas of the business strategy.

Visionary: At this advanced level of IP management, businesses use IP as a long term strategy for being a leader in its industry.

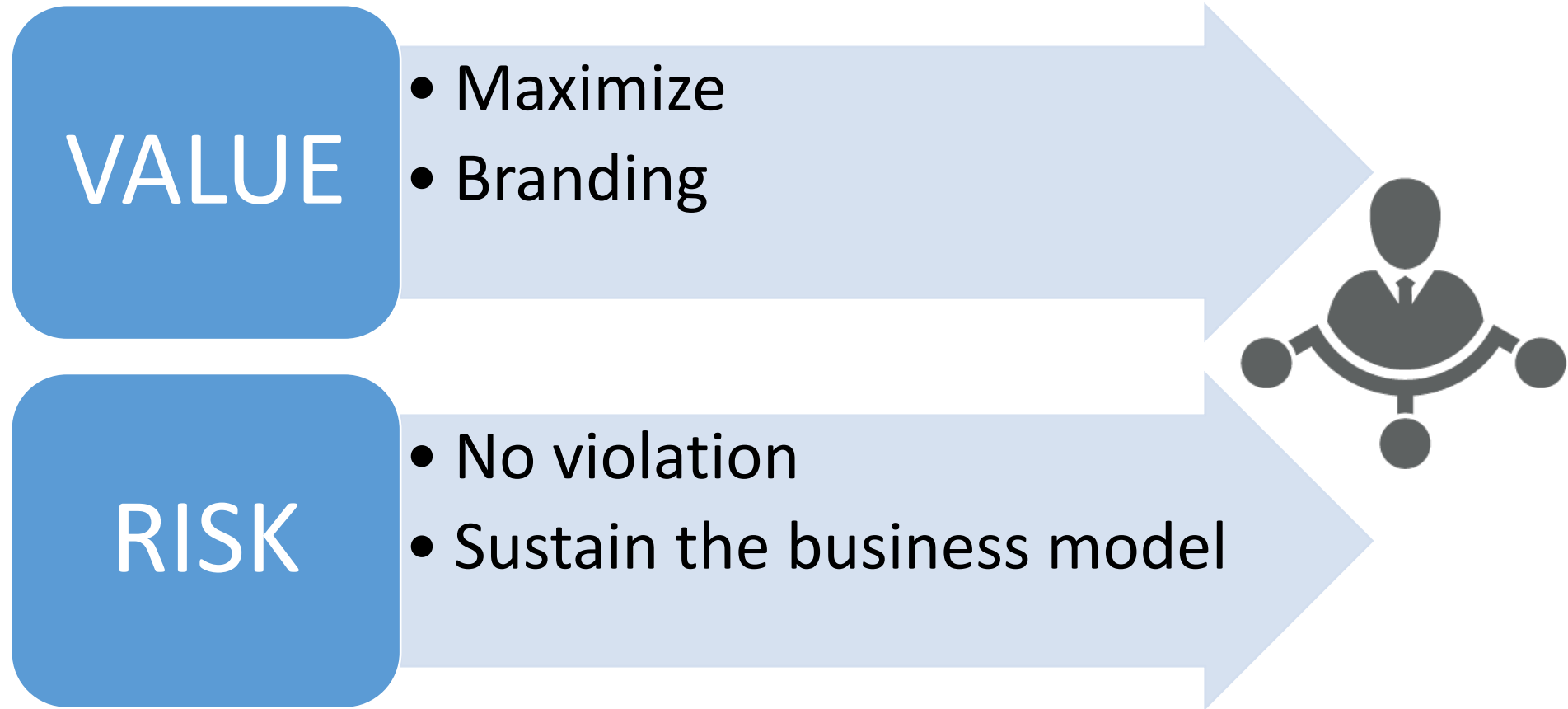


Intellectual Property (IP) management is crucial for start-ups or companies as their foundation specific proprietary technologies.

START UP



IP Management



Policies

- Protect own IP
- Respect others IP

IP Compliance

- Implemented by a cross functional Team
- Overseen by Senior Management

Confidentiality

- Restrict access
- Employee/employer Agreement

Security

- Physical
- Computer and Network





Risk Assessment

- Assessment
- Mitigation

Training

- Appropriate level training
- Specialized training where required

Monitoring

- Establish and Operate
- Incorporate experience

Improvements

- Track
- Corrective actions

Patent Cooperation Treaty



The Patent Cooperation Treaty is an agreement for international cooperation in the field of patents.

It is a treaty for rationalization and cooperation with regard to the filing, searching and examination of patent applications and the dissemination of the technical information contained therein.

The PCT does not provide for the grant of “international patents”: the task of and responsibility for granting patents remains exclusively in the hands of the patent Offices of, or acting for, the countries where protection is sought (the “designated Offices”).



The Patent Cooperation Treaty or “PCT” entered into force on **24 January 1978**, and became operational on **01 June 1978**, with an initial **18** Contracting States.

Presently **157** Contracting States had adhered to the PCT.

Came into force for India on
07 December, 1998.

Filing and not granting.

PCT Contracting States (157)



Regional Protection

EA Eurasian Patent

AM Armenia
AZ Azerbaijan
BY Belarus
KG Kyrgyzstan
KZ Kazakhstan
RU Russian Federation
TJ Tajikistan
TM Turkmenistan

EP European Patent

AL Albania¹
AT Austria
* BE Belgium
BG Bulgaria
CH Switzerland
* CY Cyprus
CZ Czech Republic
DE Germany
DK Denmark
EE Estonia
ES Spain
FI Finland
* FR France
GB United Kingdom
* GR Greece
HR Croatia¹
HU Hungary
* IE Ireland
IS Iceland
* IT Italy

LI Liechtenstein
* LT Lithuania
LU Luxembourg
* LV Latvia
* MC Monaco
MK The former Yugoslav
Republic of Macedonia¹
* MT Malta
* NL Netherlands
NO Norway
PL Poland
PT Portugal
RO Romania
RS Serbia¹
SE Sweden
* SI Slovenia
SK Slovakia
SM San Marino
TR Turkey



European
Patent
Office

Regional patent only

Extension agreement continues to apply to applications filed before 1 January 2008
(for HR), 1 January 2009 (for MK), 1 May 2010 (for AL) or 1 October 2010 (for RS)

PCT Contracting States (157)

AP ARIPO Patent

BW	Botswana
GH	Ghana
GM	Gambia
KE	Kenya
LR	Liberia
LS	Lesotho
MW	Malawi
MZ	Mozambique
NA	Namibia
RW	Rwanda
SD	Sudan
SL	Sierra Leone
ST	Sao Tome and Principe
* SZ	Swaziland
TZ	United Republic of Tanzania
UG	Uganda
ZM	Zambia
ZW	Zimbabwe

OA OAPI Patent

* BF	Burkina Faso
* BJ	Benin
* CF	Central African Republic
* CG	Congo
* CI	Côte d'Ivoire
* CM	Cameroon
* GA	Gabon
* GN	Guinea
* GQ	Equatorial Guinea
* GW	Guinea-Bissau
* KM	Comoros
* ML	Mali
* MR	Mauritania
* NE	Niger
* SN	Senegal
* TD	Chad
* TG	Togo



Regional Protection



* Regional patent only

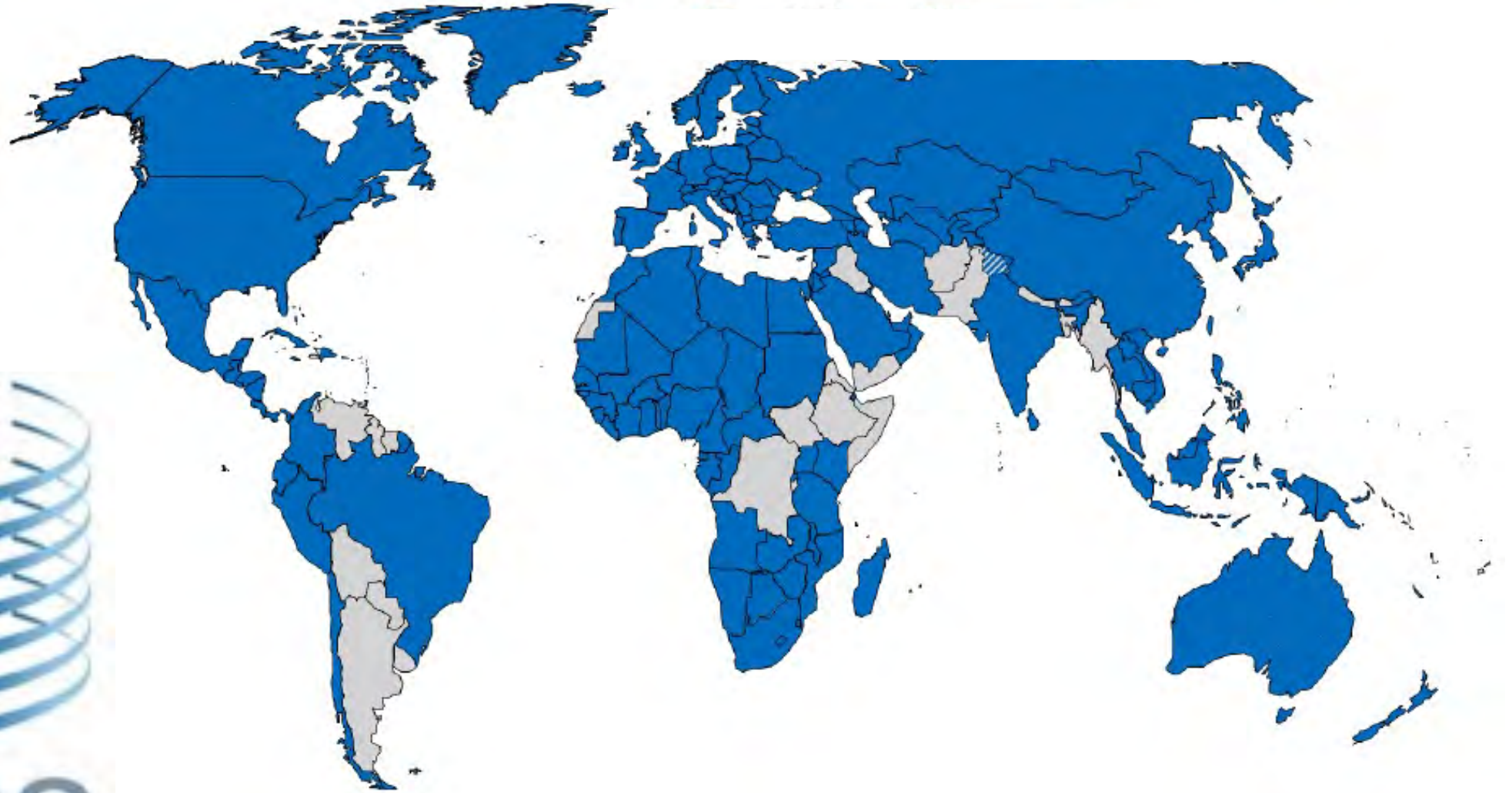
PCT Contracting States (157)

AE United Arab Emirates	HN Honduras	NG Nigeria
AG Antigua and Barbuda	ID Indonesia	NI Nicaragua
AO Angola	IL Israel	NZ New Zealand
AU Australia	IN India	OM Oman
BA Bosnia and Herzegovina	IR Islamic Republic of Iran	PA Panama
BB Barbados	JP Japan	PE Peru
BH Bahrain	KH CAMBODIA (as from 8 Dec. 2016)	PG Papua New Guinea
BN Brunei Darussalam	KM Union of the Comoros	PH Philippines
BR Brazil	KN Saint Kitts and Nevis	QA Qatar
BZ Belize	KP Democratic People's Republic of Korea	SA Saudi Arabia
CA Canada	KR Republic of Korea	SC Seychelles
CL Chile	KW Kuwait	SG Singapore
CN China	LA Lao People's Democratic Republic	ST Sao Tome and Principe
CO Colombia	LC Saint Lucia	SV El Salvador
CR Costa Rica	LK Sri Lanka	SY Syrian Arab Republic
CU Cuba	LY Libya	TH Thailand
DJ Djibouti	** MA Morocco	TN Tunisia
DM Dominica	** MD Republic of Moldova	TT Trinidad and Tobago
DO Dominican Republic	* ME Montenegro	UA Ukraine
DZ Algeria	MG Madagascar	US United States of America
EC Ecuador	MN Mongolia	UZ Uzbekistan
EG Egypt	MX Mexico	VC Saint Vincent and the Grenadines
GD Grenada	MY Malaysia	VN Viet Nam
GE Georgia		ZA South Africa
GT Guatemala		

* Extension of European patent possible
 ** Validation of European patent possible

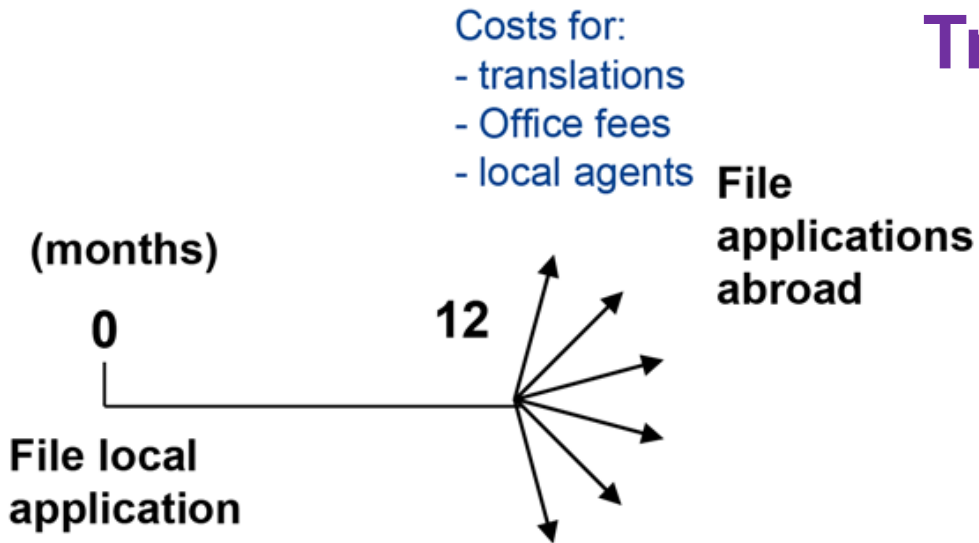
National Protection

PCT Contracting States

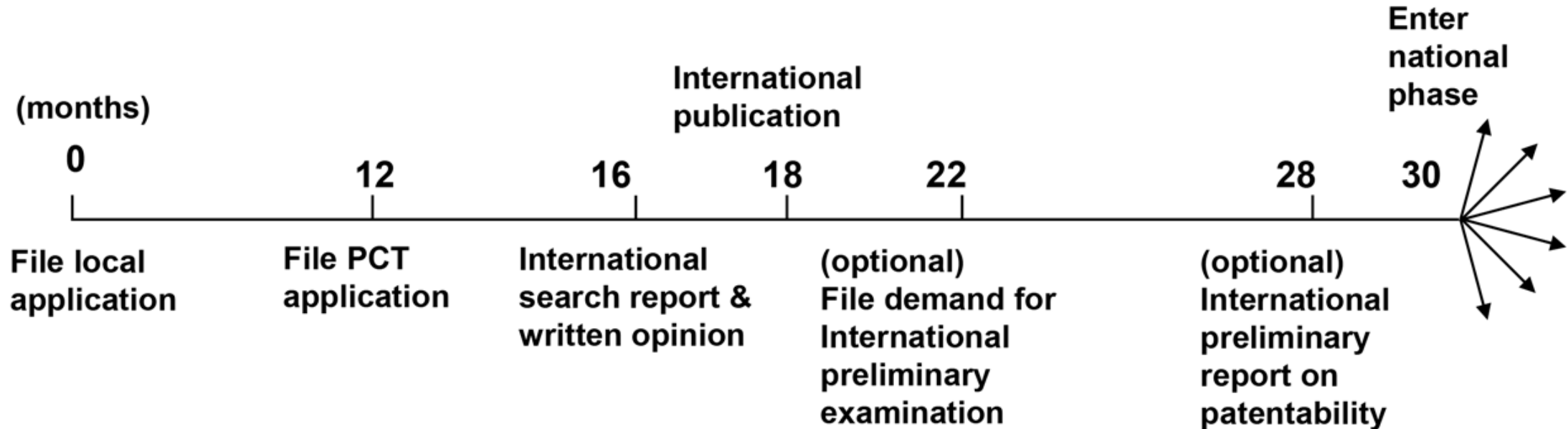


Traditional v PCT System

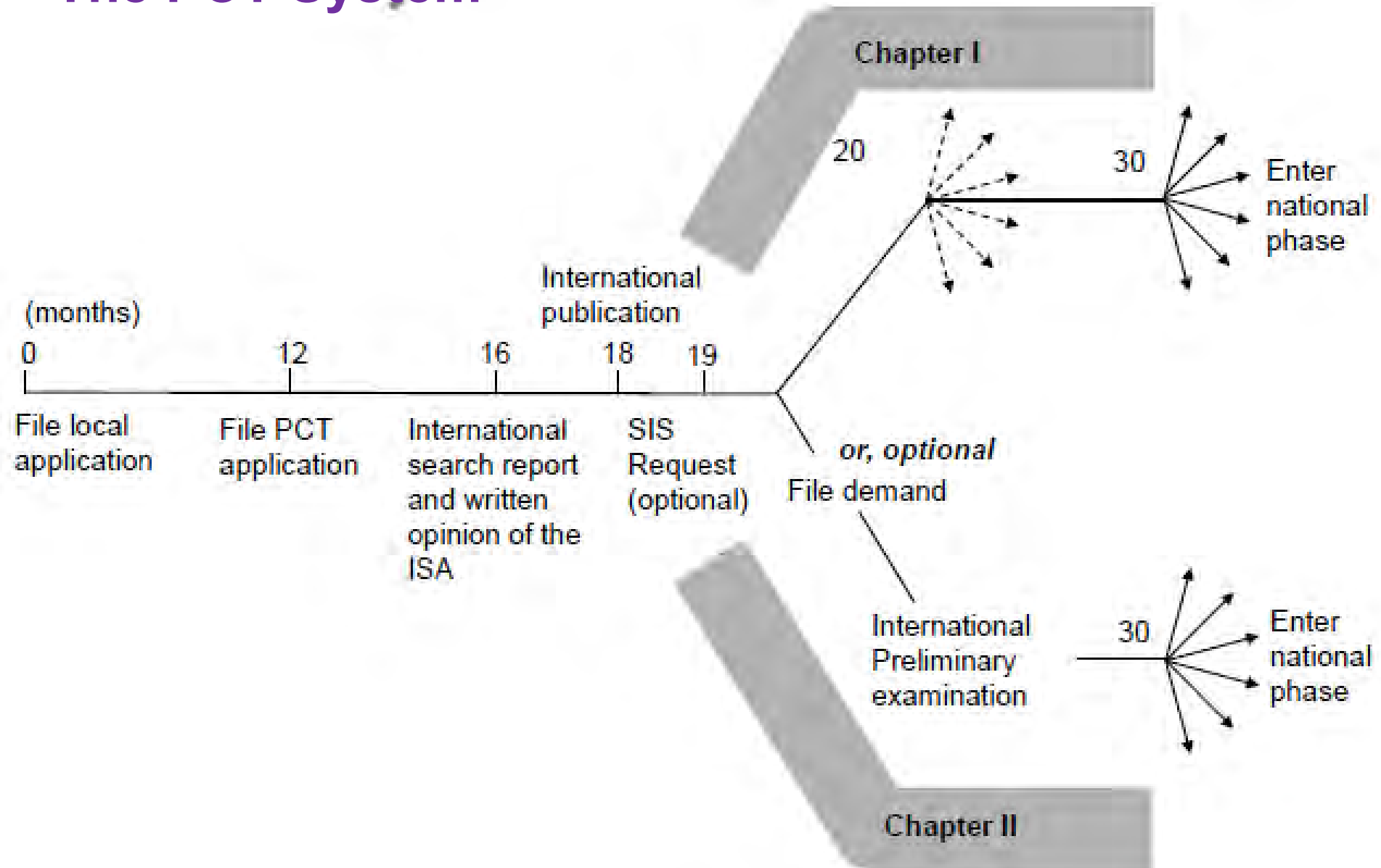
Paris



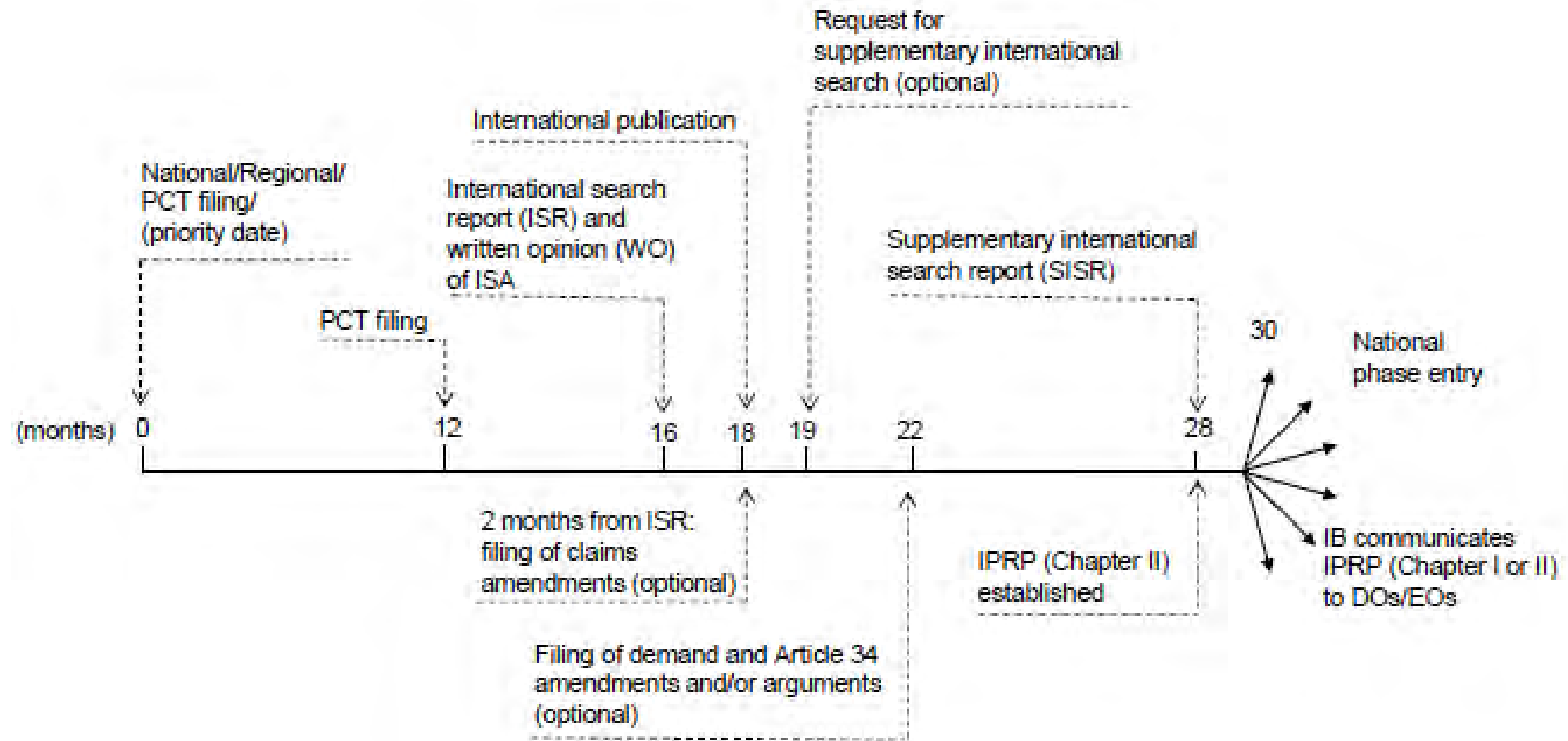
PCT



The PCT System



The PCT Timeline



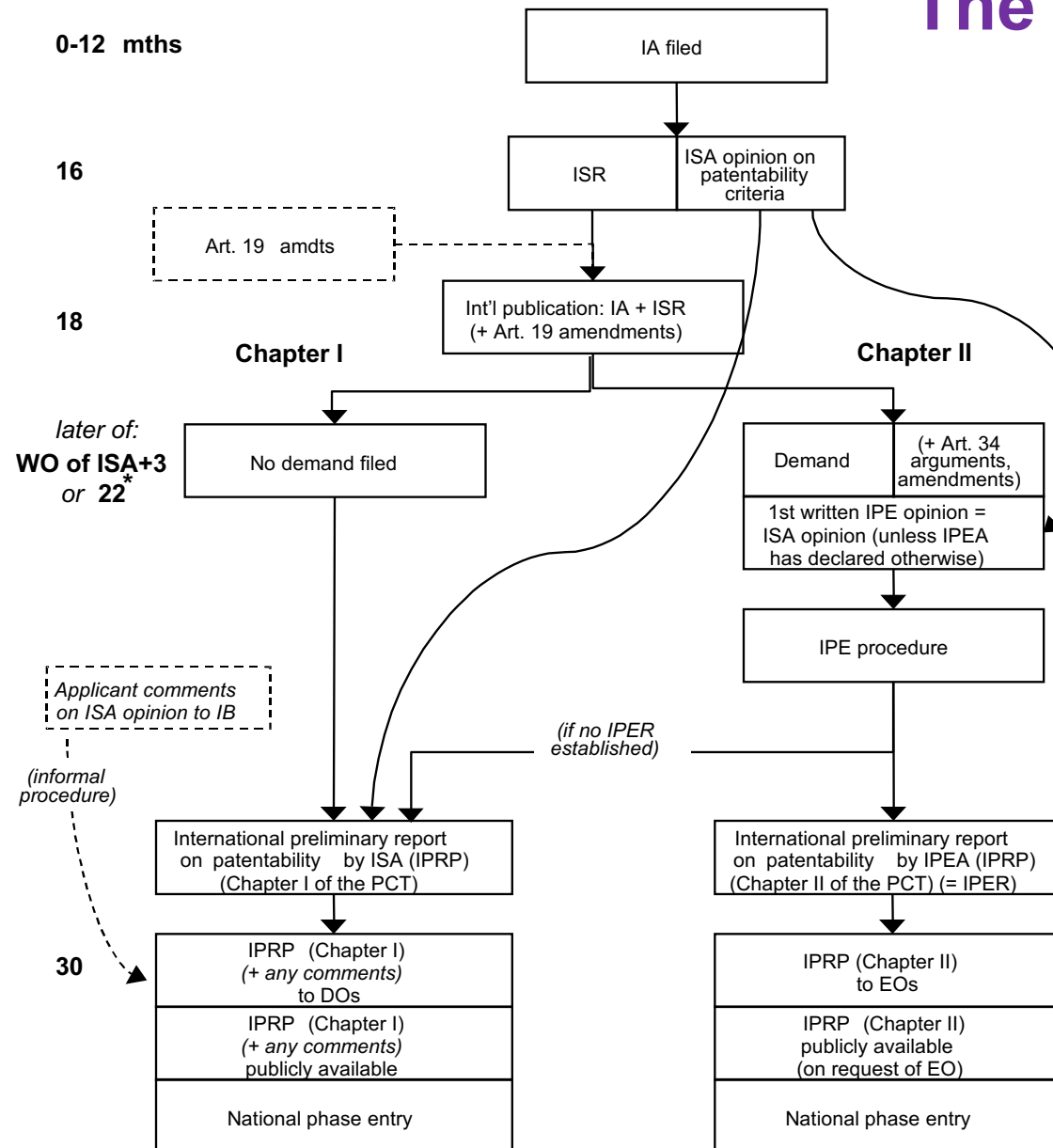
Non-applicability of time limit of 30 months under Article 22(1)

- The Offices of the following States have notified the International Bureau that they will not apply the 30 month time limit under Chapter I, as of 1 April 2002, for as long as modified Article 22(1) is not compatible with their national law:

LU	Luxembourg
TZ	United Republic of Tanzania

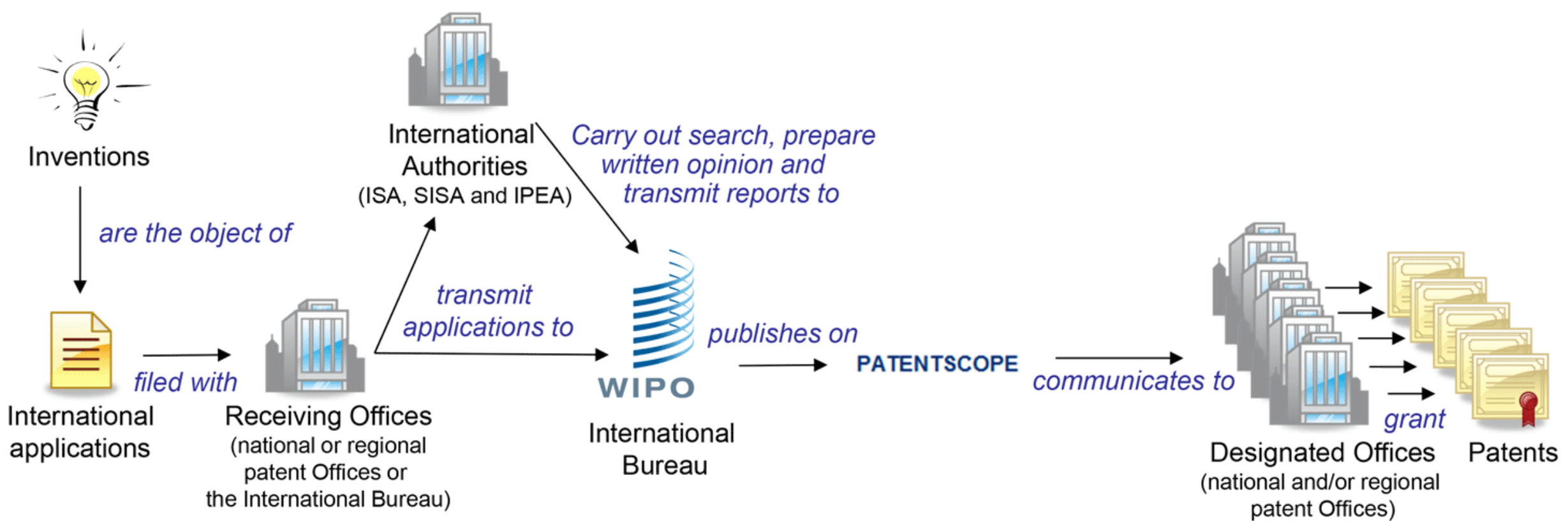
- Where one of these States has been designated for the purposes of a regional patent, the applicable time limit is 31 months
- If no demand for international preliminary examination is filed before the expiration of 19 months in respect of above States, the national phase will have to be entered before the expiration of 20 or 21 months from the priority date

The PCT System

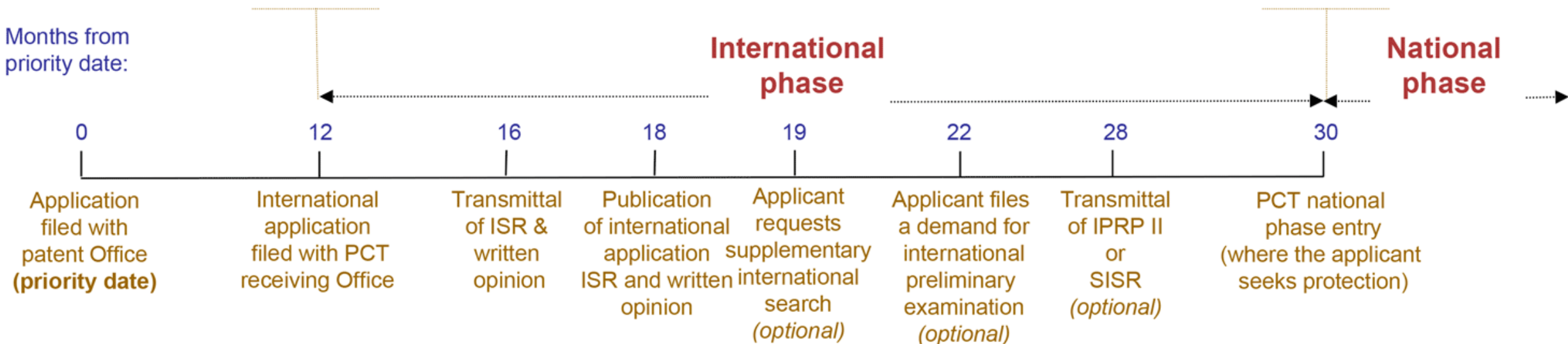


* must in practice file demand by 19 months for Article 22 transitional reservation countries





Months from priority date:



ISA / IPEA

- | | |
|------------------|---|
| ■ AT – Austria | ■ KR – Republic of Korea |
| ■ AU – Australia | ■ RU – Russian Federation |
| ■ BR – Brazil | ■ SE – Sweden |
| ■ CA – Canada | ■ SG – Singapore |
| ■ CL – Chile | ■ TR – Turkey |
| ■ CN – China | ■ UA – Ukraine |
| ■ EG – Egypt | ■ US – United States of America |
| ■ ES – Spain | ■ EP – European Patent Office |
| ■ FI – Finland | ■ XN – Nordic Patent Institute
(Denmark, Iceland, Norway) |
| ■ IL – Israel | ■ XV – Visegrad Patent Institute (VPI)
(Czech Republic, Hungary, Poland, Slovakia) |
| ■ IN – India | |
| ■ JP – Japan | |

ISA - Functions

- Checks unity of invention (Rule 40)
- Checks title (Rule 37); checks abstract (Rule 38)
- Searches claimed invention (Article 15(3), Rule 33.3)
- Authorizes rectification of obvious errors if the error is:
 - in any part of the international application other than the request or
 - in any paper submitted to that Authority (Rule 91.1(e))
- Establishes international search report (ISR) (Rules 42 and 43) and written opinion (WO) (Rule 43*bis*) and /or declaration that no international search report will be established (Article 17(2))



ISR – International Search Report

It contains:

- IPC (International Patent Classification) symbols
- Indications of the technical areas searched
- Indications relating to any finding of lack of unity
- A list of the relevant prior art documents
- Indications relating to any finding that a meaningful search could not be carried out in respect of certain (but not all) claims



Prior Art

- Made available to public
- Anywhere in the world
- By written disclosure
- Assisting in determining the claimed invention is new and involves an inventive step
- Prior to international filing date

Written Opinion of the ISA

Non binding opinion on:

- Novelty
- Inventive Step
- Industrial Applicability

Sent to the applicant with the ISR

Not published with the application

No provision of formal response



Demand not filed - IPRP established on the basis of WO of ISA

Demand Filed - WO of ISA treated as the first WO of the IPEA

International Preliminary Examination

- ❑ The purpose of the international preliminary examination is to provide a preliminary non-binding opinion on
 - novelty (not anticipated) (Article 33(2) and Rule 64)
 - inventive step (not obvious) (Article 33(3) and Rule 65)
 - industrial applicability (Article 33(4))
- ❑ Relevant prior art: absolute novelty (Rule 64, see also Rule 33)
- ❑ Only claims relating to the invention(s) searched by the ISA will be examined by the IPEA (Rule 66.1(e) and 66.2(a)(vi))
- ❑ Finding of lack of unity of invention (Rule 68)
 - Same criteria as for international search (Rule 13 and Annex B of the Administrative Instructions)
 - Invitation by the IPEA to restrict the claims or to pay additional fees (which can be paid under protest)
 - Applicant can select invention as “main invention” and those inventions for which additional fees are paid

IPRP - International Preliminary Report on Patentability

- ❑ Must be established by the IPEA within:
 - 28 months from the priority date
 - 6 months from date of payment of fees
 - 6 months from date of receipt by IPEA of translation under Rule 55.2, whichever expires last (Rule 69.2)
- ❑ May contain “annexes” which comprise all sheets containing amendments or rectifications (that is, rectifications of obvious errors authorized under Rule 91 by the IPEA) which have been used as a basis for the report (Rule 70.16)
- ❑ Correspondence (such as letters) or copies of amendments superseded by later amendments are not annexed to the report (Rule 70.16)

IPRP - International Preliminary Report on Patentability

- ❑ No provisions for appeal or further proceedings during the international phase before the International Authorities
- ❑ Sent to the applicant and the IB (Rule 71.1)
- ❑ IB forwards copies of the report, and any required translation of the report into English (prepared by the IB), to the elected Offices (Article 36(3)(a) and Rule 72.1)
- ❑ The annexes are not translated by the IB (Article 36(3)(b))

PCT System – The Extra Edge

- Control Cost - Delay filing decision
- Growing geographical interests
- Finalize/develop the market
- Study probable competition

EXTRA

COST
Filing
Issuing
#Attorney
#Maintenance

**Cost of Obtaining & Maintaining
Patents in 40+ major countries is
> US\$ 700,000**

PCT System - Benefits

- ☐ Single filing procedure for all countries
- ☐ Sufficient time for translations
- ☐ Drafted in accordance to PCT is valid everywhere
- ☐ Flexibility of payment of fees
- ☐ Advantage of maximum designation
- ☐ Transmittal of Priority needn't be monitored
- ☐ Provision for withdrawals
- ☐ Quality ISR and IPRP
- ☐ Provision of amendments
- ☐ Last minute foreign filings



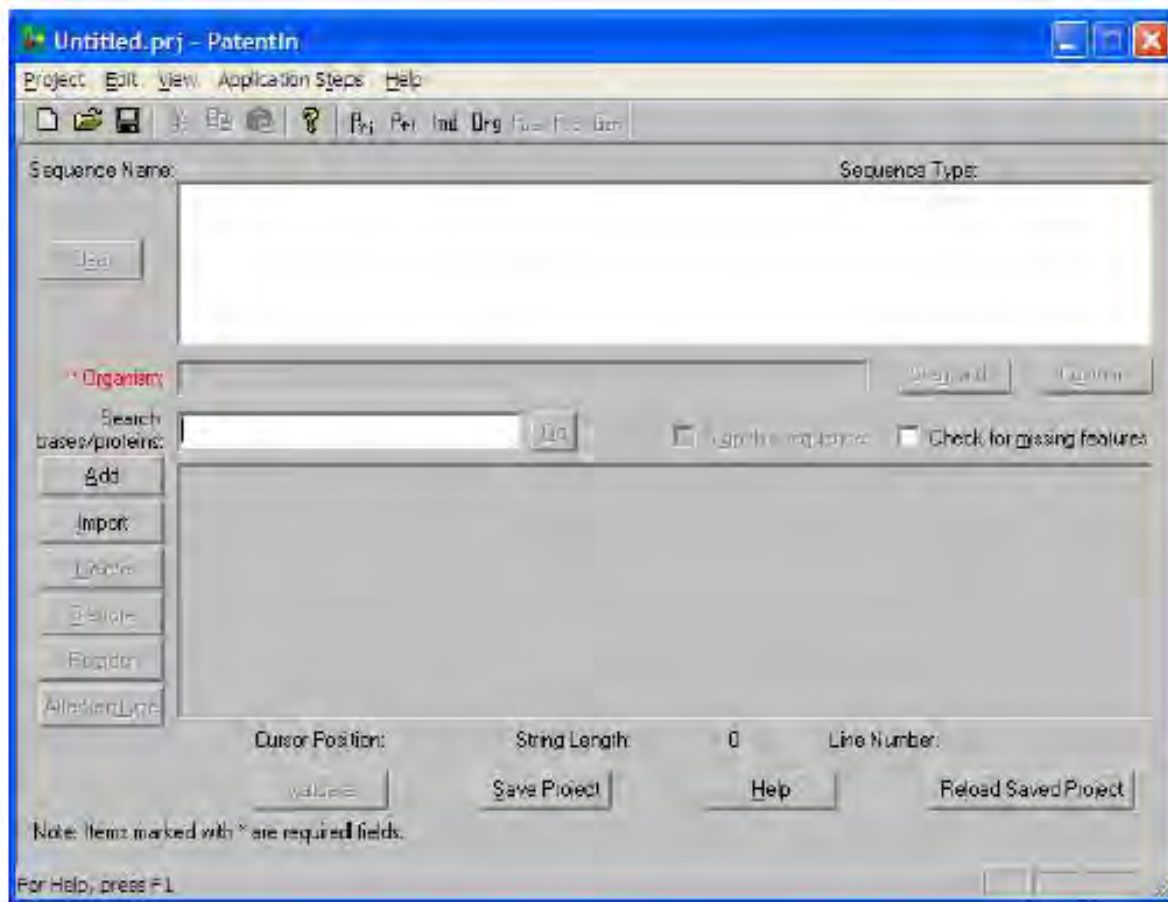
PCT System - Challenges

- ❑ The prosecution needs to be known
- ❑ Fully time line depended
- ❑ Often calls for clarifications and reminders



Docketing should be an habit

PatentIn Software



- ❑ Windows-based version (available free of charge from the JPO, the USPTO and the EPO) designed to expedite the process of preparing sequence listings in a standardized computer readable format complying with the PCT Sequence Listing Standard
- ❑ Helps in creating a database of patent-disclosed sequences
- ❑ Supports the exchange of published sequence data between the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office in a Trilateral Sequence Exchange Project

PCT – SAFE

Secured Application Filed Electronically

PCT-RO-101 Electronic Request - ol.p008pv

File Edit View Tools Help

Check List

Type of filing: ☒ PCT-EASY ☐ Fully electronic

Document	Details	Pages	Electronic File	Val.
Request (including declaration sheets)		3		✓
Description		1		✓
Claims		1		✓
Abstract		1		✓
Drawings		3		?

Document	Details	Pages	Electronic File	Val.
Application body		6	application-body.xml	✓

Open

Recalculate total: 9 pages

International Application Accompanying Items

In total: 7 documents 3 files

PCT-SAFE: two options

Fully electronic filing of application:

- ☐ entire application in electronic form (image or character-coded), electronically signed
- ☐ transmitted via secure internet connection or on physical media

Preparing request in "PCT-EASY mode"

- ☐ entire application in paper form (legal copy) including the PCT-EASY request form printout
- ☐ plus physical medium with electronic request form and

PCT-SAFE: fee reductions

- "PCT-EASY" type of filing (on paper + request and abstract on physical medium)
CHF 100 (EUR 66 or equivalent amount)
- Fully electronic type of filing with application body in image format (for example PDF, TIFF attachments) and only the request in character coded format (XML)
CHF 200 (EUR 132 or equivalent amount)
- Fully electronic type of filing with application body and request in character coded format (XML)
CHF 300 (EUR 198 or equivalent amount)



ePCT Filing



- ❑ Web-based filing of PCT applications available to all PCT applicants
- ❑ Available with **43** receiving Offices
 - Direct: AT, AU, AZ, BG, BN, BR, CL, CO, CU, CZ, DK, DZ, EA, EE, EP, FI, HU, IB, ID, IN, IR, IS, KR, LV, MX, MY, NO, NZ, OM, PH, PL, PT, QA, RU, SA, SE, SG, SK, TR and ZA **(40)**
 - Upload package: CA, IL, US **(3)**
- ❑ Real-time online payment to the International Bureau of filing fees by credit card or by debiting a WIPO Current Account (only for filings with RO/IB)
 - Visa, MasterCard/Eurocard, American Express, Diners Club
 - Payment can be made at or after the time of filing

eOLF / CMS Filing


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List of PCT Fees

At RO

- **transmittal fee**
- **international filing fee (for IB)**
- **search fee (for ISA)**
- **supplement per sheet in excess of 30 (for IB)**
- *fee for priority document*
- *late payment fee*
- *late furnishing fee (translation of international application)*
- *fee for requesting restoration of the right of priority*
- *fee for copies of documents*

At ISA

- *additional search fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

Fees indicated in italics are payable only in certain circumstances



At IB

- *fee for early publication (before issuance of ISR)*
- *fee for publication of refused request for rectification of obvious mistake*
- *fee for publication of late request for correction/addition of priority claim*
- *fee for copies of documents*
- *supplementary search fee (for the SISA)*
- *supplementary search handling fee*

At IPEA

- **preliminary examination fee**
- **handling fee (for IB)**
- *late payment fee*
- *additional examination fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

Cost Considerations



February, 2023

EXAMPLE OF PCT FEES TO BE PAID BY CORPORATE APPLICANTS FROM INDIA

• Transmittal fee:	US\$	101 (RO/IB)	INR 17,600 (RO/INp)	INR 0 (RO/INe)
• International Filing fee:	US\$	1,346		
• Less PCT-SAFE (Max.):	US \$	(324)		
• Less 75% Reduction:	US\$	0		
• Search fee:	US\$.	2,180	(ISA=US)	
• Examination fee:	US\$	640	(IPEA=US)	
• Handling fee:	US\$	216		

TOTAL PCT FEE (Ch.I):	US\$	3,303	INR 17,600 (RO/INp)	INR 0 (RO/INe)
TOTAL PCT FEE (Ch.II):	US\$	4,159		

- *Not exceeding 30 pages + US\$ 16/page*
- *Applicant not Small or Micro entity*

Benefits from using the PCT – Unique Procedure

- ❑ One application, in one language, filed with one Office, replaces multiple foreign filings until entry into the national phase
- ❑ Permits last minute foreign filing (before expiration of priority year)
- ❑ International filing date has the effect of national filing date in all designated Offices
- ❑ Uniform formal requirements accepted by all designated Offices
- ❑ Greater home control of the prosecution
- ❑ Decision on foreign filings can be postponed up to 30 months from the priority date at minimal cost
- ❑ Enables assessment of economic value of the invention and the chances of obtaining a patent before entering national phase



Benefits from using the PCT – Greater Flexibility

- ❑ Keep options open by making multiple designations
- ❑ Various possibilities for withdrawal
- ❑ International publication can be prevented or postponed until as late as 15 days before the actual publication date – conditional withdrawal possible
- ❑ Further expenses can be avoided simply by no longer prosecuting the application or not entering the national phase
- ❑ Amendments made during the international phase have effect in all designated/elected States
- ❑ More time for better quality translation for the national phase
- ❑ Better planning of the expenditures for the national phase



Benefits from using the PCT – Further Features



- ☐ Postponing national filings costs earns interest on capital
- ☐ Fee reductions in national phase in certain national Offices
- ☐ More straightforward and rapid national patent granting
- ☐ Less restrictive unity of invention requirements permit a reduced number of applications in the US
- ☐ Provisional protection after publication at 18 months from the priority date (in countries which afford such protection)
- ☐ 75% reduction in PCT fees for applicants from certain Contracting States

Evolution of Practice

- Carefully comply with all formal requirements
- Select ISA and IPEA for maximum benefits
- Reserve all market options - designate all
- Docket & track all events
- File early Demands
- Respond to Written Opinions
- Integrate PCT into Portfolio Management Program
- Make final decisions using all information
- Allow your agents sufficient time



Decisions

- Is filing a PCT application right?
- Where is the market of the invention?
- Who are the customers?
- Who is the competition?
- How easy (or difficult) would it be to design around the claims?
- Is there an incentive to copy in unprotected countries?
- What is the marketing strategy?
- What is important - exclusivity, freedom to practice or both?
- What is your budget?



-1-



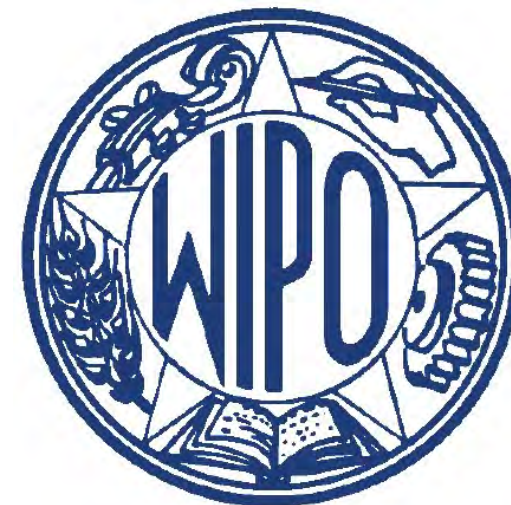
LOW TEMPERATURE SYNTHESIS OF VITREOUS
BODIES AND THEIR INTERMEDIATES

FIELD OF THE INVENTION

This invention relates to a novel method for making a
5 vitreous body and its intermediates. More particularly, the
method relates to a low temperature production of a vitreous body
via synthesis of a self-supporting body by solution deposition.

DESCRIPTION OF THE PRIOR ART

In recent years, the most commonly employed commercial
10 process for the manufacture of glass is the direct melting
process. This process is somewhat tedious and has not been very
successful in the melting of easily devitrifiable and high refrac-
tory glass. Many of the latest technological advances demand
glass to be in a state of high purity which is seldom met in a



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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : D01D 5/42, F16J 15/22, D01F 6/12	A1	(11) International Publication Number: WO 99/60191 (43) International Publication Date: 25 November 1999 (25.11.99)
(21) International Application Number: PCT/IN98/00001 (22) International Filing Date: 29 December 1998 (29.12.98) (30) Priority Data: 318/Bom/98 20 May 1998 (20.05.98) IN (71)(72) Applicant and Inventor: PANDEY, Raj, Kumar [IN/IN]; Plot No. A/465, Road No. 28, Wagle Industrial Estate, Thane 400 604, Mumbai, Maharashtra (IN). (74) Agent: BHATNAGAR, Mahendra, Prasad; Lall Lahiri & Salhotra, N-128, Panchsheel Park, New Delhi 110 017 (IN).		(81) Designated States: US, European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE). Published <i>With international search report.</i> <i>With amended claims and statement.</i>
(54) Title: EXPANDED SINGLE MOLECULAR ALIGNED TEMPERATURE TREATED YARN		



When to use PCT?



- Ease of filing
- Gain additional time to make final filing decisions
- To get information, licensees, capital, partners
- Preserve the right to continue prosecution in any PCT member country
- Get global publicity for your invention via PCT publication
- Delay costs
- Receive a single search report and written opinion

- I know I need foreign patent protection
- I think I may need foreign patent protection
- I have no idea whether or not I need foreign patent protection
- I think I may be on to something big, but....
- I want an active filing strategy but need to spread my costs

When Not to use PCT?



- I have no interest in obtaining foreign patent rights
- I know I only want protection in *X* countries, and
- Those countries allow me to file in English or
- I am prepared to produce the necessary translations by 12 months
- I am prepared to pay national filing fees right away
- I have received sufficient information to give me confidence to proceed
- I have designated foreign counsel who are able to prosecute the application
- I need protection in a non-PCT country

thank
you



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Justice City, Shameerpet, Medchal District, Hyderabad - 500101