

Intellectual Property

- Intellectual property is a category of property that includes intangible creations of the human intellect. There are many types of intellectual property, and some countries recognize more than others.
- The best-known types are :
 1. Patents
 2. Copyrights
 3. Trademarks
 4. Trade secrets

Patents

- A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem. To get a patent, technical information about the invention must be disclosed to the public in a patent application.
- Types of Patents :
 1. Utility
 2. Design
 3. Plant

Basic Requirements for a Patent

- Novelty - The concept of novelty in patent law embodies the principle that only truly new inventions deserve patent protection.
- Non obviousness - In order to obtain a patent, an invention must be nonobvious. If someone of ordinary skill in a relevant field could easily make the invention, then it is considered obvious and would be an invention based on prior art.
- Industrial Applicability - requirement of industrial application is only fulfilled if there is commercial benefit from the practical application of the invention.

Filing a Design Patent in India

- Conduct a prior Art Search - conducting a prior art search is a crucial first step in the design patent application process. It helps you identify existing designs that may affect the novelty and uniqueness of your design. If any similar designs are found, you may need to modify your design to make it distinct and novel.
- Prepare and Draft the Application - This includes drawings and a written explanation of your unique design features. Accurate description is crucial for proper protection.
- Choose the Appropriate Category

- File the Application - After you prepare your design patent, you must file it with the Indian Patent Office. You can choose to file it online or offline. You need to pay the required filing fees and submit all the necessary documents and information correctly to avoid delays or rejections.
- Publication and Examination - After filing the design patent application, it undergoes a formal examination process by the Indian Patent Office. The examination includes checking for compliance with the formal requirements, such as drawings, descriptions, and other formalities. If the application is found to be in compliance with all the requirements, it is published in the official Patent Journal. The publication provides an opportunity for third parties to review the design and raise any objections if they believe it lacks novelty or originality.

- Grant of Patent - The Indian Patent Office issues a design patent if no objections are voiced during the publication and examination procedure and the design is determined to be original and unique. Subject to the payment of yearly renewal fees, the award of a patent gives the owner exclusive rights to the design for ten years following the date of application.

Patent Filing
Flowcharts

