



# PATENT APPLICATION FILING

## A STEP-BY-STEP ROADMAP FOR INNOVATORS



 A patent protects your innovation and grants exclusive rights for a limited period. This roadmap provides a simplified guide to filing a patent application in India



### Patentable Invention ?

1

#### What can be Patented?

- A product or process
- Must be New
- Must involve inventive step (non-obvious)
- Capable of industrial application
- Must not fall under statutory exclusions ([section 3](#) and [4](#))

2

#### Before you file

- Conduct a preliminary search for novelty & obviousness
- Use free database like [INPASS](#), [Patentscope](#), [Espacenet](#) etc.
- Prepare a draft specification
- Review specification to refine your draft
- Seek professional help if required

3

#### Who can File?

- The true and first inventor
- The assignee of the inventor
- Legal representative (in case of deceased inventor)

4

#### Where to File (Jurisdiction)

##### Depends on

- Residence
- Place of Business
- Domicile of the Applicant
- Place of origin of the invention

##### Patent Offices

- Delhi
- Mumbai
- Kolkata
- Chennai

### DID YOU KNOW?



E-filing attracts Fee Concession!



Early Publication reduce waiting period!



Expedited Examination

Expedited Examination available for eligible applicants!



Beware of Timelines

Failure to meet timeline is fatal in patent prosecution!



### How to File

5

- Physical filing (by post or in person)
- E-filing (recommended; concessional fee available)
- Refer to the First Schedule for prescribed fees

### Documents Required

6

#### Mandatory

- [Form 1](#) - Application for a Patent
- [Form 2](#) - Provisional / Complete Specification
- [Form 3](#) - Statement & Undertaking
- [Form 5](#) - Declaration of inventorship
- [Form 18](#) - Request for Examination

#### Optional (If Applicable)

- [Form 9](#) - Early Publication
- [Form 18A](#) - Expedited Examination
- [Form 26](#) - Authorization of Patent Agent
- [Form 28](#) - For Small Entity / Startup / Educational Institution

### Post Filing Confirmation

7

- Preserve payment receipts
- Verify submission on official portal
- Track application status regularly

### Publication

8

- Automatic Publication after 18 months of filing
- Early publication Request ([Form 9](#))



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9

### Examination

- No examination if [Form 18/18A](#) not filed within 31 months from filing / priority whichever is earlier
- After Examination, First Examination Report (FER) issued
- Reply to FER within 6 months, with possibility of extension of further three months on [Form 4](#)
- Hearing opportunity extended to the applicant whenever required

10

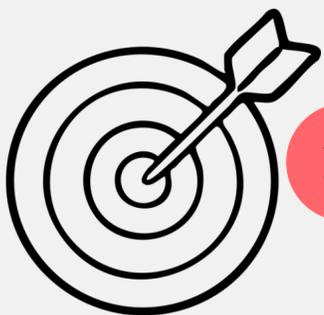
### Grant

- Patent granted when all requirements as per Act and Rules are satisfied / complied
- A Patent is granted for 20 years from the date of filing
- Renewal fees need to be paid timely to maintain the patent

11

### Advantages

- Enjoy exclusive right to prevent others from making, using, selling or importing of patented product or process without consent
- Exploit your patent for market advantage, commercialization, licensing etc.



### Useful Resources



Chatbot: <https://ipindia.gov.in/ipsaarthi/>



<https://iprsearch.ipindia.gov.in/openhousehelpdesk/Login/login>



<https://iprsearch.ipindia.gov.in/publicsearch>

<https://www.ipindia.gov.in/Home/resources>



QR Code for FAQ in Patents

*Disclaimer: The content is for general information only, not legal advice. Applicant should refer to the Patents Act, 1970 and Rules available on the official IP India website for specific matters.*

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