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Procedure and evaluation of Indian patents in India

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Abstract:

My study investigates the procedure and evaluation of Indian patents, focusing on the patenting system in India. My review aims to provide insights into the various stages of patent application processing and examination. In this review article I tell that if anyone filing a patent then how it will be published and 99% chance to grant. Because in India total 100% of patent only 5% published and 0.5% grant. But in Pharmacy if there is 100% of patent filing then 2% published and 0.05% only grant. In this article we will discuss, how patent is a failure not published.

Keywords:

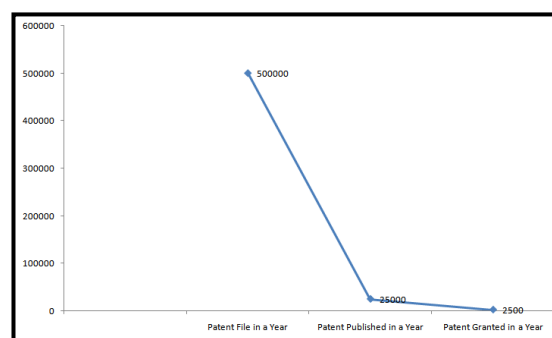
Patents, innovation, Indian patent system, inventors, research

1. Introduction:

The introduction outlines the significance of the patents in fostering innovation and economic development. It also highlights the specificities of the Indian patent system, emphasizing the need for a thorough examination process to ensure the quality and validity of granted patents.

A patent is a legal document which granted by the government that gives the inventor exclusive rights to about their invention for a specified period. On the other hand, a patent agent is a professional like Lawyer who is qualified to assist inventors in preparing and filing patent applications but does not have the authority to grant patents. They must help navigate the complex process of obtaining a patent by working with inventors to draft and file applications to communicate with patent offices and ensure compliance with patent laws and regulations. A patent is a legal document which granted by the government that gives the inventor exclusive rights to about their invention for a specified period. On the other hand, a patent agent is a professional like a Lawyer who is qualified to assist inventors in preparing and filing patent applications but does not have the authority to grant patents. They must help navigate the complex process of obtaining a patent by working with inventors to draft and file applications to communicate with patent offices and ensure compliance with patent laws and regulations. Stealing patents is always illegal and unethical. If anyone suspects such activity, it's important to report it to the appropriate authorities or seek legal advice to protect intellectual property rights. While inventors and Researchers share a curiosity for discovery, they have distinct roles. Researchers must explore and understand natural phenomena, while inventors create new products or processes. Some individuals may embody both roles, but the terms generally refer to different activities within the realm of innovation. If any individual invents any toughest invention called as a Scientist. But if any individual researches many new work but very costly and etc., called as Researcher. An individual inventor is a single unique person who conceives, designs, researches and creates an invention independently. In contrast, groupwise inventors refer to a collective effort involving a group of people collaborating to develop an invention. Groupwise inventors often bring diverse skills and perspectives to the creative process, fostering collaborative innovation. Securing a patent can be very crucial for a researcher's academic career as it enhances professional credibility and fosters innovation. The Patents validate the originality and significance of research, attracting funding and collaboration opportunities. Moreover, they contribute to a researcher's academic profile, potentially leading to career advancement and recognition in the scientific community. Additionally, patents can

serve as a foundation for further research, creating a pathway for translating academic findings into real-world applications. Patents generally cover inventions and processes rather than legal concepts. The Legal principles are typically protected by copyright or fall under public domain. If any individual have a specific aspect or idea related to law that any individual considering, it's advisable to consult with a legal professional to explore the appropriate intellectual property protection, if any. A patent protects the inventions or discoveries, granting exclusive rights to make, use and sell the invention. In the contrast, a trademark protects symbols, names or designs that distinguish goods or services helping consumers identify and choose products from a specific source. Patents are for inventions, while trademarks are for brand identification. A patent publication occurs when any patent application is made available to the public before the patent is granted. It provides details about the invention but doesn't necessarily mean the patent has been approved. A patent grant on the other hand is the official issuance of the patent rights by the relevant patent office after reviewing the application. It confirms that the invention meets the criteria for patentability. Patents are the legal documents issued by government authorities to protect the rights of inventors for their original inventions. A real patent is a legally recognized and granted protection for a genuine invention. On the other hand, a fake patent is an illegitimate document that falsely claims protection for an invention that may not exist or doesn't meet the criteria for patentability. Engaging in patent fraud or submitting false information can have serious legal consequences. If any individual suspects a patent is fake, it's important to consult legal professionals or the relevant patent office for verification.



2. Benefit for patent publication:

If any Scientist's patent is published then for 4 years his invention no other company used. But if granted then 20 years. As in Scopus-indexed journals, many researches published but if any epidemic or pandemic situation a research is useful which published in non-scopus indexed journal. Then the research is more valuable than other research.

2.1. Methods of easy publishing and grant:

2.1.1. Online application submission:

The process begins with the submission of patent applications through an online portal, facilitating easy access for applicants.

2.1.2. Expedited examination:

A fast track option expedites the examination process for applicants willing to accelerate the review of their patent application.

2.1.3. Digital documentation:

The transition to digital documentation streamlines the publication and granting process, ensuring efficiency and accessibility.

If any client (Scientist/Researcher) targets any Patent Agent (minimum qualification BSc. Then after research approval, he submits it to the Patent Agent. After Patent Agent checks this research after he filing the patent to the office. Before filing the Patent the Patent Controller verify the Inventors/inventor of research. After submitting the research sample with the research paper to the office. After the Patent Controller pre-examine the patent if there any type of doubt or mistakes like you did it but negative results or combination of formula not matched then this research not publish otherwise if you invent any medicine which cures any disease within 10days but before 2-3years any inventor invented other types of medicine cures within 15days it not published. But if your medicine cures within 5-7days then Patent Controller checks that the research is accurate or not.If not then it not published. If any inventor made any potent medicine then you must target that your medicine required more potency than others and your research always required accuracy means accurate results then your research published. If your research accurate don't worry then after you request for examination. As the research publication time 18-48months but if you molecule is very low cost and it may be useful for public purpose then it will be published within 3-7days, as their accuracy of research examination time happen within 2-3days as they check the sample. If FER means first report examination comes then if it has a very big issue not solve then this research is abandoned and

you have only 1 white publication certificate you never get the last vital grant certificate. Then examination time takes 1 year more years if your molecule very potent then may be 6 months. If FER is a very small issue and you have ability to prove it that the issue is not correct about your research. Then FER replied and you must prove that your research is different than other researches. If your proof is right then your Patent is granted.

3. Results

The results section presents an analysis of the efficiency and effectiveness of the patenting process in India. This includes statistics on the number of patents granted, the average time taken for examination and the success rate of patent applications. In India Patent is costly and very challenging. For Patent research accuracy is required. But according to my knowledge Engineering like Mechanical, Electrical etc. Patents publication with grants percentage is very higher than Pharmacy. A Patent Agent is not only an agent he is also a reviewer of Research. For Patent 0% plagiarism required. In India individual inventor of new molecule is very rare but I always say that my previous researches which done by my research guide Mr. Shibhanjan Paul Roy an individual inventor cum Applicant of 3 patents as his 2 patents published and one patent is granted. He is the individual inventor of new molecule. Before if you have group wise patent our individual then News Channel took interviews but recently they don't focus on this type of Scientists or Researchers and about their research. They focus only ASTRO Science or any other pandemic situation immediate results type research. In India if anyone has an individual invention about a molecule and he is the individual applicant but Pharmaceutical Companies never hire him because they only follow freshers or experienced in company after their target to make freshers to be an experienced Scientists about molecule. So, there is no scope for the new generations. Many inventors were not in media because of lack of popularity. In 2000-2016 there was a huge scope for Pharmaceutical Inventors but at present Company needs freshers and any person experienced in Pharmaceutical Company. If any inventor is in academic line and inventor but the companies never open the door for them. If any inventor is working in a College the other College also never shown any interest about the Faculty cum Inventor. They only hire as they need any experienced faculty with Ph.D pursuing or any fresher from any source. So, at present popularity is mostly needed. There were several huge challenges and issues related to the patent system in India. It's important to note about that the situation may have evolved since then. Here are some very common problems associated with the Indian patent system.

3.1. Backlog of patent applications:

India has faced a very significant backlog of pending patent applications, it leading to delays in the grant of patents. This backlog can be attributed to various factors, also including a shortage of patent examiners and administrative inefficiencies.

3.2. Quality of patents granted:

Some critics argue that about the quality of patents granted by the Indian Patent Office is not always up to international standards. There have been concerns about granting of patents for inventions that may not meet the criteria of novelty, non-obviousness and industrial applicability.

3.3. Limited patent examination resources:

The number of patent examiners in India has been very inadequate to cope with the increasing number of patent applications. This shortage can also affect the thorough examination of applications, potentially leading to the granting of patents without proper scrutiny.

3.4. Inadequate enforcement of patents:

The Enforcement of patent rights can be challenging in India. The legal system backlog and delays in court proceedings may discourage patent holders from pursuing infringement cases, affecting the overall effectiveness of patent protection.

3.5. Complex patent filing procedures:

The patent filing process in India can be very complex, also involving extensive documentation and formalities. This type of complexity may deter some inventors, especially those who are not well versed in patent law from seeking patent protection.

3.6. Lack of awareness:

There is very often a lack of awareness among small and medium enterprises (SMEs) and individual inventors about the importance of protecting their inventions through patents. This lack of awareness may be lead to missed opportunities for innovation and economic growth.

3.7. Section 3(d) and pharmaceutical patents:

India's Patent Act, specifically Section 3(d), has been a subject of the debate, particularly in the context of pharmaceutical patents. This section imposes additional criteria for the patentability of incremental innovations and its interpretation has been a source of contention.

3.8. Compulsory licensing:

The provisions for compulsory licensing in the Indian Patents Act have raised concerns, particularly in the pharmaceutical sector. Some argue that the criteria for issuing compulsory licenses may be too broad, potentially impacting the rights of patent holders.

Efforts have been made to address some of these challenges and the Indian government has periodically undertaken initiatives to improve the patent system. It's advisable to check for the latest developments and reforms in the Indian patent landscape for the most current information.

4. Discussion:

In the discussion, I delve into the implications of the results, addressing challenges and proposing potential improvements to enhance the overall patenting experience in India. This section considers factors such as the backlog of applications, the quality of examinations and the impact on innovation. At present only 1 website is available named Patent Auction but in future, if more website are created like Patent Auction then many inventors will benefit for this.

In the future if more Patent Selling Agencies are created then also many inventors will benefit. As as an Author I have no patents but I have knowledge about patents that I write this review article.

In conclusion, my review study provides a comprehensive examination of the Indian patenting system, by offering insights into its procedures, challenges and potential avenues for improvement.

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