

**A SEMINAR ON  
INTELLECTUAL PROPERTY  
RIGHT: ON THE PATENT OF  
THE PRODUCTS**



**RESOURCE PERSON: DR. CHIRANJIBI PANDA  
ASSOCIATE PROFESSOR,  
DINABANDHU SAHOO LAW COLLEGE,  
KENDRAPARA**

**5<sup>TH</sup> JANUARY 2018**

**ORGANISED BY:**

**IQAC  
PATTAMUNDAI COLLEGE  
PATTAMUNDAI**

## REPORT

A seminar was organised by IQAC, Pattamundai College, Pattamundai on 5<sup>th</sup> January 2018 on the topic "Intellectual Property Right: Emphasis on the patent of the products". The resource person of the seminar was Dr.Chiranjibi Panda, Associate Professor in Law, Dinabandhu Sahu Law College, Kendrapara. MR. Arabinda Pandab, Lecturer in Mathematics of the college chaired the seminar. Dr. D. Parida, HOD Chemistry and Co-ordinator IQAC gave a key note address on the topic and welcomed the guests on the dais and the participants. Dr Panda shared his views about various aspects of property rights and its relevance to copyright. 49 no. of students from various departments were participated in the seminar. The meeting was ended with a vote of thanks by Mr.Jitendra Malik, lecturer in Commerce.

Dushasan Prasad  
05.02.2018

IQAC Coordinator  
IQAC Co-ordinator  
Pattamundai College



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# PATTAMUNDAI COLLEGE

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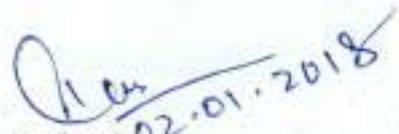
Dr Chiranjibi Panda,  
Associate Professor in Law,  
Dinabandhu Sahu Law College,  
Kendrapara

**Sub: Invitation as Resource Person in the Seminar on "Intellectual Property Right: Emphasis on the patent of products", at Pattamundai College, Pattamundai on 5<sup>th</sup> January 2018 at 10.00 a.m.**

Sir,

It is my pleasure to invite you as resource person in the seminar on topic **"Intellectual Property Right: Emphasis on the patent of products"** to be organised by IQAC, Pattamundai College, Pattamundai on **5<sup>th</sup> January 2018** at 10.00AM .

Your kind consent in this regard is highly solicited.

  
Principal  
Pattamundai College  
Pattamundai College

# Significance of patent in India

Dr. Chiranjibi Panda

M.A Eco. L.L.M Phd.

## Introduction

**Indian Patent Law** is defined by various provisions of **The Patents Act, 1970**, which has been amended since introduction. Under this law, **patent rights** are granted for inventions covering a new and inventive process, product or an article of manufacture that are able to satisfy the **patent eligibility requirements** of having novelty, inventive step, and are capable of industrial application.

## Indian Patents Act

The Indian Patent Act, 1970 **strikes a balance** between the rights of the applicant and his obligation to the society granting the rights. Some salient features of the Act include, product and **process patent**, term of patent as 20 years, **patent examination** conducted on request, fast track mechanism for quick disposal of appeals, **pre-grant and post-grant opposition** allowed, protection of biodiversity and **traditional knowledge**, and, publication of applications after 18 months of **date of filing** of patent application.

## Patent Law Development

The **patent law in India** has gone through multiple rounds of amendments and has developed into a **strong regime** as per present version. The Patents (Amendment) Act, 2005 and the Patent (Amendment) Rules 2005 came into force on 1<sup>st</sup> Jan 2005. The period for **grant of patent** has shortened considerably allowing the publication of the application. The new procedure for filing is as under:

- (a) Application made under **FORM 1** (for Indian as well as PCT patent)
- (b) If the process starts with filing a '**Provisional Specification**' then Complete Specification has to be filed within **12 months**. No extension of time is allowed under any circumstances.
- (c) Request for **early publication** vide FORM 9 can be made to the controller (Optional)
- (d) After publication, **pre-grant opposition** is invited from the public.
- (e) Simultaneously, request for examination can be made within 48 months of the priority date.

(f) A **First Examination Report (FER)** is furnished wherein any objections are communicated to the patentee or his authorized patent agent or patent lawyer. These have to be responded within 6 months from the date of the communication.

(g) Once objections are removed and the application found to be in order, the patent is granted under Section 43.

(h) Then with the seal of the patent office, the date on which it is granted is entered in the register of patents.

If any changes or amendments are substantive in the patent that has been granted, then that shall be advertised by the controller.

## Pharmaceutical and Biotech Patents

Pharmaceutical and Biotech **patents are registered in India** after undergoing stringent examination process. In Section 3, which specifies inventions that are not patentable, under clause (d) where new use of the existing substance, process, the machine results in a new product or at best one new outcome, can be patented. Also, the provisions of the patent law allow patenting of product in chemicals, biotechnology, food processing, drugs and pharmaceuticals, not just the process.

## Patent Rules Amendment – 2016

The Patent (Amendment) Rules, 2016 came into force on 16<sup>th</sup> May 2016. The category of **Startups as patent applicant** has been introduced, wherein Startup has been defined in the Rules as an entity (private limited company/partnership/LLP) where: (a) More than five years have not been completed from the date of its incorporation/registration, and, (b) The turnover (any financial year of the past five years) is not above 25 crores.

For the purposes of **leaving and serving of documents**, a patent agent has to file, leave, make or give all documents through electronic transmission including scanned copies of documents that are required to be submitted in original. There is also a provision of return of fee, and when an application filed is partially or completely transferred to any person other than a natural person or startup, the difference in the scale of fees is paid by the new applicant along with the request for transfer. In such a scenario, where the fee was paid more than once during the **online filing process**, then such amount will be refunded, and an applicant can claim a refund of the 90% of fees paid for a request for examination or expedited examination, by filing a request for **withdrawal of a patent application** before the issuance of the First Examination Report.

## Expedited Patent Examination

The patent law provides mechanism for **expedited patent examination** of a patent application, wherein when the applicant wishes to advance the process of application, such request can be filed vide FORM 18A by electronic transmission within 48 months from the date of priority on one of the following grounds:

(a) India is the competent International Searching Authority or International Preliminary Examining Authority in the International Application;

(b) The applicant is a startup.

As a practice guideline, the **patent examiner** shall make a report within one month but not exceeding two months. Following which, the Controller shall dispose of the same within one month and issue First Examination Report to the applicant or his agent within 15 days.

By way of this patent amendment, the time to insert application in order for the grant has been reduced from twelve months to six months starting from the **date of issuance** of the First Examination Report. Also, the deadline to file power of attorney is three months from the date of filing of patent application.

## Patent Rules Amendment 2018

The Patents (Amendment) Rules, 2018 were published on 4<sup>th</sup> of December, 2018. As per these rules, for International applications, documents will be allowed to be submitted only via electronic submission. The transmittal fee has been removed while filing **international patent applications** through e-PCT. In addition, the preparation of the certified copies of the priority documents and re-transmission through WIPO DAS has been made free. The patent applicants are eligible for filing a request for expedited examination extended to contain female applicants, applicants eligible for PPH program participation, small entities and government undertakings substituting as applicants. In addition, the pre-grant opposition has to be decided by a bench comprising of two members, and a third member will be assigned to the bench to arrive at a final decision, where there are different opinions on the issue.

## Patent Rules Amendment 2019

The Patent (Amendment) Rules, 2019 were published on 17<sup>th</sup> September 2019. As per rule 6(1A), the mandatory filing requirement of the original documents has been waived off and filing the scanned copies of any original documents would be sufficient. Also, as per rule 7, which is applicable for startups also, every time a

document requiring a fee is to be filed, both the 'small entity' and 'startup' applicants are required to submit Form 28.

In addition to the above, the rule 24C allows expanding of the expedited examination to more applicants, wherein the expedited examination can be made in 8 more categories, and corresponding changes in Form 18A have been made to include all-new categories, with the evidence required to be submitted for each category. Moreover, the waiver of the fee for filing a PCT Application has been introduced, wherein the waiver shall include the transmittal fee for the e-PCT filing and the fee for certified priority document if e-transmission through WIPO DAS is used.

## Patent Infringement India

India is starting to be perceived as an expert pioneer jurisdiction with courts having a more prominent comprehension of patent laws. Besides, with an appropriate legal system set up and no discrimination on the nationality of the individuals affirming their patent rights, India has seen a complex increment in the declaration of patent rights by inventors.

This is one side to the patterns of prosecution in India, particularly for IPR matters. From the opposite side, the pattern has been that once an *ex parte* order approved, it takes a lot of effort to remove such directive and for the trial to finish up. Besides, when a directive is approved, the party in whose favour such order is conceded will in general defer the procedures and prolong the trials.

To check this misuse of the legal right conceded to the defendants, the Three Judges Bench of the Hon'ble Supreme Court in the milestone instance of Asian Resurfacing of Road Agency Pvt. Ltd. also, Ors. v Central Bureau of Investigation ((2018) 16 SCC 299) coordinated that in every single pending situation were to remain against procedures of civil or criminal trials is operating, the similar will conclude expiry of 6 months, except if in an uncommon case by a speaking order such stay is extended.

Courts in India, particularly in patent and IP matters, have perceived the significance of reducing wilful infringement of IP rights and have been generously approving punitive damages to the pioneers. Even though the measure of punitive damages approved by the courts isn't exceptionally huge, such damages are allowed notwithstanding the real damages and go about as a warning.

The Indian prosecution patterns have a reasonable methodology for courts in IP issues including **patent infringement matters**. On one side, courts don't avoid allowing *ex parte* directives against infringers and delayed *ex parte* orders are likewise disliked. Besides, with new laws set up, the time taken to finish a preliminary has been abbreviated fundamentally.

Our team of advanced patent attorneys assists clients with patent searches, drafting patent applications, and patent (intellectual property) agreements, including licensing and non-disclosure agreements.

Advocate Rahul Dev is a Patent Attorney & International Business Lawyer practicing Technology, Intellectual Property & Corporate Laws. He is reachable at rd (at) patentbusinesslawyer (dot) com & @rdpatentlawyer on Twitter.

Quoted in and contributed to 50+ national & international publications (Bloomberg, FirstPost, SwissInfo, Outlook Money, Yahoo News, Times of India, Economic Times, Business Standard, Quartz, Global Legal Post, International Bar Association, LawAsia, BioSpectrum Asia, Digital News Asia, e27, Leaders Speak, Entrepreneur India, VCCircle, AutoTech).

Regularly invited to speak at international & national platforms (conferences, TV channels, seminars, corporate trainings, government workshops) on technology, patents, business strategy, legal developments, leadership & management.

Working closely with patent attorneys along with international law firms with significant experience with lawyers in Asia Pacific providing services to clients in US and Europe. Flagship services include international patent and trademark filings, patent services in India and global patent consulting services.

Global Blockchain Lawyers ([www.GlobalBlockchainLawyers.com](http://www.GlobalBlockchainLawyers.com)) is a digital platform to discuss legal issues, latest technology and legal developments, and applicable laws in the dynamic field of Digital Currency, Blockchain, Bitcoin, Cryptocurrency and raising capital through the sale of tokens or coins (ICO or Initial Coin Offerings).

Blockchain ecosystem in India is evolving at a rapid pace and a proactive legal approach is required by blockchain lawyers in India to understand the complex nature of applicable laws and regulations.

# Seminar on "Intellectual Property Rights: Emphasis on the Patent of Products"

5 th January 2018

Organised by Internal Quality Assurance Cell

PATTAMUNDAI COLLEGE, PATTAMUNDAI, KENDRAPARA, ODISHA

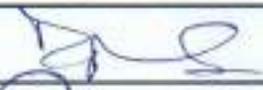
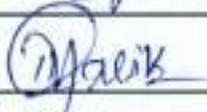
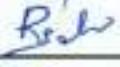
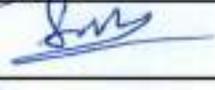
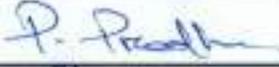
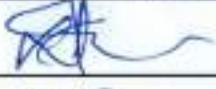
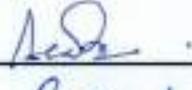
Sl.No	Name of the Student	Roll No	Signature
1	Uibyasankhar parida	BA-15 225	uibyasankhar parida
2	Smaruti Jagannath Das	BA-15-103	Smaruti Jagannath Das
3	Mohan Das	BA-15-103	Mohan Das
4	Kissan Rout	BA 15-040	Kissan Rout
5	Sankuntala Rout	BA-15-014	sankuntala Rout
6	Rajkishore malik	BA-15-118	Rajkishore malik
7	Biswajit biswal	BA-15-138	Biswajit biswal
8	Sangita Kund	BA-15-220	sangita kund
9	Baisakhee mohanty	BA-15-123	Baisakhee mohanty
10	Rasmarani parida	BA-15-182	Rasmarani parida
11	Anwar Khatar	BA-15-117	Anwar khatar
12	Arpita Priyadarshini Jena	BA-15-212	Arpita priyadarshini jena
13	Sanghamitra Nayak	BA-15-127	Sanghamitra Nayak
14	Prarati Rout	BA-15-299	Prarati Nayak
15	Anwar Khatar	BA-15-197	Anwar khatar
16	Sanghamita Das	BA-15-46	sanghamita Das
17	Sarvata sin	BA-15-54	Sarvata sin.
18	Pankajuni Behera	BA-15-318	Pankajuni Behera
19	Ramachandra Sahoo	BA-15-128	Ramachandra Sahoo
20	Aparajita samal	BA-15-884	Aparajita samal.
21	Sanita Nayak	BA-15-88	sanita nayak.
22	Pranam malik	BA-15-150	pranam malik
23	Ramachandra Sahoo	BA-15-128	Ramachandra Sahoo
24	Sajal Parida	BA-15-89	sajal parida.
25	Arohan Behera	BA-15-036	Arohan Behera.
26	Sangita Nayak	BA-15-127	Sangita Nayak
27	Sajal Parida	BA-15-189	Sajal Parida.
28	Chaimanya Das	BA-15-63	Chaimanya Das.
29	Rosalin Samal	BA-15-090	Rosalin Samal
30	Swapnamayee Das	BA-15-098	Swapnamayee Das
31	Lizarani Behera	BA-15-180	Lizarani Behera.
32	Copamudra Nayak	BA-15-129	Copamudra Nayak.
33	Sandip Kumar Swain	BS 17073	Sandip Kumar Swain

Sl.No	Name of the cadet	Roll No	Signature
34	Satish Kumar Das	BS 15-05-0	Satish Kumar Das
35	Kissan Rozit	BA-15-040	Kissan Rozit
36	Chandan Mundal	BC-17-165	Chandan Mundal
37	Monali Das	BA-16-009	Monali Das
38	Jagannath Panda	BS-15-060	Jagannath Panda
39	Sagarika Nayak	BS-17-054	Sagarika Nayak
40	Anita Das	BC 17-001	Anita Das
41	Satyaranjan Das	BC 17-167	Satyaranjan Das
42	Swagatika Nayak	BS 17-019	Swagatika Nayak
43	Biswajit Das	BS-15-059	Biswajit Das
44	Silparani Das	BS 17-150	Silparani Das
45	Anchana Babuna	BA 15-039	Anchana Babuna
46	Debabrata Khatusa	BS 17-158	Debabrata Khatusa
47	Prakash Nayak	BS 15-068	Prakash Nayak
48	Manoj Sahoo	BC 17-163	Manoj Sahoo
49	sardhanjali samal	BA-15-113	sardhanjali samal
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**Seminar on "Intellectual Property Rights: Emphasis on the patent of the products"**

5th January 2018

Organised by Internal Quality Assurance Cell (IQAC)  
PATTAMUNAI COLLEGE, PATTAMUNDAI, KENDRAPARA, ODISHA  
ATTENDANCE SHEET OF TEACHERS

Sl.No	Name of the Teacher	Designation	Signature
1	Dushman Singh	Reader in Chem	
2	Diptendra Malik	lect in Com.	
3	Ramesh Kumar Sahu	Reader in physics	
4	Geet Kaur Bhal	lect in Chem	
5	Sarojankanta Nayak	Lect in English	
6	Pradyumna Pradhan	Lect in Economics	
7	Nirmala Kumar Sahoo	Lect in math	
8	Sarwat Chandras Das	Lect. in English	
9	Sampit Kumar Das	Reader-in-Com	
10			
11			
12			

