

INTERNATIONAL RESEARCH FELLOWS ASSOCIATION'S
RESEARCH JOURNEY

International E-Research Journal

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May-2019 Special Issue – 190

**Sustainable Growth :
 Commerce, Management and Social Sciences**

Guest Editor:

Dr. Mrs. P. S. Gaikwad

Principal

Rayat Shikshan Sanstha's,
 Dhananjayrao Gadgil College of Commerce,
 Satara, [M.S.] India

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Dr. D. T. Chavare

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- Chief & Executive Editor

IPR & Patent Application Process in India

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Abstract :-

In the current days demand for intellectual property rights is increasing day by day. The Manufacturing and service industries are focusing more and more on patents. So, equally in the education sector the need is overcome to create students who can think on this important area of interest. This Students will make the socially, scientifically & economically change for the betterment of the society and they will make our country strongest In the world. So here we as a academician understand the conceptual and practical knowledge of IPR and Patent and share with student and motivate them for doing Critical Thinking , Innovations , creative business ideas . Then only the purpose of our role is solved through the best outcomes in terms for successful creative students.

Key Words :- IPR , Patents , Registration Process, Patent Registration Offices in India , Benefits of Patent to the society.

Introduction & Motivation :-

IPR means the Intellectual Property Rights every buddy knows it. It means the creation of Novelty with an Idea or a Concept prominent to an Invention, Artistic Work, Design, Expression, etc. in the world of the globalization so many Research and Development projects are going on. Everybody is initiating in the race of business success. Importance of new ideas, concepts and innovations is increased. If you have any good idea for the betterment of society and it is economical for everyone then it will be stuff for earning money and social wellbeing.

If any buddy is going to design any new idea, concept, procedure, invention or creation it must get security for the creator. There must be legalization, Authorization, Licensing and registration from the higher authority in world as well as country level. There must be any authority to grant this kind of licenses and registrations. So the idea has been incorporated in the world economic forum and the concept named IPR is introduced.

Intellectual property (IP) pertains to any original creation of the human intellect such as artistic, literary, technical, or scientific creation. Intellectual property rights (IPR) refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time (1)These legal rights confer an exclusive right to the inventor/creator or his assignee to completely consume his invention/creation for a given period of time. It is very well settled that IP play a vital role in the modern economy. It has also been conclusively established that the intellectual labor associated with the innovation should be given due importance so that public good originates from it. There has been a dramatic jump in research and development (R&D) costs with an associated jump in investments required for putting a new technology in the market place.[2] The stakes of the developers of technology have developed very high, and hence, the need to protect the knowledge from unauthorized use has become expedient, at least for a period, that would ensure recovery of the R&D and other related costs and adequate profits

for continuous investments in R&D.[3] IPR is a strong tool, to protect investments, time, money, effort invested by the inventor/creator of an IP, since it grants the inventor/creator an exclusive right for a certain period of time for use of his invention/creation. Thus IPR, in this way aids the economic development of a country by sponsoring healthy competition and encouraging industrial development and economic growth. Present review furnishes a brief overview of IPR with special emphasis on Higher Education.

Objectives

1. To know the concept of Intellectual Property Right & Patent .
2. To understand the procedure of Patent Filing.

Scope of the Research

1. This research paper is focused on IPR and Patent Filing process related with higher education sector.

Hypothesis

1. Applying patent is very hard Procedure.

Research Methodology :

This Research Paper is based on secondary data . All the information is gathered through online available recourses like , review of Books , Research Articles , Research Papers . The research Methodology is Descriptive Research Method is used .

Facts and realities Patent application :- Patent

An invention is a product or a process or which provides a solution to a specific technical problem.

The period of Patent is of 20 years from the date of filing the Patent or Priority Date.

What can be PATENTED?

Virtually... Any Idea can be patented.

Patent Devices or Products • Articles of Manufacture • Processes or Methods • Chemical Compositions or Compounds • Micro Organisms • Gene Sequences

Why Patent?—

1. Recognition to the individual.
2. Economic reward for the creation.
3. Reward's encourage Innovation.
4. Improves and enhances Quality of Human Life.

Advantages of patent : The invention cannot be used and exploited commercially without the consent of the patent owner.

Patent owner may license, collaborate through joint venture or sell invention rights through technology transfer for commercial exploitation.

1. A patent discloses information of the invention which promotes further research and innovation.
2. A patent is available in Public Domain on the expiry of the Patent Grant Period.
3. Patent Grant can be refused. If challenged, a Patent can be invalid.
4. Patents are Granted by National Patent Office..

How an IDEA can be protected through A Provisional Patent.?

Provisional Patent ?

A Provisional Patent is a legal document filed with the National or Regional Patent Office. Provisional Patent does not become a Patent unless a NONPROVISIONAL Patent application is filed within 12 months. No prior art search and patentability examination is undertaken for the Provisional Patent Application.

PATENT:

Criteria • Novelty • Inventive Step • Industrial Application

Novelty: The fundamental requirement for patentability. The invention is novel or new if it is not proved through prior art.

Inventive Step: Also referred as no obviousness. The invention must not be obvious to any person of average or ordinary skill in the art

Industrial Application: An invention must be useful to perform the designated function so that the society receives positive benefit.

(Reference Patent Process - India Web: www.bananaIP.com)

Steps In Patent Filing

I .Filing the application

II Publication of the application

III Examination

IV Pre grant representation

V Patent grant and Publication

VI Post grant opposition

VII Renewal of Patents

I Filing a Patent Application

1 Types of Application

2. Provisional Application to Complete Specification

3 Direct Complete Specification

4 Provisional to Convention Application: Only complete Specification can be filed outside India

5 Complete to Convention Application

6 Provisional to PCT (Complete Specification)

7 Complete to PCT

8 Divisional Application

9 Continuation application or Patent of Addition

Types of application - priority documents have to be filed



Convention Application PCT Application & National Phase application Divisional Application

II Convention application

Reciprocity

Deadline to file: 12 months from Priority date provided: -

Priority application is not withdrawn –

Only CS can be filed –

Details of Provisional application to be provided

III PCT Application

- International Application
- It is a route for filing application outside India
- Search report
- Application enters national phase 18 months from filing PCT application or 20/30/31 (depending upon countries) months from priority date

IV Divisional Application

- 2 inventive concepts
- Own initiative or on request on the Controller
- Reference to the priority application must be included
- Different claims

When to file

- Provisional and Complete Application
- Priority date: Date of 1st Filing
- Determinant of novelty and non obviousness
- Each claim will have a priority
- Antedating of claims possible in divisional applications
- Postdating:
 - Request to Controller - To treat Complete Specification as Provisional Specification or - Postdate Provisional Specification
 - cannot be extended more than 6 months
 - Advantages: More time to prepare Disadvantage: Shift in the priority date
 - Foreign filing without Filing in India
 - Waiting period: 6 weeks
 - Obtain Foreign filing permit -Indian Resident has to apply -ensure secrecy: atomic energy and defence -Violation: Penalty and risk of revocation

Who can File

- The applicant can be: -
 - True and first inventor
 - Assignee
 - Joint applicant
 - Applicant resident/national of another country
 - Foreign Application-Reciprocal treatment

What has to be filed?

- Utility Application
- 1 invention per application

Where to file

- Patent office has territorial jurisdiction

- Application to be filed where: - Applicant resides or has place of business; or -Invention originated; or -Address for service
- Applications outside India

Publication

18 months from priority date

- Duty of patent office to maintain secrecy until published
- Right begins from date of publication
- Early publication

Objective of publication: -

Awareness - Opportunity to oppose

- Specification and forms filed will be available to public

Application will not be published if- - Secrecy directions are issued - Abandoned – Withdrawn

- Publish date of filing, application no, name and address of applicant and abstract

Examination

- Request in form 18 To be filed by the applicant or any interested person Examiners duty: - Conduct prior art search analyze - Review the specification

Examination report - Address technical and formal requirements - Subject matter, novelty, inventive step, industrial utility and specification - Unity of invention

First Examination report

- Timelines to be followed strictly Report given to the person filing the examination request Put in order for grant within 1 year

Objections:

Response to First Examination report



Request hearing



Withdraw



Contest or Amend

Pre-grant representation

Opposing application before grant

- Any person
- File a representation with statement and evidence
- After filing request for examination
- Grounds

Patent Grant and Publication

Official Gazette publishes grant

- Public inspection
- Examination of the application doesn't warrant validity or grant of the patent

post grant Opposition Any interested person

- Within 1 year
- Notice of Opposition in Form 7

- Written statement comprising nature of interest, evidence and relief sought
- Grounds of opposition
- Timeline and procedure
- Controller' s decision to maintain, amend or revoke the patent

Maintenance of patent

Working of patent to be filed every year

- Renewal fee payment has to be made in advance
- 6 months grace period
- Lapse of grace period- Form 15 with affidavit to be filed

Results & Conclusions

1. Intellectual Property right this concept is very useful for the higher education in Affiliated Colleges .
2. Professor should learn and teach this to students .
3. Patent filing process is required dedication and regular follow-up .
4. Accuracy and Data management is required for Patent Filing process.
5. Applying Process for patent should be thought in Class.

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Future Work

1. Requirement of Patent oriented research in every branch of Higher education.

Electronic Human Resource Management in E-Environment

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Abstract:

In today's demanding world, IT plays a fundamental role in creating new opportunities and delivering competitive benefits to enterprises. The HR profession has had to respond to increased competition for changes in both workforce attitudes and composition, shifts in the employer/worker relationship and rapid advances in HR technology. Therefore, moving towards the electronic world is a predictable phenomenon. In recent years electronic human resource management (E-HRM) is being used in most of the big companies and institutions and is among the leading organizational systems in human resource management (HRM) because its applications are considered to be very effective and cost-effective. Using a research framework based on the Unified Theory of Acceptance and Use of Technology Model, this study examines the relationship between HR employees' attitudes (Performance Expectancy, Effort Expectancy, Social Influence, and Facilitating Conditions) and attitude towards electronic human resource management (E-HRM) systems in HR departments. An online questionnaire hyperlink was sent by email to 150 HR employees in order to find out their perceptions about the E-HRM system; only 87 questionnaires were completed. The questionnaire included variables such as Performance Expectancy, Effort Expectancy, Social Influence, and Facilitating Conditions towards the (E-HRM) system. Finally, the study concludes that understanding employee attitudes about electronic human resource management systems is essential if organizations are to use such systems for employee welfare and organizational improvement.

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