

### ***What is a Patent***

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. This right can be licensed to third parties in return for fees and royalties.

### ***What kind of Protection does a Patent offer***

Patent protection means that the invention cannot be commercially made, used, distributed or sold without the patent owner's consent during the life term of the patent (usually 20 yrs).

### ***When can a patent application be filed***

A Provisional patent application may be filed when the invention has been conceived but may still be in the R&D phase and would require more development to reach the final product. Alternatively, a provisional application may be filed to obtain an early priority date without the financial burden of filing a regular application. However, a regular application must be filed within 1 year from the filing date of the provisional application. The regular application must lay out the complete description of the invention along with the claims. Additionally, if an invention is publicly disclosed, a patent application (either a provisional or a regular) must be filed within 12 months from the date of such disclosure.

### ***What are the conditions to be satisfied by an invention to be patentable***

An invention must be novel over prior art, have at least one inventive step and possess utility for it to be patentable.

### ***How does one keep a patent in force for the full patent term***

A patent has to be maintained by paying the maintenance fees every year. If the maintenance fees are not paid, the patent will cease to remain in force and the invention becomes open to public. Anyone can then utilize the patent without the danger of infringing the patent.

### ***Is a patent granted in one country enforceable in other countries***

No. There is nothing like a global patent or a world patent. Patent rights are essentially territorial in nature and are protected only in a country (or countries) which have granted these rights. In other words, for obtaining patent rights in different countries one has to submit patent applications in all the countries of interest for grant of patents. This would entail payment of official fees and associated expenses, like the attorney fees, essential for obtaining patent rights in each country. However, there are some regional systems where by filing one application one could simultaneously obtain patents in the member countries of a regional system. European Patent Office is an example of a similar system.

### ***Does grant of a patent in one country affect its grant or refusal in another country***

Each country is free to grant or refuse a patent on the basis of scrutiny by its patent office. This means that granting a patent in one country of the Union does not force other countries to grant the patent for the same invention. Also, the refusal of the patent in one country does not mean that it will be terminated in all the countries.

### ***How can a patent be filed in multiple countries***

To file a patent in multiple countries, there are a couple of options:

Paris Convention: The Paris Convention provides that an applicant from one member state shall be able to use an application's first filing date (in one of the member states) as the effective filing date in another contracting State, provided the applicant files another application within 12 months from the first filing date.

PCT route: Through PCT, an inventor of a member country (Contracting state of PCT can simultaneously obtain priority for his/her Invention in all/ any of the member countries, without having to file a separate application in the countries of interest , by designating them in the PCT application. The PCT route grants the inventor an extension of time (30/31 months) within which to file an application in other countries.

### ***Can software inventions be granted in India***

In India, software inventions per se are not patentable subject matter