

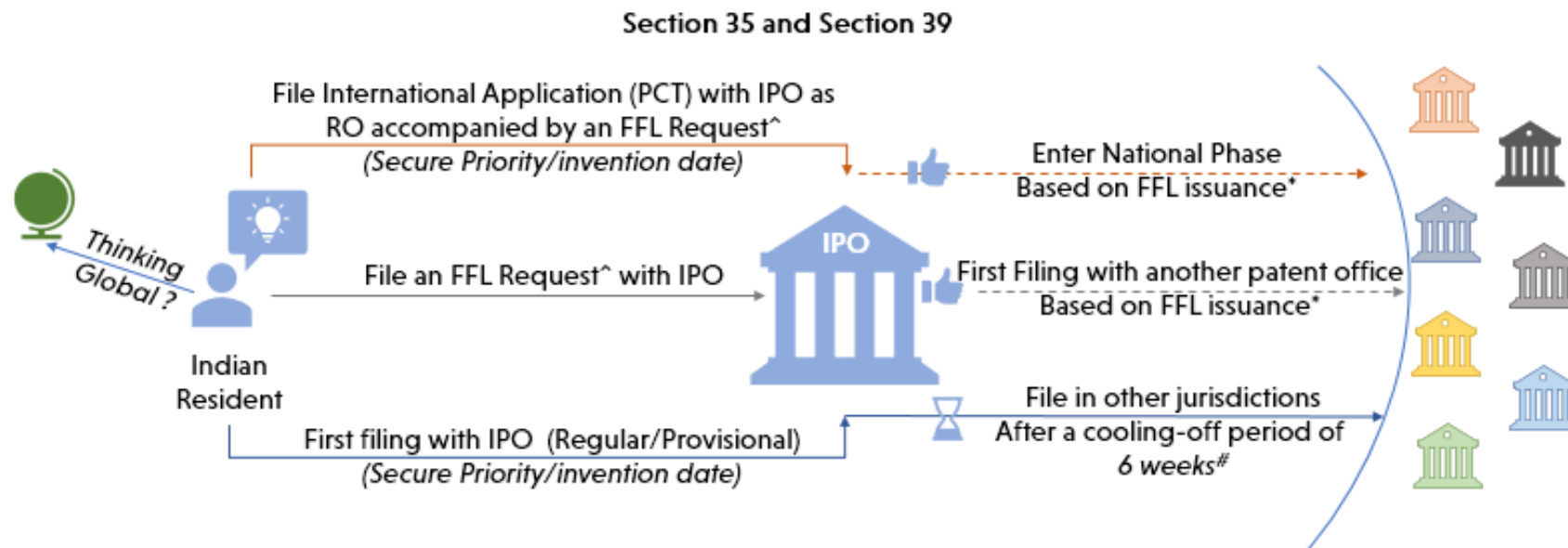
Indian resident inventors may decide to file patent applications in multiple countries including India or entirely disregard India and go international! This may be due to weak market strength/poor demand for the product/invention in the country.

As per Indian Patents Act, it is mandatory to obtain an Foreign Filing License (FFL) if an Indian resident inventor decides to first file in a foreign country bypassing India. As per the rules, within 21 days of requesting for an FFL, the IPO, usually, either issues the FFL certificate or rejects the FFL request.

Another option is to first file in India and then wait for a cooling-off period (six weeks!) before attempting to file in a foreign country. In this case, an FFL is not required.

In both instances, the IPO buys some time to assess the nature/applicability of the invention (relevance in defence or atomic energy) and accordingly either grants or rejects the FFL request and/or invokes secrecy directions. An FFL rejection or invoking of secrecy directions precludes the Indian resident inventor from disclosing the invention in foreign jurisdictions.

The following is a pictorial representation of different avenues available for an Indian resident inventor deciding to go global in their patent filings.



^FFL Request Documents: Form 25 along with Invention Disclosure/Whitepaper

** if FFL certificate is not issued/Secrecy Direction is invoked: This is a binding order to not disclose the invention in any other foreign jurisdictions until the secrecy direction gets revoked.*

Only if no secrecy direction is invoked by the controller within 6 weeks from the filing date.