# GUIDELINES AND APPLICATION FORM FOR FINANCIAL ASSISTANCE FOR PATENTING IN INDIA

National Research Development Corporation gives financial assistance to scientists and researchers working in universities, R&D institutions and laboratories and also to individuals in scientific and industrial fields for patenting their inventions which are proved to be workable, advantageous, useful and commercially viable. Guidance for patenting matter is provided herewith.

1. Application for financial assistance (FA) for patenting must be submitted to NRDC on the requisite forms along with a non-refundable processing fee of ₹ 500 (only for individual applicants) through a DD in the favour of National Research Development Corporation payable at New Delhi.

2. FA for patenting is given to Indian National only for protecting inventions i.e. a new product of process involving an inventive step and capable of industrial application.

3. There is no bar to the number of cases for FA.

4. Decision of the Corporation is final in this regard and no further correspondence will be entertained.

5. FA for patenting is given normally to individuals working in Univertisities, Laboratories and R&D Institutes, Micro, Small and Medium Enterprises, etc.

6. Invention should be either an original product/process or an improvement on present product/ process so as to increase utility of the product/process by enhancing consumer advantages like reducing cost/effort of the user/weight or volume, or by improving performance/accuracy/ reliability/life/versatility etc. It is preferable that the invention should have been practically tried out and established.

7. If the inventor is employed, he should forward this application through his employer.

8. The invention may be referred, if necessary to outside experts working in Government organization, educational institutions or public organizations to solicit opinion. The patent office may also be consulted. While all possible care for the safety and secrecy of the inventions received will be taken, the Corporation will not be responsible for any loss or damage due to leakage of information pertaining to the invention. Inventors are advised to seek prior protection by filling provisional patents Under Patents Act 1970 as amended by the Patents (Amendment) Act 2002, Patent Rule 2003, Patents (Amendment) Rule 2005 and Patents (Amendment) Rule 2006.

9. FA shall not be granted if the subject matter of the inventions relates to the following as per Section 3 of Patents Act.

- An invention which is frivolous or contary to well established natural laws, e.g., perpetual motion machine.
- Invention's primary or intended use or commercial exploitation is contrary to law or morality or injurious to public health. e.g. any devices, apparatus or machine for theft, gambling apparatus or method for gambling, method of adulteration of food etc.
- Scientific theories or mathematical models.
- Substances obtained by a mere admixture e.g. a mixture of different types of medicament or medicine to cure multiple diseases.
- Mere arrangement or re-arrangement or duplication of known devices each functioning independently or one another in a known way. e.g. Fixing a fan under an umbrella.
- Method of Agriculture or Horticulture e.g. Method of cultivation of algae or Mushroom.
- Plant or animal varieties or essentially biological processes for the production of such plants or animal varieties, other than microbiological processes.
- Scheme, rules or methods such as those for doing business or a computer program per se, performing purely mental acts or playing games.
- Discoveries of materials or substance already existing in nature.
- Method of treatment of humans or animals or diagnostic method practiced on humans or animals. e.g. Method of treatment of malignant tumour cells, method of removal of dental plaque and carries.
- An invention, which in effect, is traditional knowledge or aggregation/duplication of known properties of traditionally known component(s).
- Inventions in the nuclear field (Section 4 of Patents Act).
- The disclosure of an invention has become part of prior art by a description of invention in a published writing or publication in other tangible forms (a document, manuscript, pictures including photographs, drawings or films etc.)
- A more scheme or rule or method of performing mental act or method of playing game.
- Topography of integrated circuit.
- An invention which in effect is traditional knowledge.
- Presentation of information

10. Financial assistance shall be granted only if your invention is new (novel), useful (industrially applicable) and non-obvious (exhibit a sufficient "Inventive Step") and the disclosure of the invention must meet certain standards.

- **Novelty :** An invention is new if there is any difference between the invention and current knowledge or the 'prior art'.

  An invention is considered to be new if it does not form part of the state of-the-art. The state-of-the-art is held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filling or priority date. An earlier disclosure is not prejudical, however, if it occurs no earlier than twelve months preceding the filing of the patent application to display at an official or officially recognized exhibition.

  Any disclosure of the invention before the date of filling, whether or not by the applicant himself, may be invoked against him as being comprised in the state-of-the-art.

- **Inventive step (non-obviousness) :** An invention will be considered as involving an inventive step if,having regard to the state-of-the-art, it is not obvious to a person skilled in the art. In other words, it must not be possible for an average expert to make the invention by mere routine work.

  Determining whether or not the invention involves an inventive step depends on the specific details of each patent application and in particular the subject-matter of each claim. According to the circumstances, various factors are taken into account, such as the unforeseen technical effect produced by a new combination of known elements, selection of particular operating conditions within a known range, the degree of difficulty the person skilled in the art must overcome when combining several known documents, and secondary considerations such as the fact that the invention solves a long standing technical problem for which there may have been many attempts to solve.

  Some examples of what may not be considered as inventive are: mere change of size; making portable; the reversal of part; the change of material; aggregation or mere substitution by an equivalent part of function. These are not considered to be inventive enough to merit a patent.

- **Industrial applicability (utility):** An invention must be capable of being made or used in some kind of industry. This means that the invention must take the practical form or an apparatus or device, a product such as some new material or substance or and industrial process or method of operation.

  An invention to be patentable must be useful or has some utility. The element of commercial or pecuniary success has no relation to the question of utility. However, where the improvement by reason of cheaper production, such a consideration is of

the every essence of the patent itself and the question is of thing claimed can not be considered an invention unless that condition is fulfilled.

If the invention gives the result as promised in the specification, objection on the ground of usefulness should fail. The usefulness of an alleged invention depends not on whether by following the directions in the complete specification all the results not necessary for commercial success can be obtained,but on whether by such directions the effect that the application/patentee professed to produce could be obtained.

The usefulness of the invention is to be judged by the reference to the state of things at the date of filing of the patent application. If the invention was then useful, the fact that subsequent improvement have replaced the patentable invention render it obsolete and commercially of no value, does not invalidate the patent.

- **Adequacy of disclosure:** An additional requirement of patentability is whether or not be invention is sufficiently disclosed in the application.

  It is therefore imperative that the description should disclose the invention in a manner sufficiently clear and complete for the invention to be evaluated, and to be carried out by a person having ordinary skill in the art.

  Specific operative embodiments or examples of the invention must be set out in the description. Examples and other descriptive passages should be of a scope sufficient to justify the scope of the claims. The claims must be clear and concise and fully supported by the description.

  There is a requirement that the application should relate to one invention only, or to a group on inventions so linked as to from a single general concept. This requirement, referred to as "Unity of Invention" is particularly important when claims are being drafted.

11. The applicant shall pay the patent annuity which becomes due at the time of grant and thereafter to keep the patent alive and enforceable.

The present schedule is as follows:

| Annual Maintenance Fee | | | | For Individual(s) | For Legal entities other than Individual(s) |
|---|---|---|---|---|---|
| Before expiration for | 2nd year | In respect of | 3rd year | ₹ 500 | ₹ 2,000/ |
| " | 3rd year | " | 4th year | ₹ 500 | ₹ 2,000 |
| " | 4th year | " | 5th year | ₹ 500 | ₹ 2,000 |
| " | 5th year | " | 6th year | ₹ 500 | ₹ 2,000 |
| " | 6th year | " | 7th year | ₹ 1,500 | ₹ 6,000 |
| " | 7th year | " | 8th year | ₹ 1,500 | ₹ 6,000 |
| " | 8th year | " | 9th year | ₹ 1,500 | ₹ 6,000 |
| " | 9th year | " | 10th year | ₹ 1,500 | ₹ 6,000 |
| " | 10th year | " | 11th year | ₹ 3,000 | ₹ 12,000 |
| " | 11th year | " | 12th year | ₹ 3,000 | ₹ 12,000 |
| " | 12th year | " | 13th year | ₹ 3,000 | ₹ 12,000 |
| " | 13th year | " | 14th year | ₹ 3,000 | ₹ 12,000 |
| " | 14th year | " | 15th year | ₹ 3,000 | ₹ 12,000 |
| " | 15th year | " | 16th year | ₹ 5,000 | ₹ 20,000 |
| " | 16th year | " | 17th year | ₹ 5,000 | ₹ 20,000 |
| " | 17th year | " | 18th year | ₹ 5,000 | ₹ 20,000 |
| " | 18th year | " | 19th year | ₹ 5,000 | ₹ 20,000 |
| " | 19th year | " | 20th year | ₹ 5,000 | ₹ 20,000 |

* The patent annuity is to be paid every year or for the entire period.

12. The inventor should conduct an patent search, if possible before filing this application, to ascertain clearly the novelty aspect of the invention.

Suggested Website, for conducting patent search, are:

www.ipindia.nic.in; www.patinfo.nic.in

www.uspto.gov; www.wipo.int; www.epo.org;

For further information and any query, please contact:

**Arunabha Pradhan**
Chief (Promotional Programme)
Intellectual Property Consultancy and Management Division
**National Research Development Corporation**
[An Enterprise of DSIR, Ministry of Science & Technology, Govt. of India]
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E mail: apradhan@nrdc.in, write2@nrdc.in
Visit us at www.nrdcindia.com to download Applicantion Form and Guidelines

# INSTRUCTIONS FOR FILLING-UP OF APPLICATION FORM

## General

(i) All relevant technical and other details and diagrams must be submitted in the application forms. Information asked should be correct and given in full.

(ii) Wherever annexures are attached separately, the annexure number should correspond to that of the item for which the annexure is being attached. For example, the additional information provided on separate sheet for item 2 pertaining to the particulars of the applicant should be labelled as Annexure-Item-2.

(iii) Wherever any date is to be filled it should be given in the format DD-MM-YY. For example 14th Feb. 1996 is given as 140296.

**A. Title of invention (s.no. 1)**

Invention title should be brief, concise, appropriate and reflective of the invention and should be composed within 120 characters.

**B. Brief statement about subject area(s) to which the invention relates (s.no.2)**

Under brief description the applicant should give the abstract of the invention, highlighting all the major essential features of the invention in not more than 250 words.

**C. Particulars of inventor(s) (s.no. 3)**

Name and addresses of all individuals responsible for the development should be indicated in S.No. 2. If inventors are more than 5, then the particulars of the remaining inventors may be put in the same format, on a separate sheet.

NAME: Leave one box blank after each word. For example, Prashant Kumar Tyagi should be written as:

| P | R | A | S | H | A | N | T | | K | U | M | A | R | | T | Y | A | G | I |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|

QUALIFICATIONS: Fill in the appropriate code for your highest qualification as per table given below:

| Subject | Diploma | Bachelor | Master | M.Phil | Ph.D | Subjects | Diploma | Bachelor | Master | M.phil | Ph.D |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Sciences | DO1 | BO1 | MO1 | LO1 | PO1 | Medicine | DO5 | BO5 | MO5 | LO5 | PO5 |
| Social Science | DO2 | BO2 | MO2 | LO2 | PO2 | Pharmacy | DO6 | BO6 | MO6 | LO16 | PO6 |
| Agriculture | DO3 | BO3 | MO3 | LO3 | PO3 | Technology | DO7 | BO7 | MO7 | LO7 | PO7 |
| Management | DO4 | BO4 | MO4 | LO4 | PO4 | Others | DO8 | BO8 | MO8 | LO8 | PO8 |

**D.** Address of inventor (s.no. 4)

Address, Telephone No. and Fax No. of the First Inventor/Group Leader should be filled in the given boxes and that of the remaining inventors should be given on separate sheets in the same format. **Any change in address should be intimated immediately, so that, correspondence from NRDC is correctly addressed.**

## E. Stage of development (S.no. 7)

Choose the appropriate code for the stage of development. See the 'Process' or 'Product' category according to your invention.

(a) Process

| Stage of Development | Codes |
|---|---|
| Lab Scale | LS |
| Pilot Scale | PS |
| Semi Commercialized | SC |
| Commercialized | CO |
| Commercially Proven | CP |

(b) Product

| Stage of Development | Codes |
|---|---|
| Static Model | SM |
| Prototype | PR |
| Working Model | WM |
| Commercialized | CM |
| Commercially Proven | PN |

## F. Test status (s.no. 8)

| Test Status | Codes |
|---|---|
| Not Tested | NT |
| Self Tested | ST |
| Tested by Govt. Agency | TG |
| Tested by Private Agency | TP |
| Tested by Industry | TI |

Full details of the tests and quantitative data obtained during test should be provided.

## G. Drawbacks in the existing state-of-the-art (s.no. 15)

Indicate the drawbacks in the existing state-of-the-art, which prompted the Inventor for the Invention.

## H. Objectives of the invention (s.no. 19)

List the main objectives to be attained by the invention.

## I. Advantages over all other known alternatives (s.no. 21)

Indicate the advantages in terms of reductions in capital cost, operating cost for the same performance.

Improved performance, productivity, robustness, reliability, safety, layout, service ability, range of applications, utility, directly or as an attachment may be labelled under the advantages.

## J. Detailed description (s.no. 22)

It should be typed on one side of A4 size paper leaving left and right margins and should not exceed more than ten pages. The detailed description should give the specifications, performance characteristics, limitation, principle of design/construction, details of method of construction/process/manufacture etc. It should be supported by relevant drawing, diagrams and circuit details, as required.

In a complete disclosure, while the prior art setting may be mentioned in general terms in the description, the essential novelty, the essence of the invention, must be described in such details, including proportion and techniques where appropriate, so as to enable those persons skilled in the art to make and use the invention, as of the filling date of the application.

Specific operative embodiments or examples of the invention must be set out in the description. Examples and other descriptive passages should be of a scope sufficient to justify the scope of the claims.

In addition, there is a requirement that the application should relate to one invention only. This requirement, referred to as "unity of invention" is particularly important for the purpose of drafting the claims.