



Ministry of Commerce and Industry  
Department for Promotion of Industry and Internal Trade  
Office of the Controller General of Patents, Designs & Trade Marks (O/o CGPDTM)

# BOUDDHIK AAGMAN

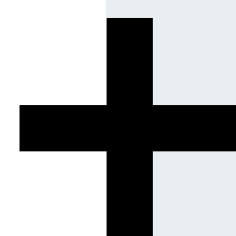
An Induction Journey at IP Office



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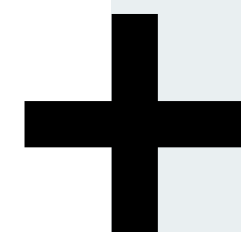
# BRIEF INTRODUCTION TO PATENTS AND DESIGNS

**Gaurav Kumar Tomar**  
Asst. Controller of P&D  
IPO Delhi



# OBJECTIVE

- Introduction to IPR
- Understand the fundamentals of patents and design rights.
- Learn the criteria and process for granting patents and design rights.
- Explore real-world examples of patents and designs.



# INTELLECTUAL PROPERTY RIGHTS

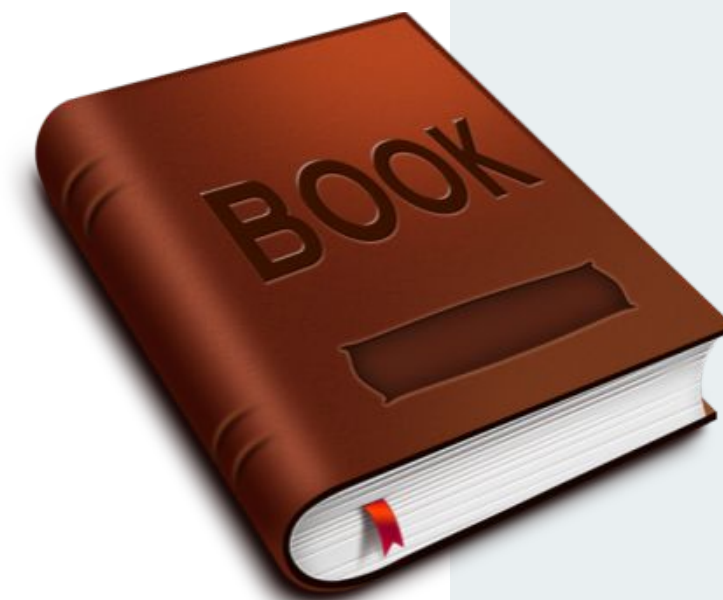
## Immovable property



## Movable Property



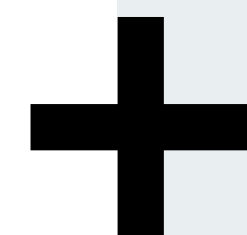
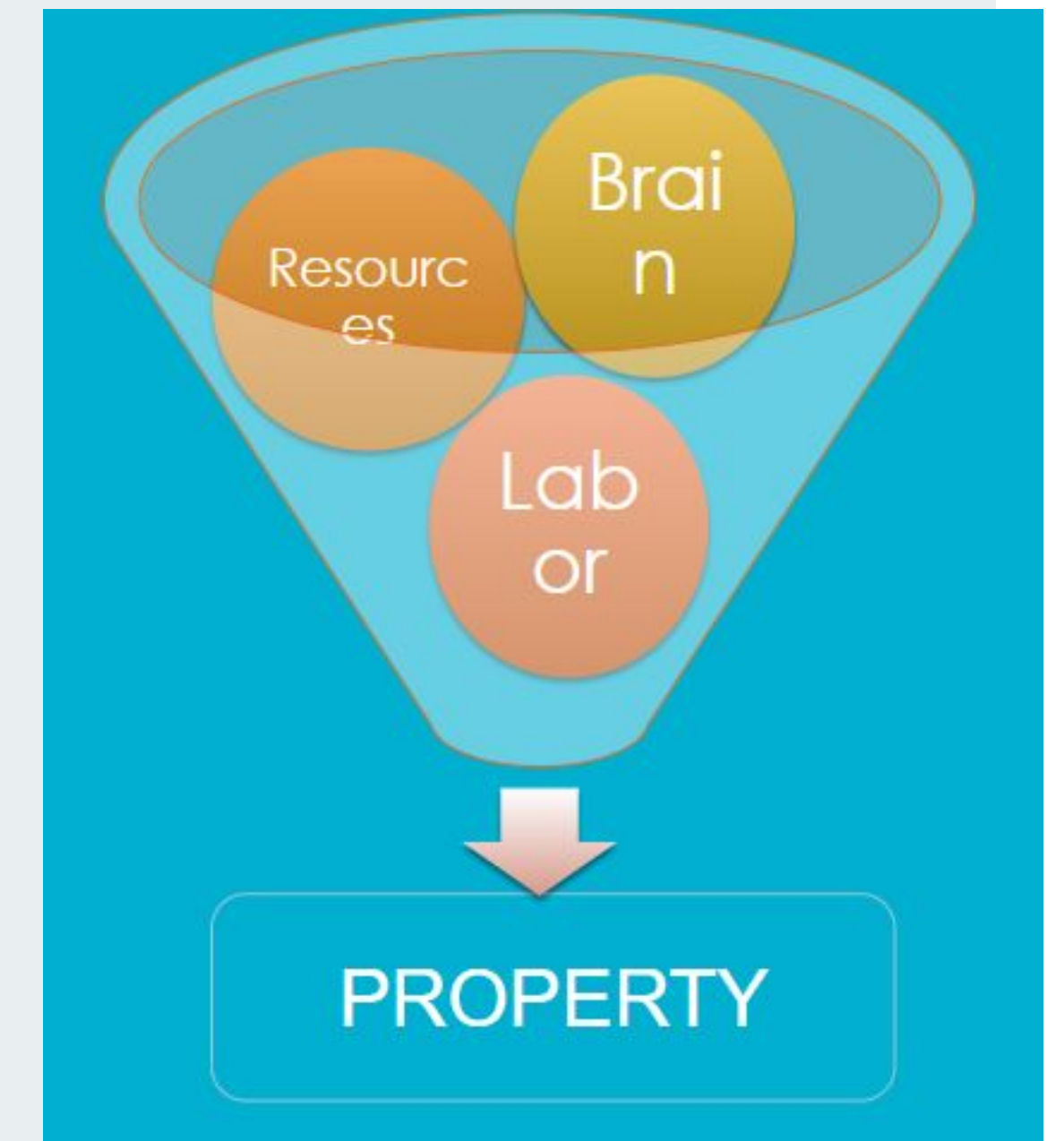
## Intellectual Property



# Intellectual Property Rights

## INTRODUCTION

- ❑ Creations of the mind that are granted legal protection.
- ❑ Legal rights provided by the enacted laws of the state.
- ❑ Tradable intangible property

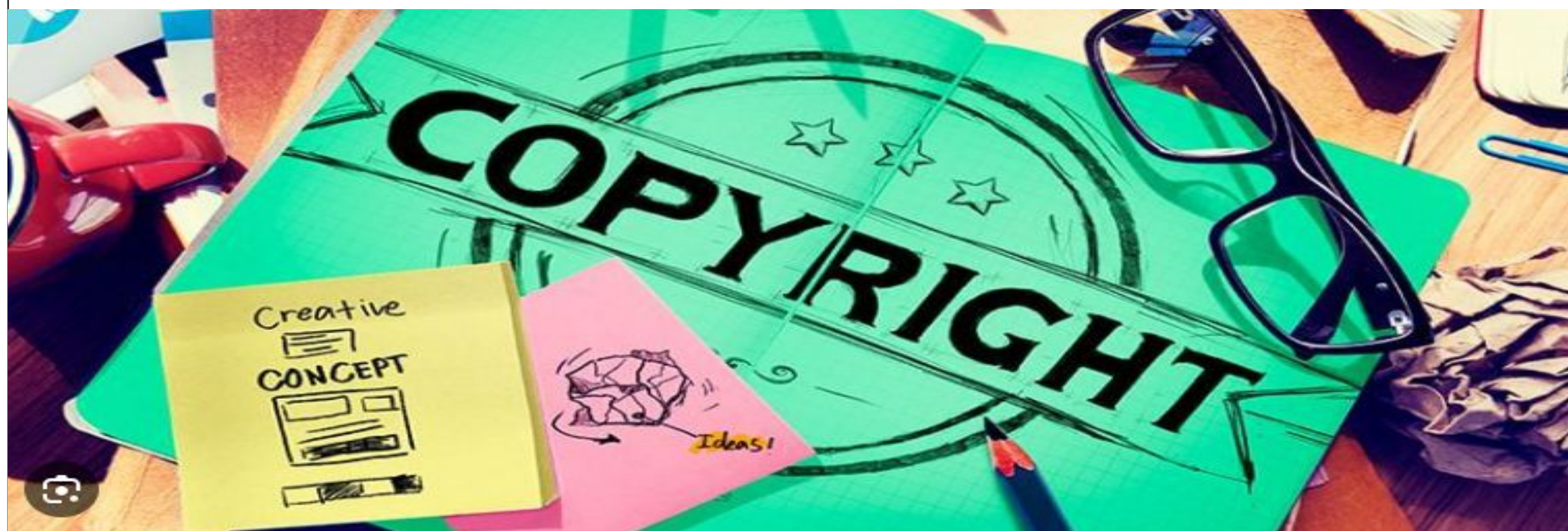


# Intellectual Property Rights

IP can be broadly divided into two primary categories:  
Copyrights and Related Rights, and Industrial Property Rights

## Copyrights and Related Rights

- For creative works in literature, art, and entertainment
- Examples:
- books, publications, architectural designs, musical compositions, carvings, Paintings, sculptures, films, and software or databases



## Industrial Property Rights

- For inventions and innovations and unique business identifiers
- Examples:
- Patents, Trademarks, Industrial designs, and Geographical Indications, and SICLD



# Intellectual Property Rights

## IMPORTANCE AND SIGNIFICANCE

Intellectual property protection mechanism is required to build an eco system wherein an innovator is rewarded for his creativity and he in turn brings his knowledge into public domain so to let others take advantage of this knowledge to bring further technological advancement.



Creator  
(Inventor)

Financial  
Benefit

Creator  
(Inventor)

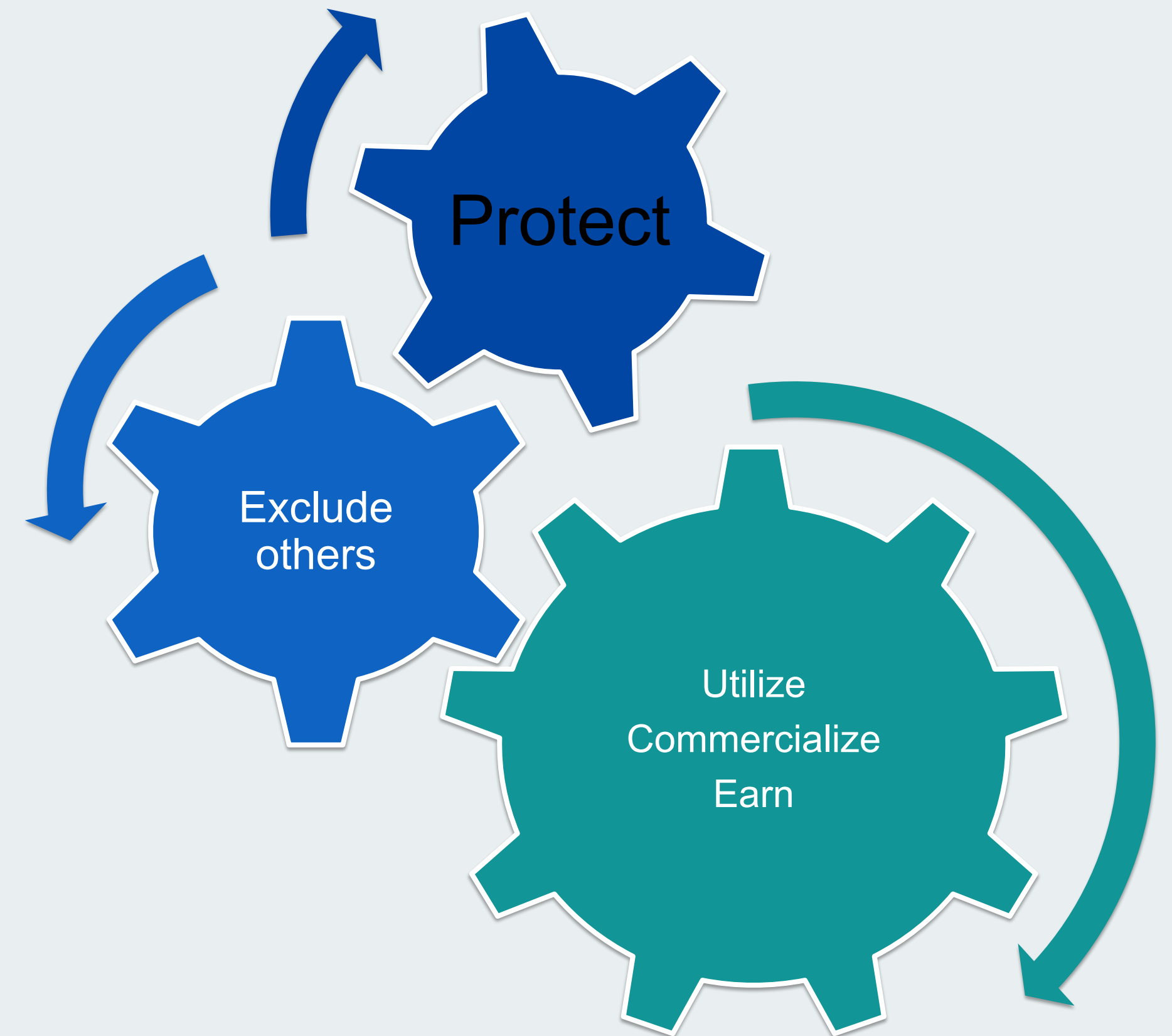
Economic  
Growth



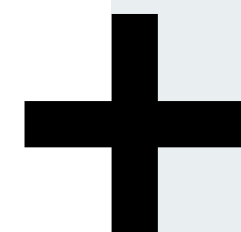
# Intellectual Property Rights

## POINTS TO REMEMBER

- IPR is an Intangible Business Asset
- IP Rights are **Territorial**
- IP Rights are Valid For a **Limited Period** of Time
- One Product May Contain Multiple Forms of IPs
- IP Rights are **Transferable**
- First-to File Rule Applicable**
- No Automatic Relief (Right Holder must be careful!)
- Right fall into public domain after the prescribed term



# PATENTS



# PATENTS

## What is a Patent ?

- A patent is granted for an invention by **SOVEREIGN OR STATE.**
- EXCLUSIVE RIGHT** to stop others from “Making., Using, Exercising, Vending and Importing.
- Territorial Right Governed by the Indian Patents Act, 1970 (amended in 2005) and The Patent Rules 2003 (as amended).
- Protects functional aspects of products and processes.
- Patent Term: 20 years from the filing date.
- First to File Rule.

# PATENTS

## Criteria For Patentability

- Novelty: Must be new.
- Inventive: Advancement in Technical or Economical aspect
- Non-Obviousness: Not an obvious improvement.
- Industrial Applicability: Must be usable in industry.
- Not barred by section 3 and 4 of the Patents Act.
- Clearly and sufficiently discloses.
- One invention in one application

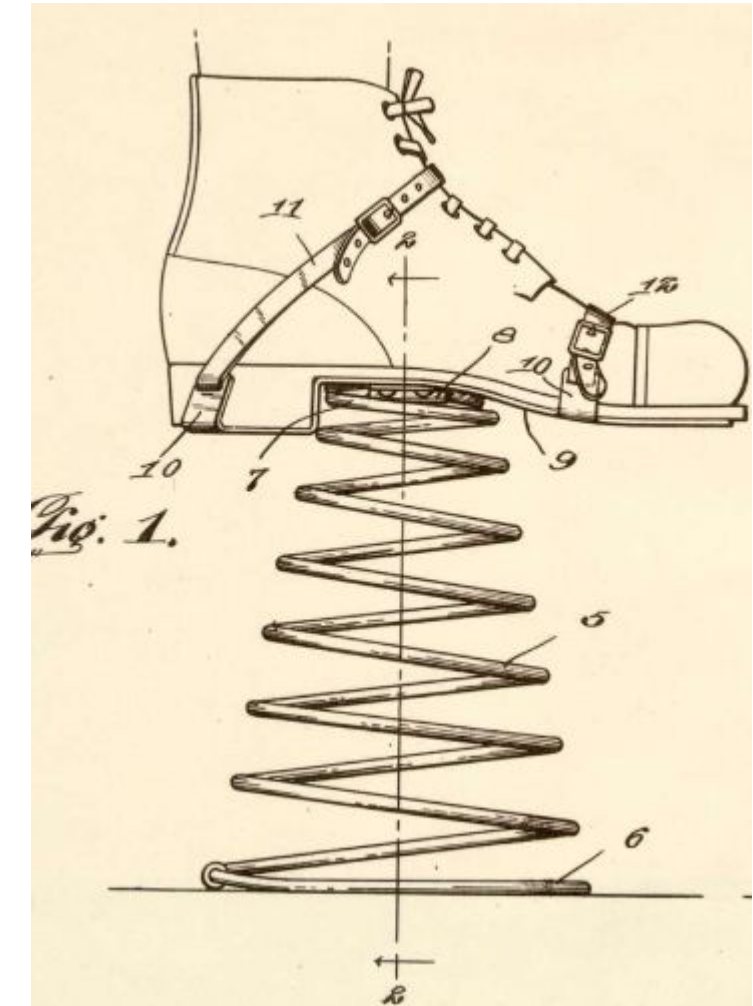
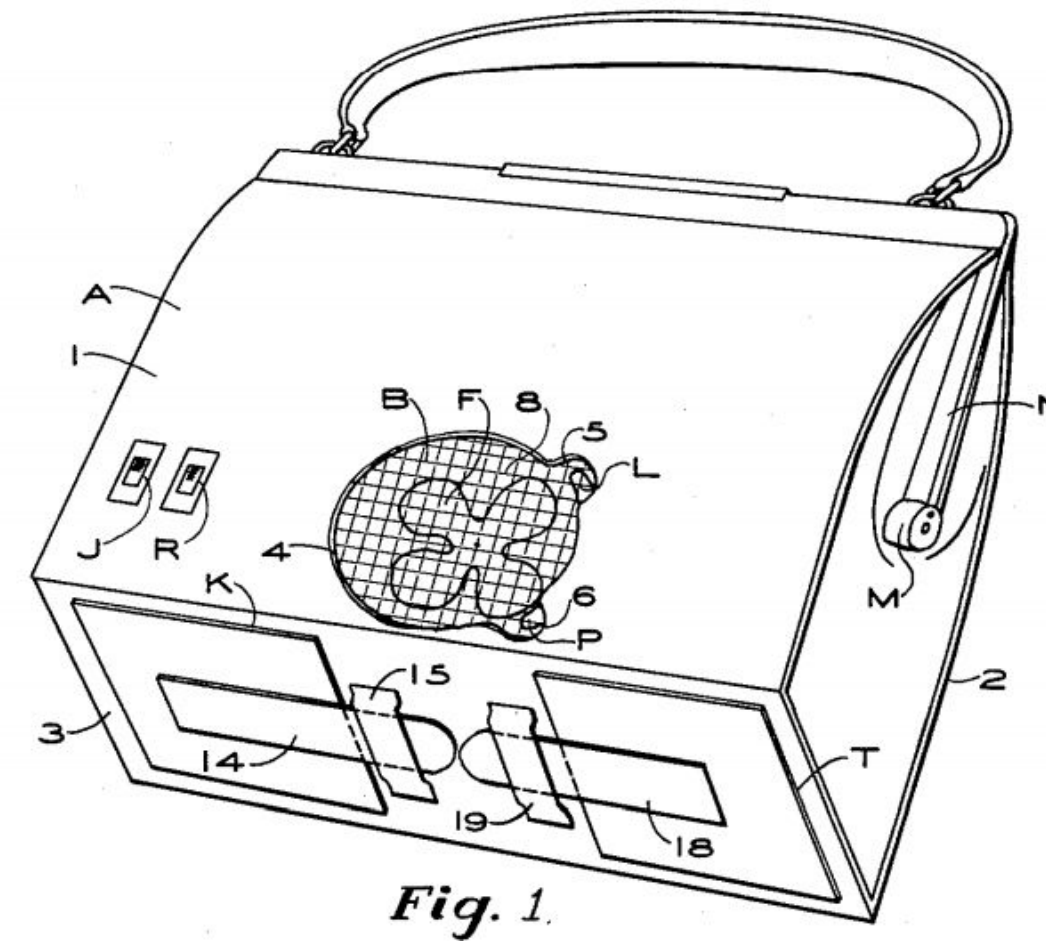
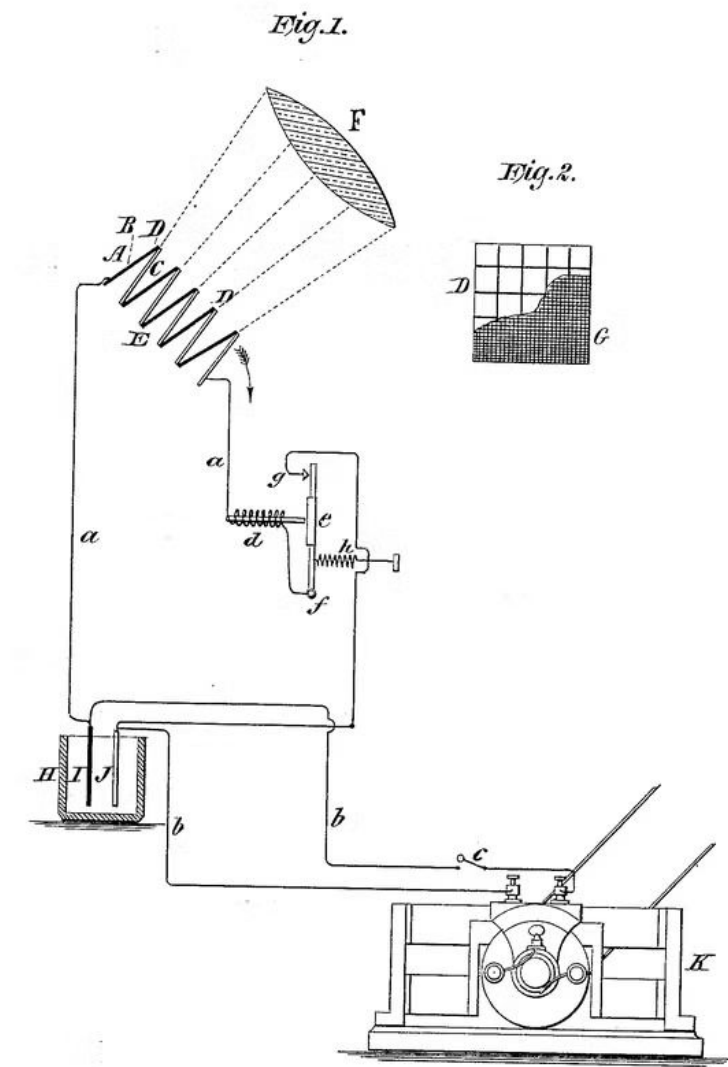
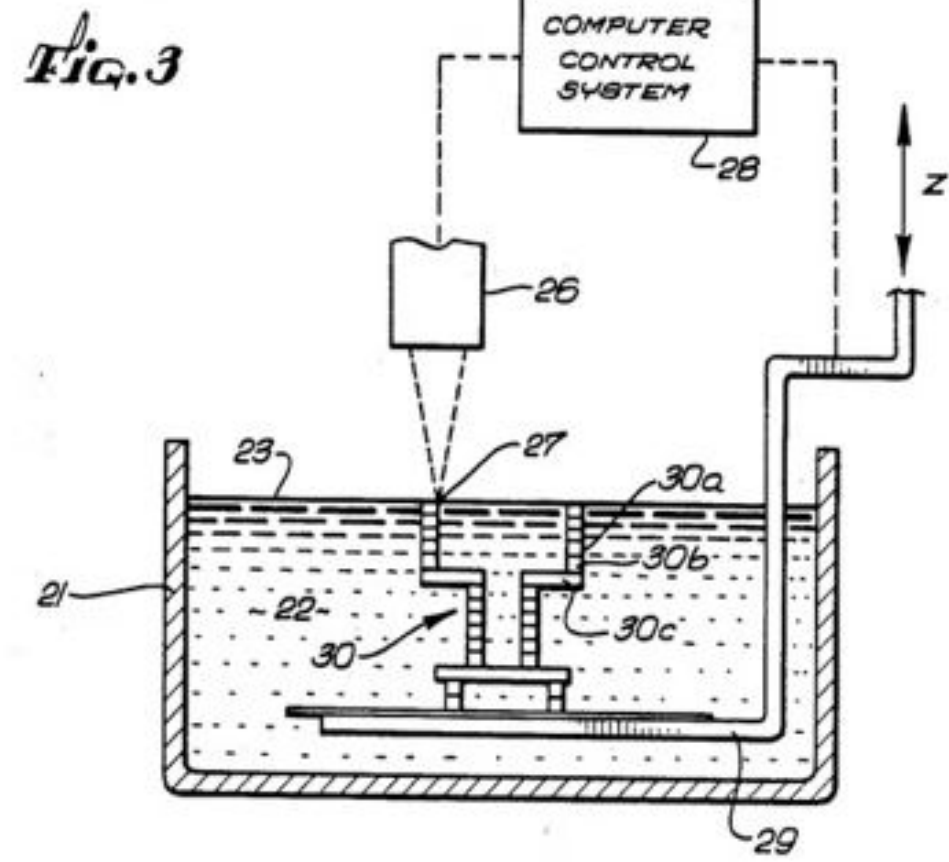
# PATENTS

## Examples

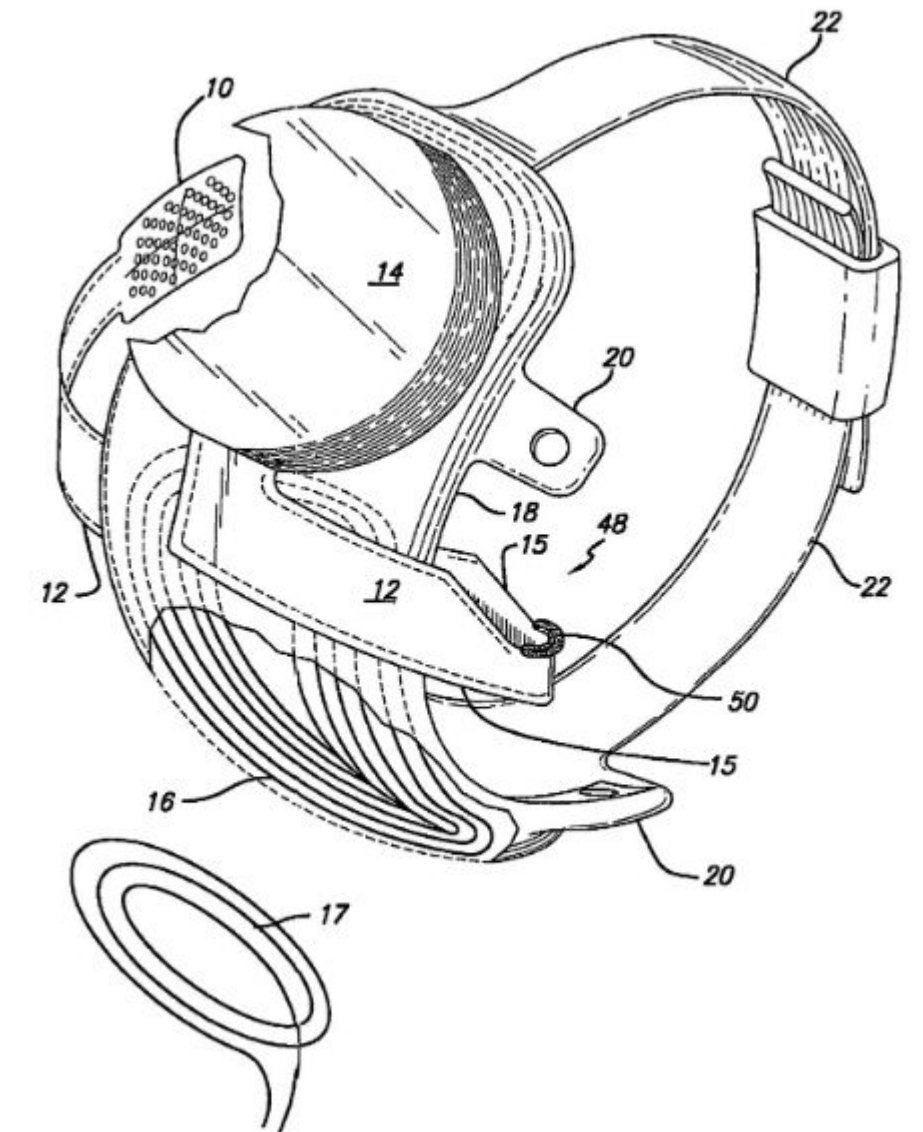
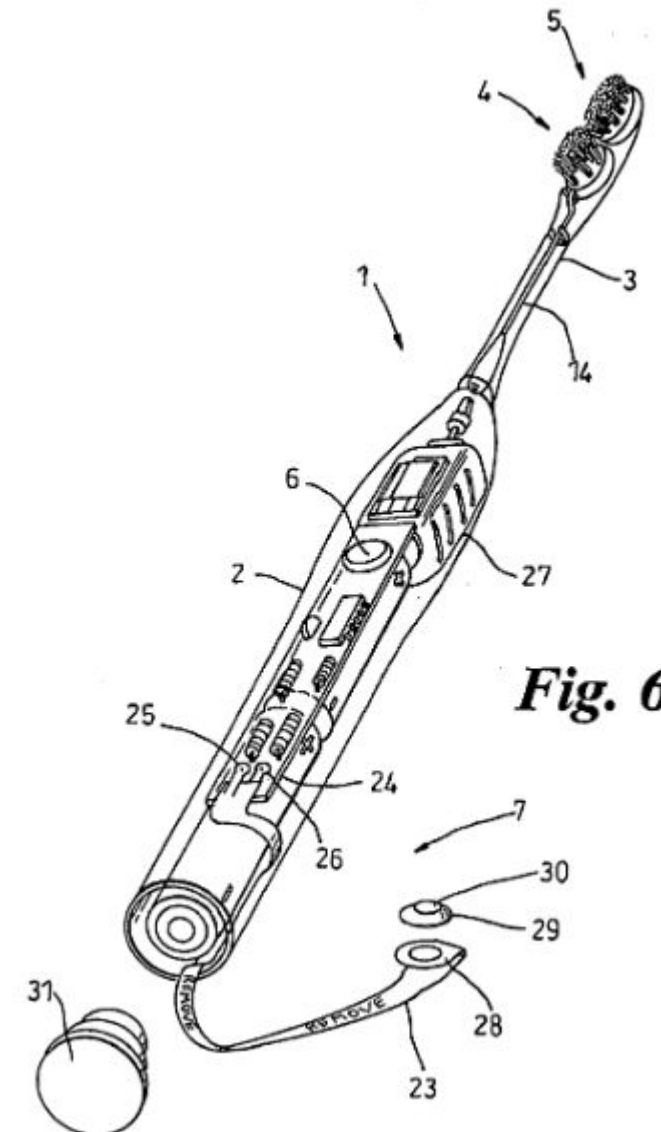
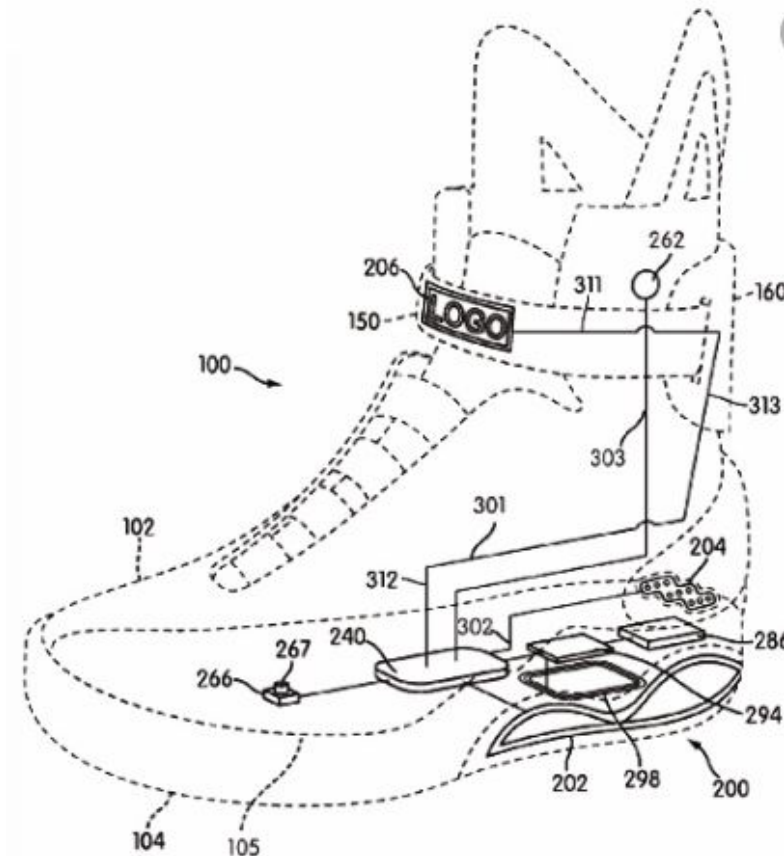
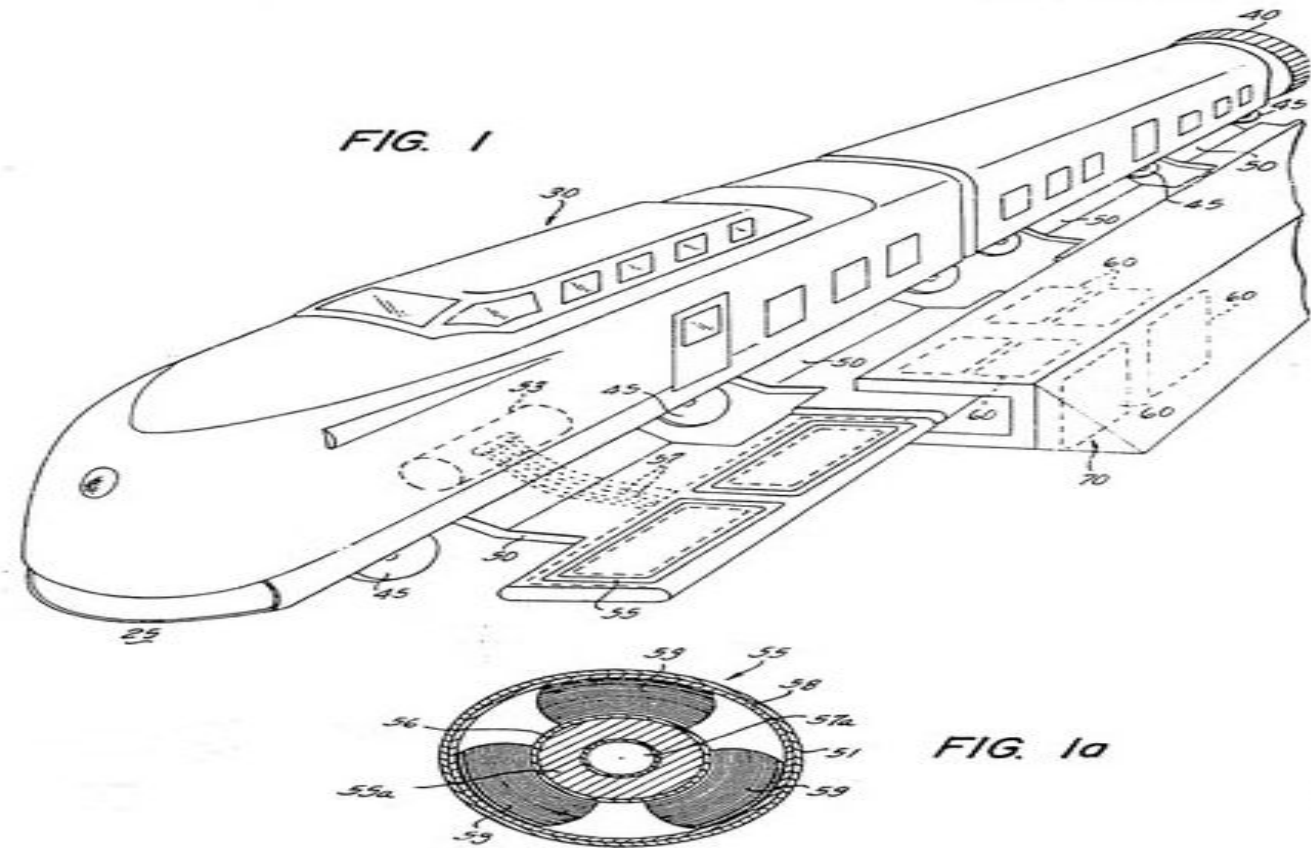


# PATENTS

## Examples



Oct. 7, 1969 J. R. POWELL, JR., ET AL 3,470,828  
 ELECTROMAGNETIC INDUCTIVE SUSPENSION AND STABILIZATION SYSTEM FOR A GROUND VEHICLE 8 Sheets-Sheet 1  
 Filed Nov. 21, 1967



# PATENTS

## SIMPLE INVENTIONS--HUGE PROFITS!!

### USB

**Application number - US6148354A (Filed In Year - 1999)**

The Patent introduced a small, portable data storage device that connects to a computer via a USB port. The device utilized flash memory to store and transfer data without requiring batteries or additional software drivers.

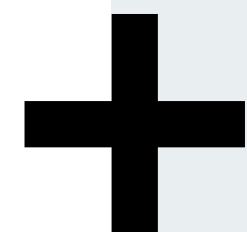


### Wi-Fi

**Application number - US5487069A (Filed In Year - 1993)**

The patent was foundational for the development of Wi-Fi technology. It outlined a method to reduce signal distortion caused by multipath interference in wireless local area networks (WLANs). The innovation enabled high-speed and reliable wireless communication between devices, paving the way for modern Wi-Fi standards.

# DESIGN





# DESIGN

## What is a Design ?

- A design protects the **aesthetic or ornamental aspects** of a product.
- Features of shape, configuration, pattern, ornament or composition of lines or colours.
- Applied to any article whether in **2D or 3D** or in both forms.
- Visual appearance of a product rather than its functionality.
- Design Term: 10 years with possibility of an extension of 5 years.
- Governed by the The Designs Act 2000 and The Designs Rules 2001 (as amended).

# DESIGN

## Criteria for Design Protection

- New and Original.
- Significantly distinguishable from designs or combination of designs already available publicly.
- Should not include any scandalous or obscene matter.
- Should be applied to an article by an industrial process.
- Should not include any feature that is purely functional.
- Should not include any trademark or property mark.




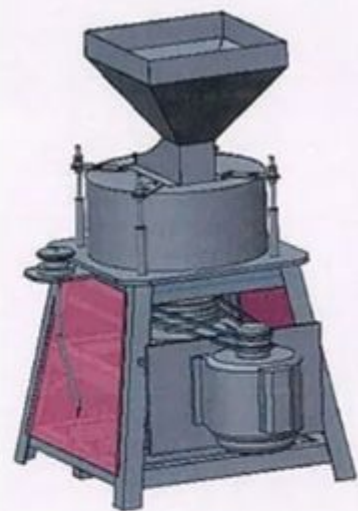
# DESIGN






## Examples

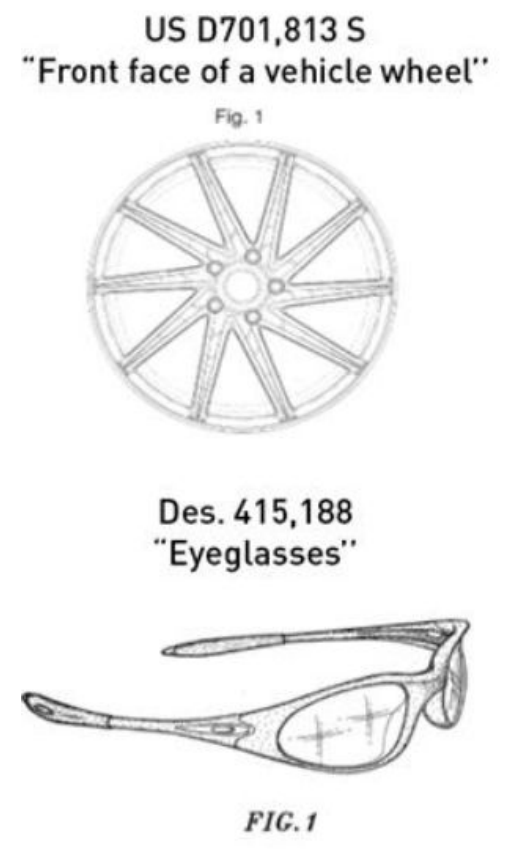
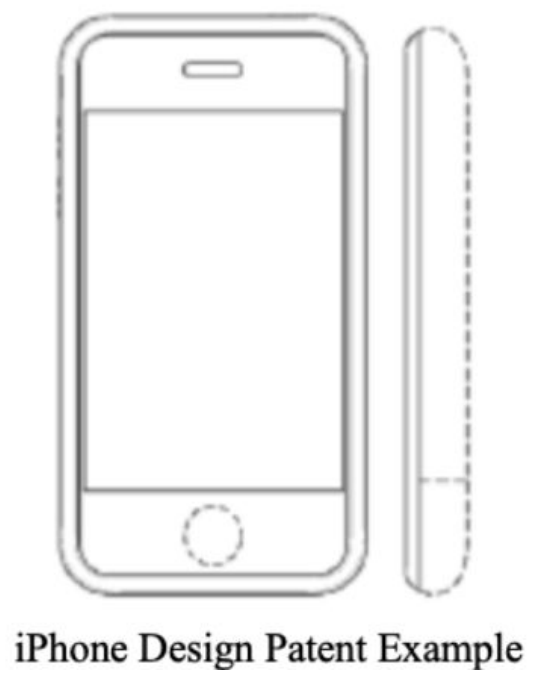
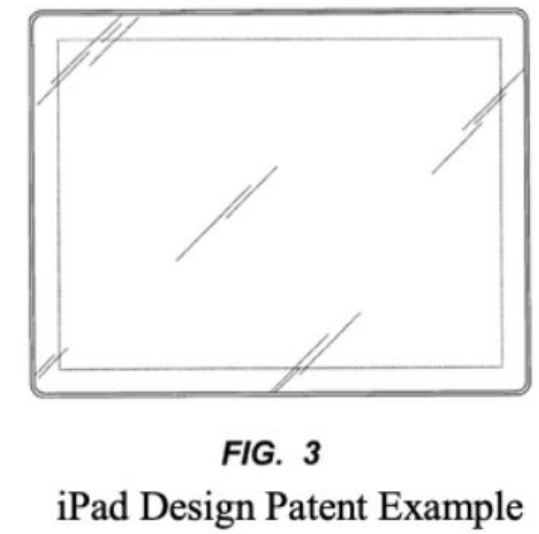
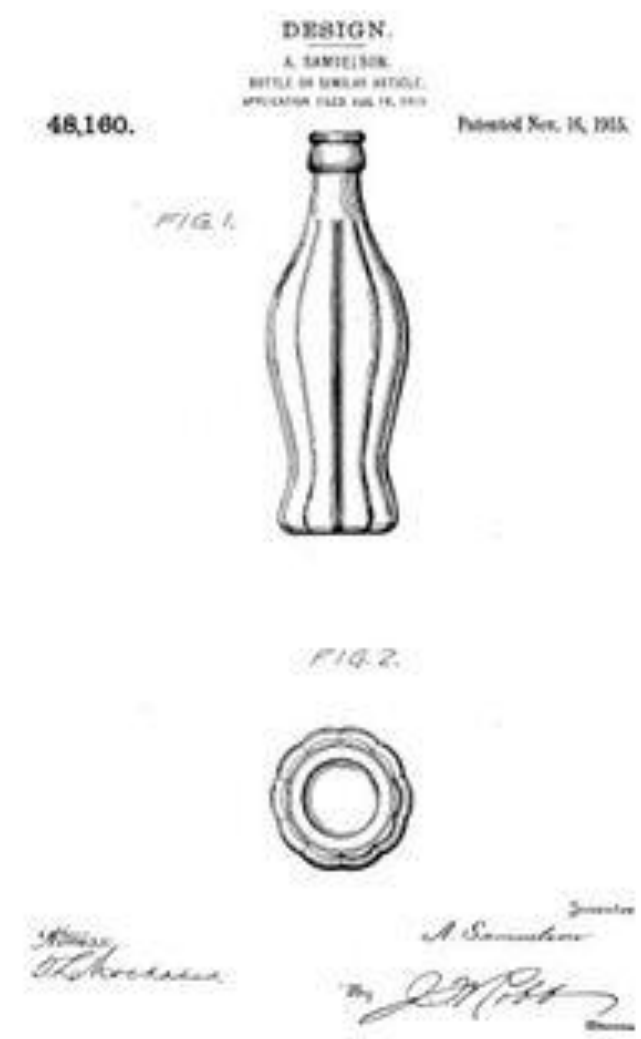
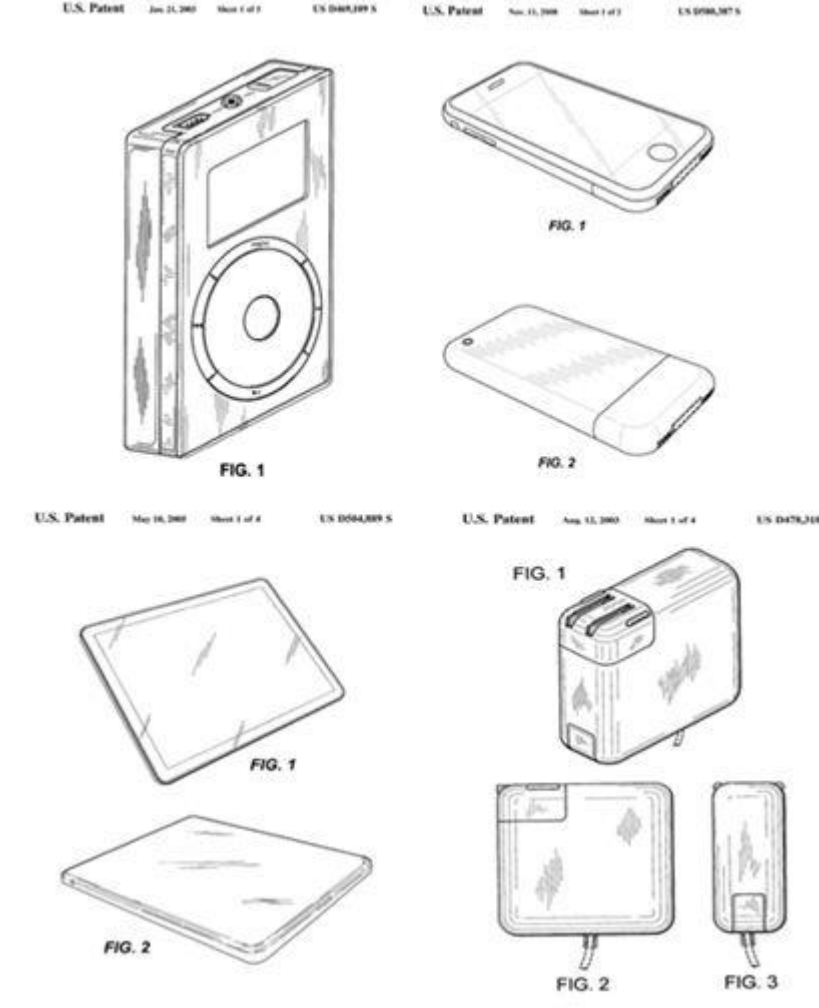
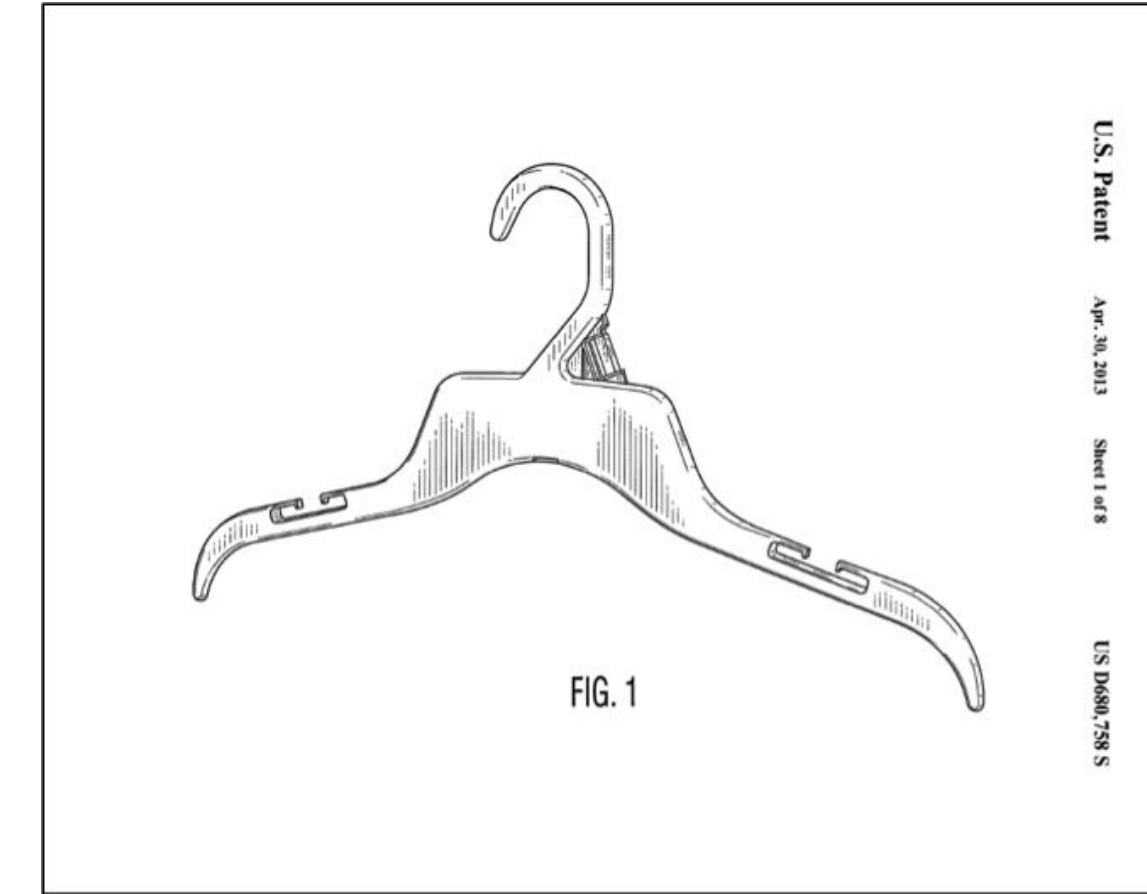


# DESIGN

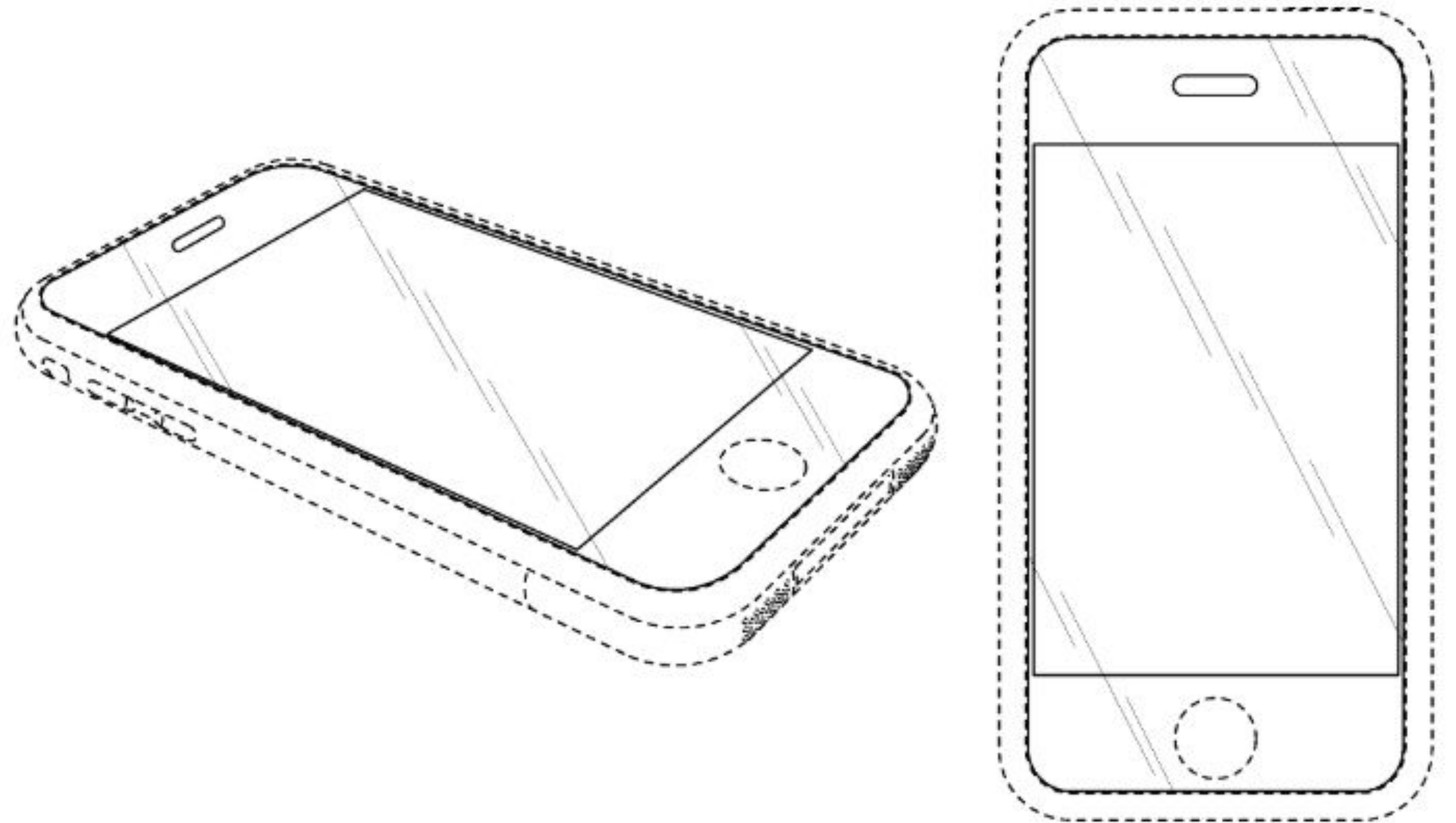
## Examples

 <u>Article Name:</u> Bottle <u>Design Number:</u> 223506 <u>Owner:</u> Pepsico, Inc.	 <u>Article Name:</u> Cooler For Drinks <u>Design Number:</u> 246916 <u>Owner:</u> Pepsico, Inc.	 <u>Article Name:</u> VEHICLE (CASE 2) <u>Design Number:</u> 315254-001 <u>Owner:</u> TATA MOTORS LIMITED	 <u>Article Name:</u> Crusher For Crushing Of Coal <u>Design Number:</u> 279820 <u>Owner:</u> Tata Steel Limited
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 <u>Article Name:</u> Stool <u>Design Number:</u> 258661 <u>Owner:</u> Nayasa World	 <u>Article Name:</u> Sliding Frame for Back Hoe Loader <u>Design Number:</u> 242033 <u>Owner:</u> Mahindra And Mahindra Limited	 <u>Article Name:</u> Inhaler <u>Design Number:</u> 274275 <u>Owner:</u> Cipla Europe NV	  <u>Owner:</u> Bharat Heavy Electricals Limited
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# Design Example- Apple filed in 2009 Application - USD618678S1





*Patents*

**VS**

INDUSTRIAL  
DESIGNS



# PATENTS v DESIGN

What is protected

## PATENTS

- A product or a process
  - Machines (e.g., 3D printers)
  - Processes (e.g., a new method for water purification)
  - Compositions of matter (e.g., pharmaceutical drugs).
  - Improvements to existing inventions.

## DESIGN

- Visual appearance of a product rather than its functionality
  - Shape and configuration (e.g., the contour of a bottle or smart phone).
  - Surface patterns (e.g., textile designs)
  - Ornamental features applied to industrial articles, Jewelry.

# PATENTS v DESIGN

## Significance

### PATENTS

- Encourage innovation by providing inventors with a financial incentive and recognition.
- Protect the inventor's intellectual property from unauthorized use or replication.
- Drive technological advancements by publishing detailed information about the invention.
- Increase economic activity and economic development

### DESIGN

- Enhance the marketability of products through unique and attractive appearances.
- Improve product aesthetics and hence business.
- Design is the simplest way to distinguish products.
- Provide a competitive edge by preventing imitation of a product's design.



# PATENTS v DESIGN

## Criteria

### PATENTS

- New or novel.
- Inventive (advancement in technology, and/or economic consideration).
- Non-obvious (not so easy to create by PSITA) • Industrially applicable.
- Not covered under non-patentable inventions as defined under section 3 and 4 of the Patents Act.
- Invention clearly and sufficiently disclosed.
- One invention in one application.

### DESIGN

- New and Original.
- Significantly distinguishable from designs or combination of designs already available publicly.
- Should not include any scandalous or obscene matter.
- Should be applied to an article by an industrial process.
- Should not include any feature that is purely functional.
- Should not include any trademark or property mark.

# PATENTS v DESIGN

## Differences

Aspect	Patent	Design
Focus	Functional aspect	Aesthetic aspect
Term	20 years	10 years (renewable to 15 years max)
Purpose	Technological Inventions	Visual appearance
Legislative Framework	Indian Patents Act, 1970	Designs Act, 2000
Renewal Fee	Yes, required annually after the grant of a patent	Single renewal fee is required once
Renewal Period	From the 3rd year until the 20th year	After the initial 10 years, renewable for an additional 5 years

# PATENTS v DESIGN

## Example

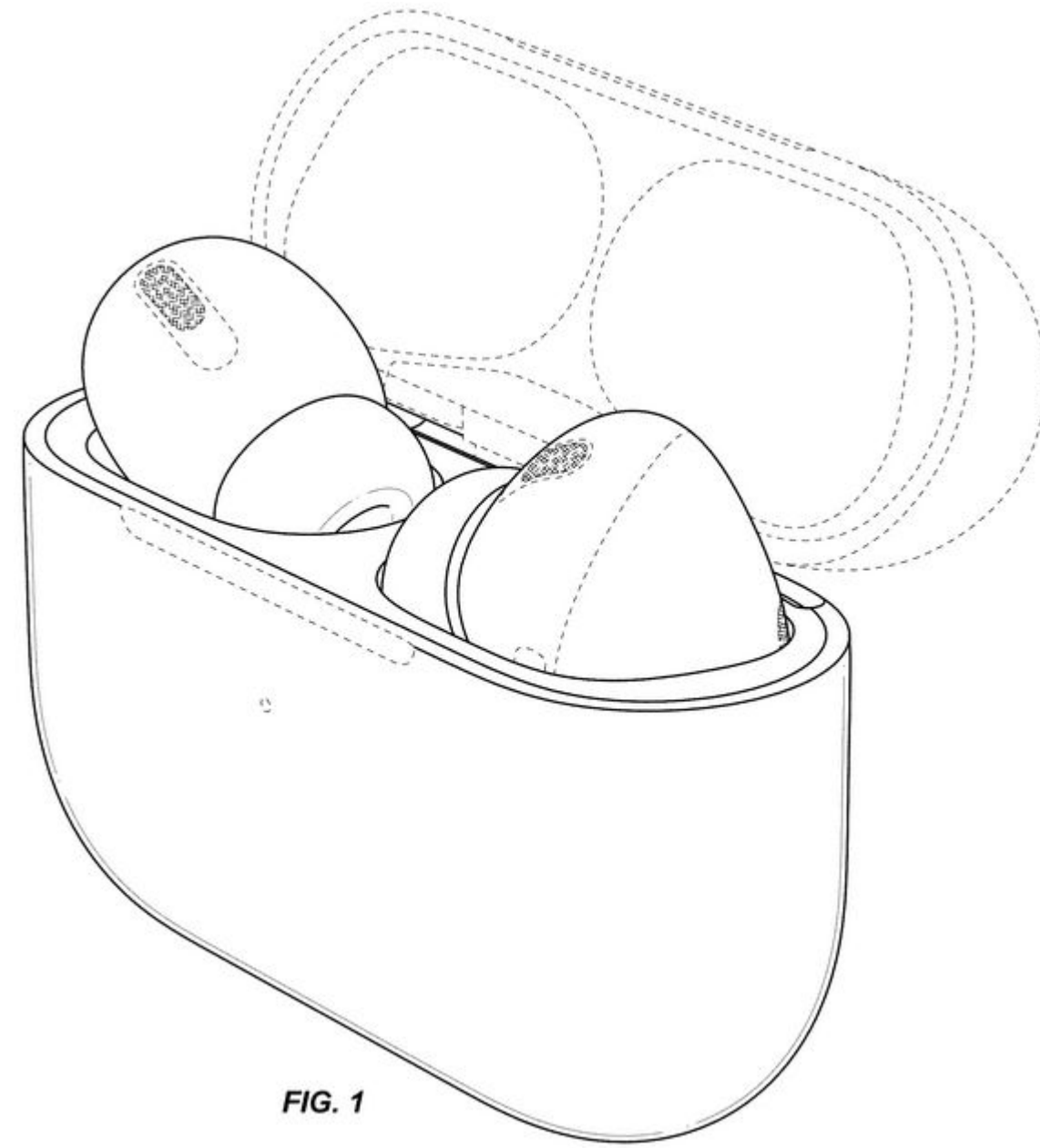


FIG. 1

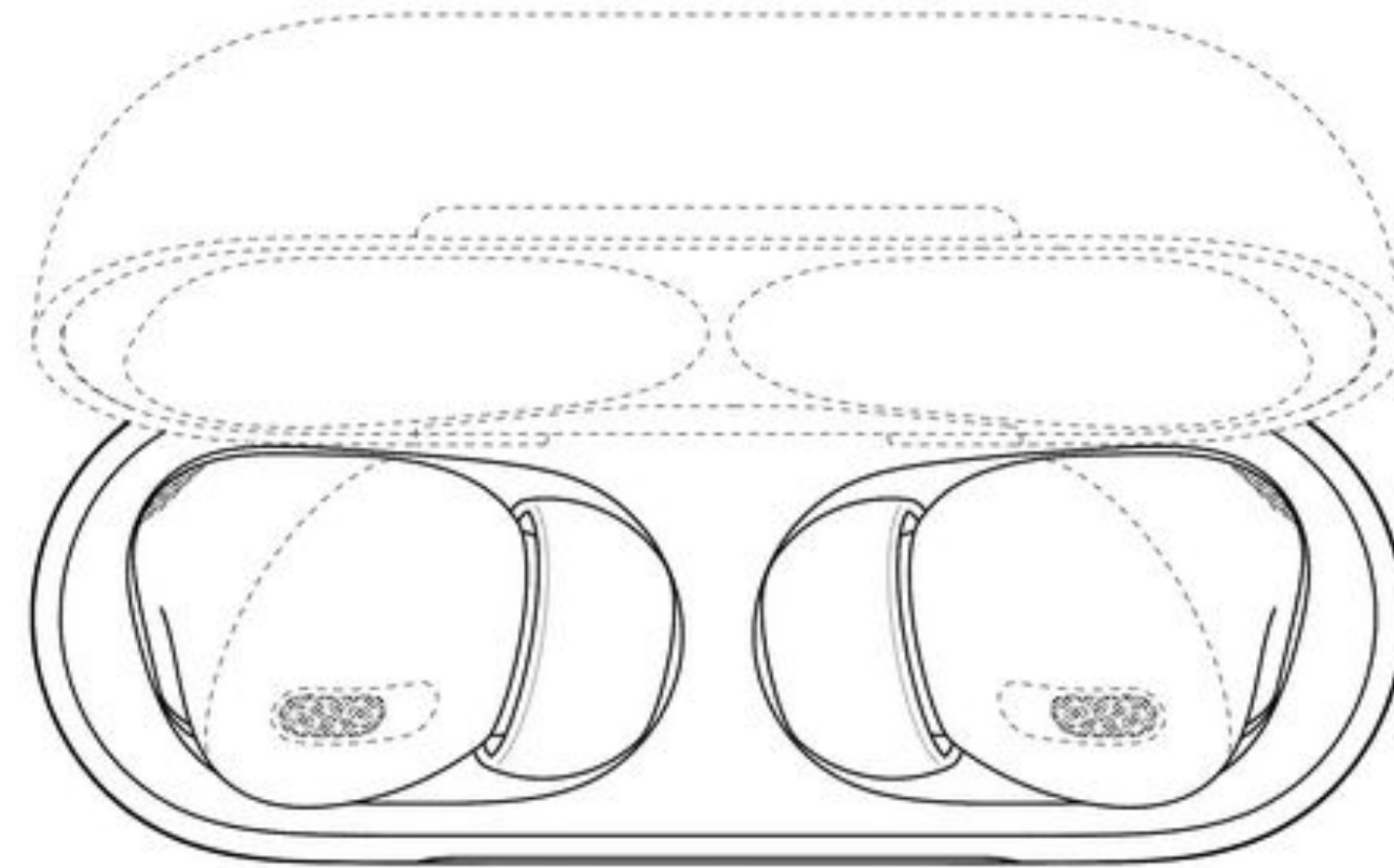


FIG. 6

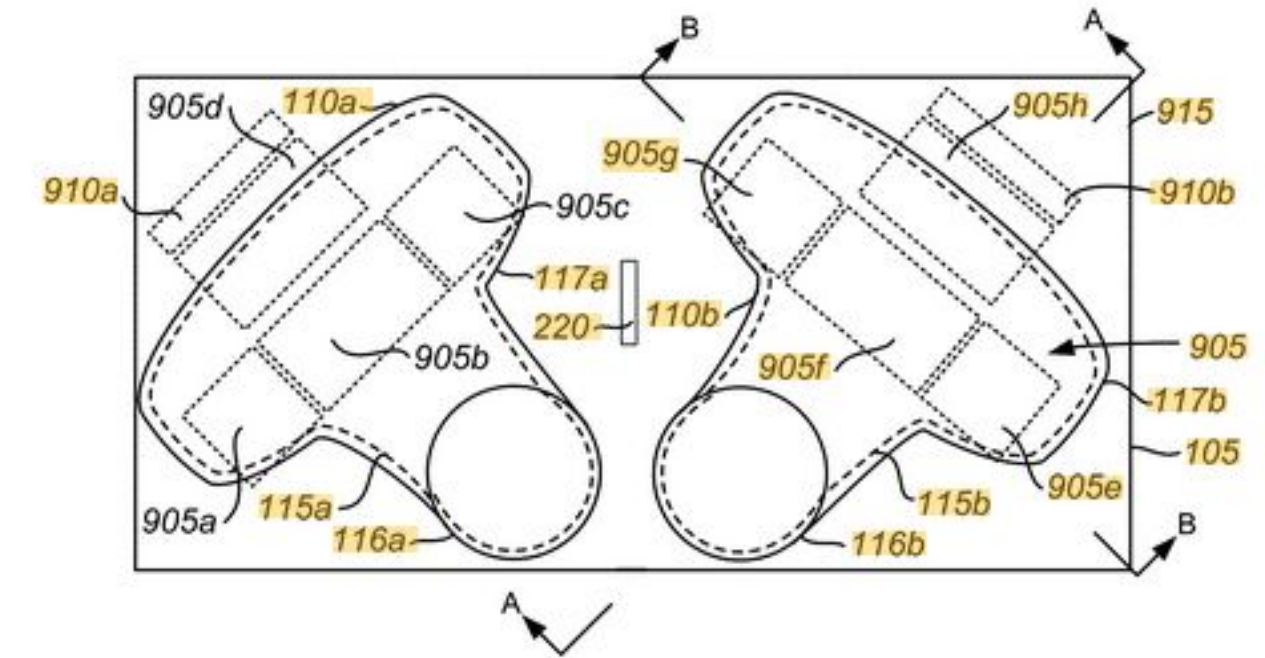
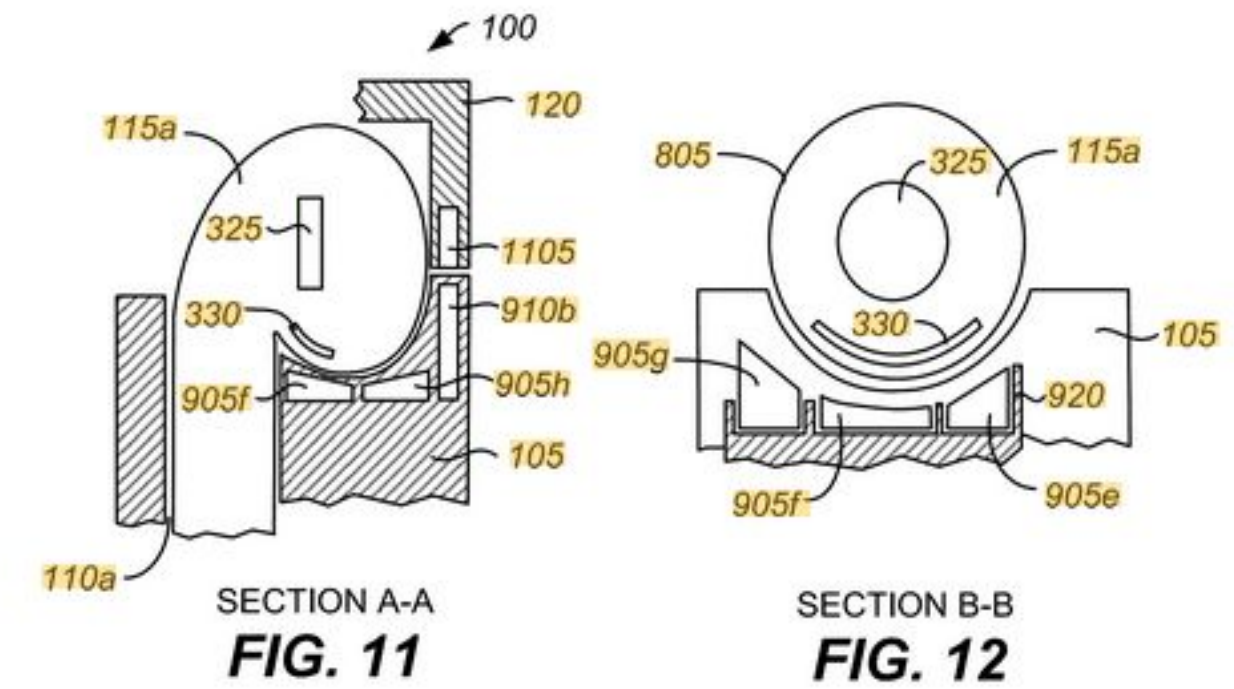


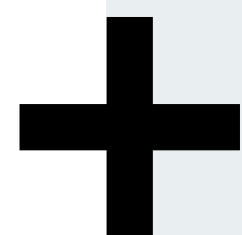
FIG. 10



SECTION A-A  
FIG. 11

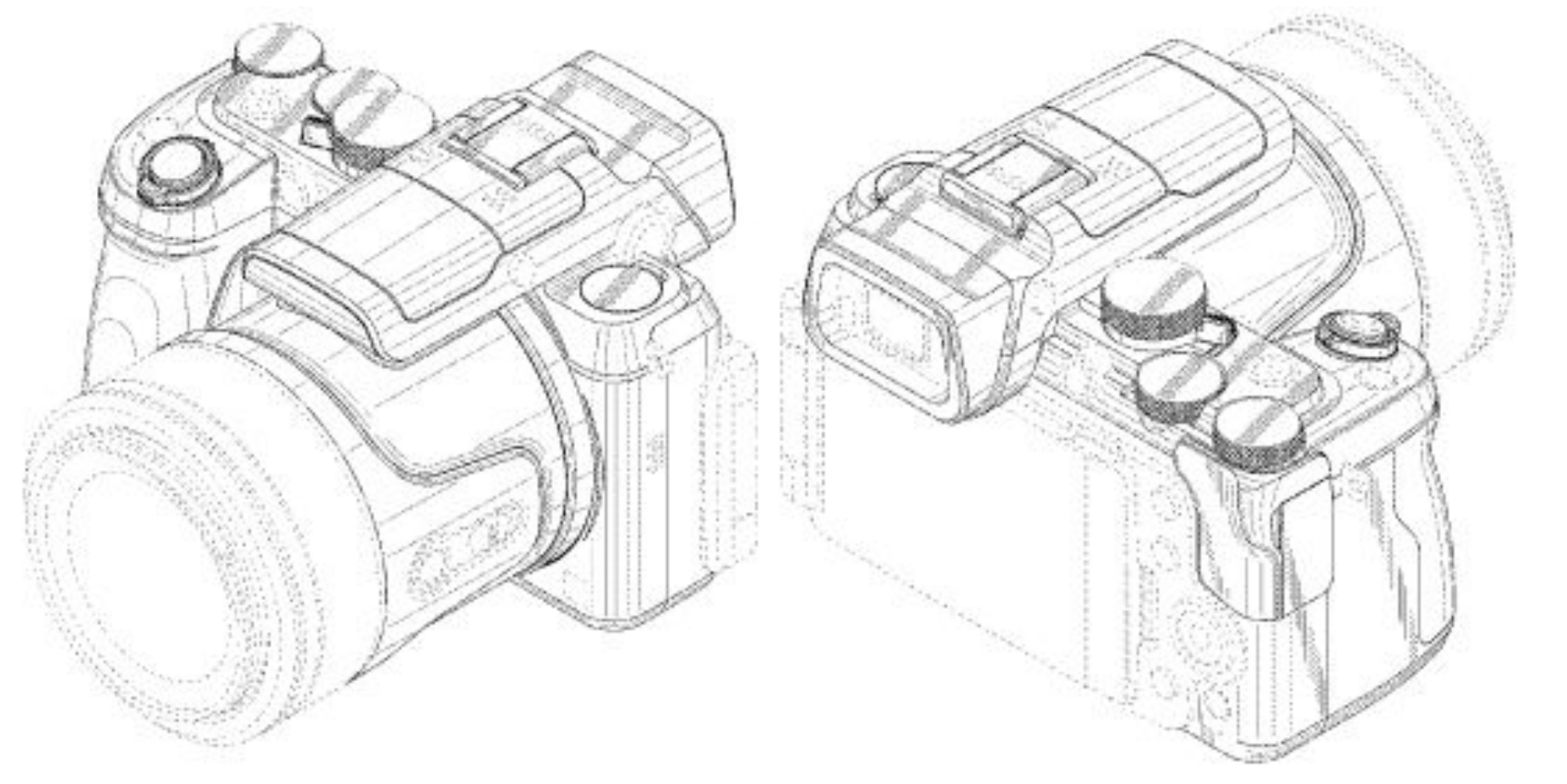
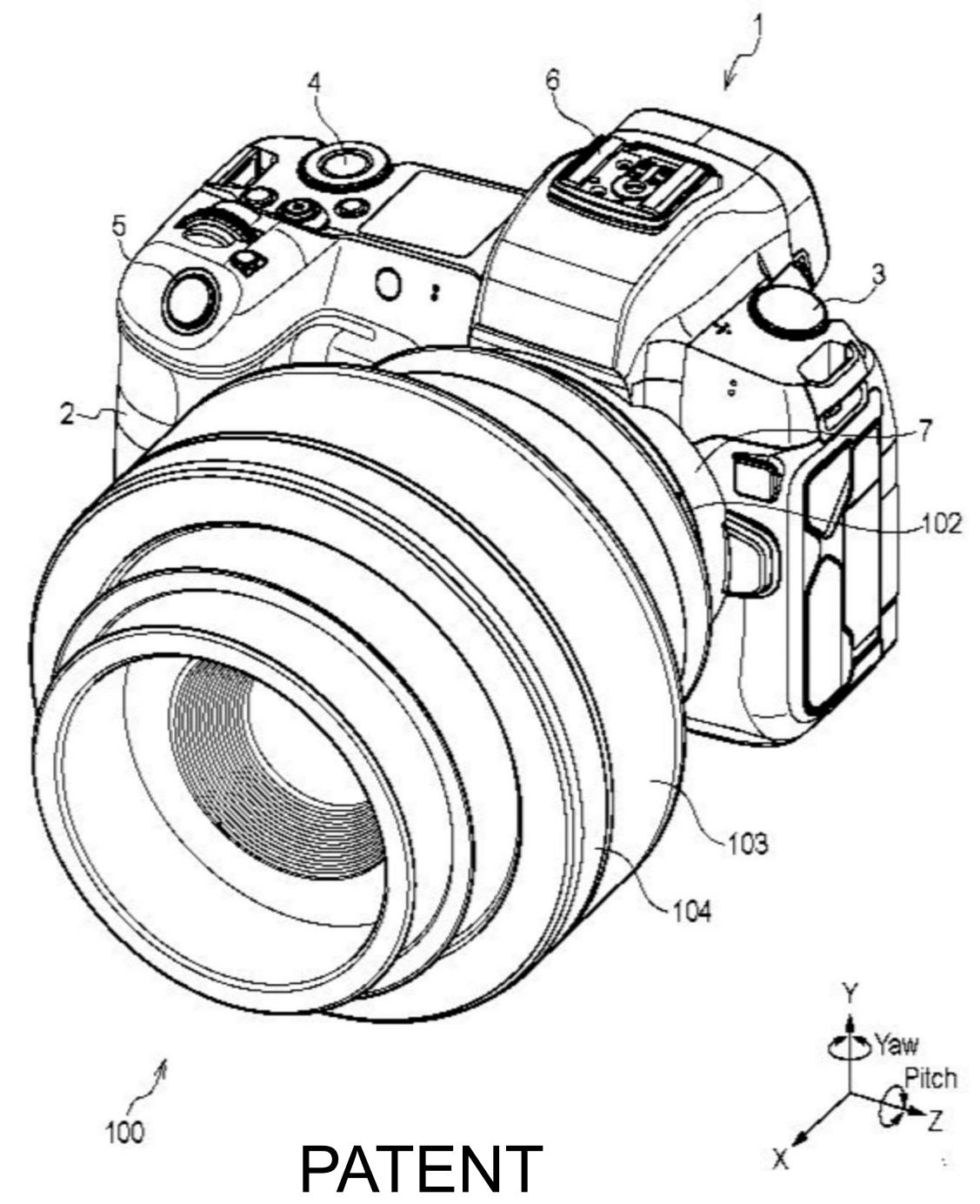
SECTION B-B  
FIG. 12

# DIFFERENT IPs IN A SINGLE PRODUCT



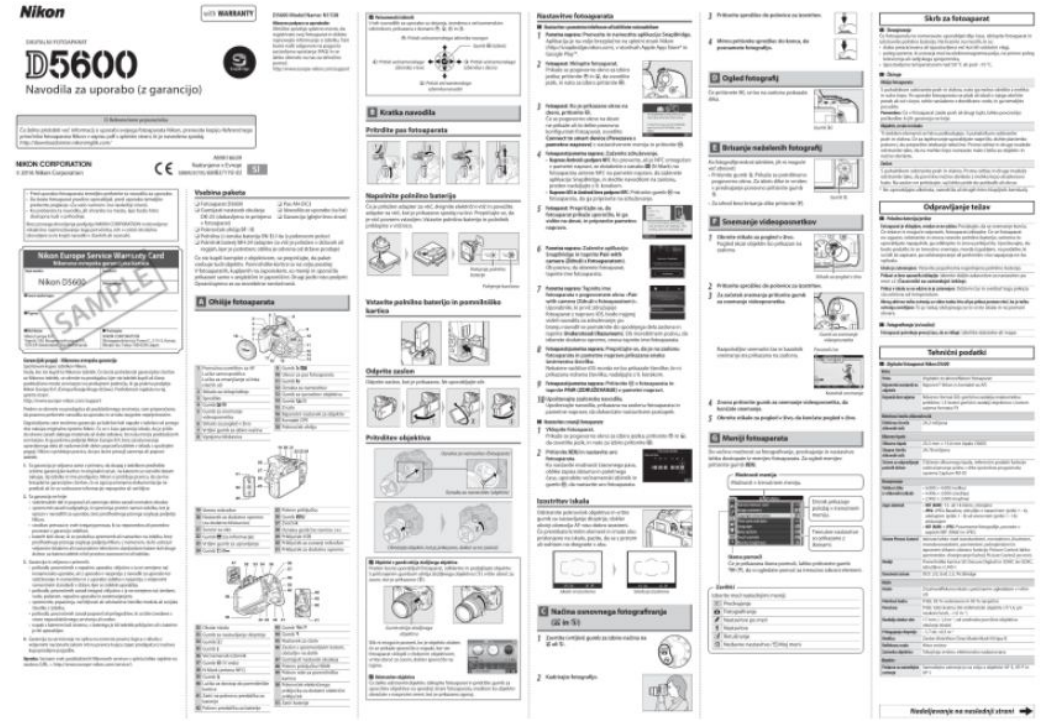
# DIFFERENT IPs IN A SINGLE PRODUCT

## Example



DESIGN

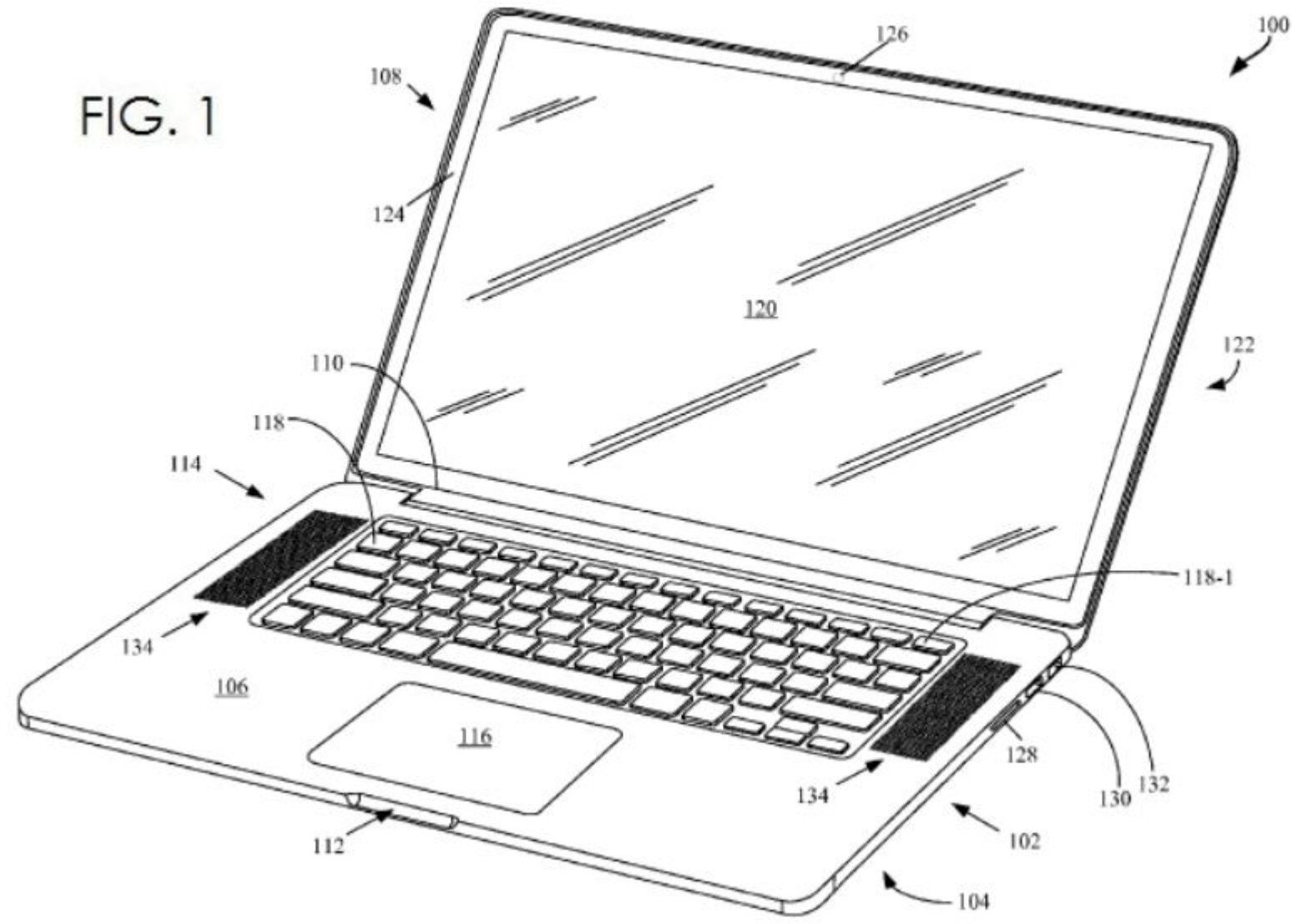
TRADEMARK



COPYRIGHT

# DIFFERENT IPs IN A SINGLE PRODUCT

## Example



**PATENT**



**TRADEMARK**

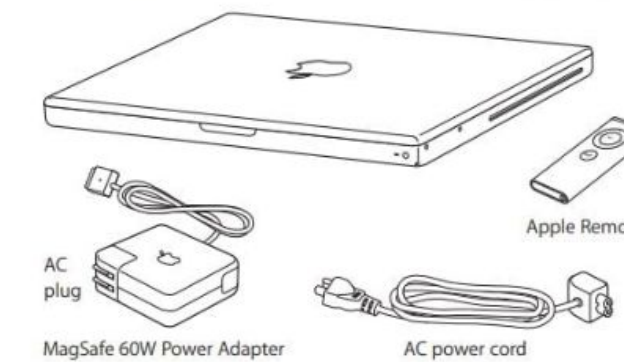


**DESIGN**

### Getting Started

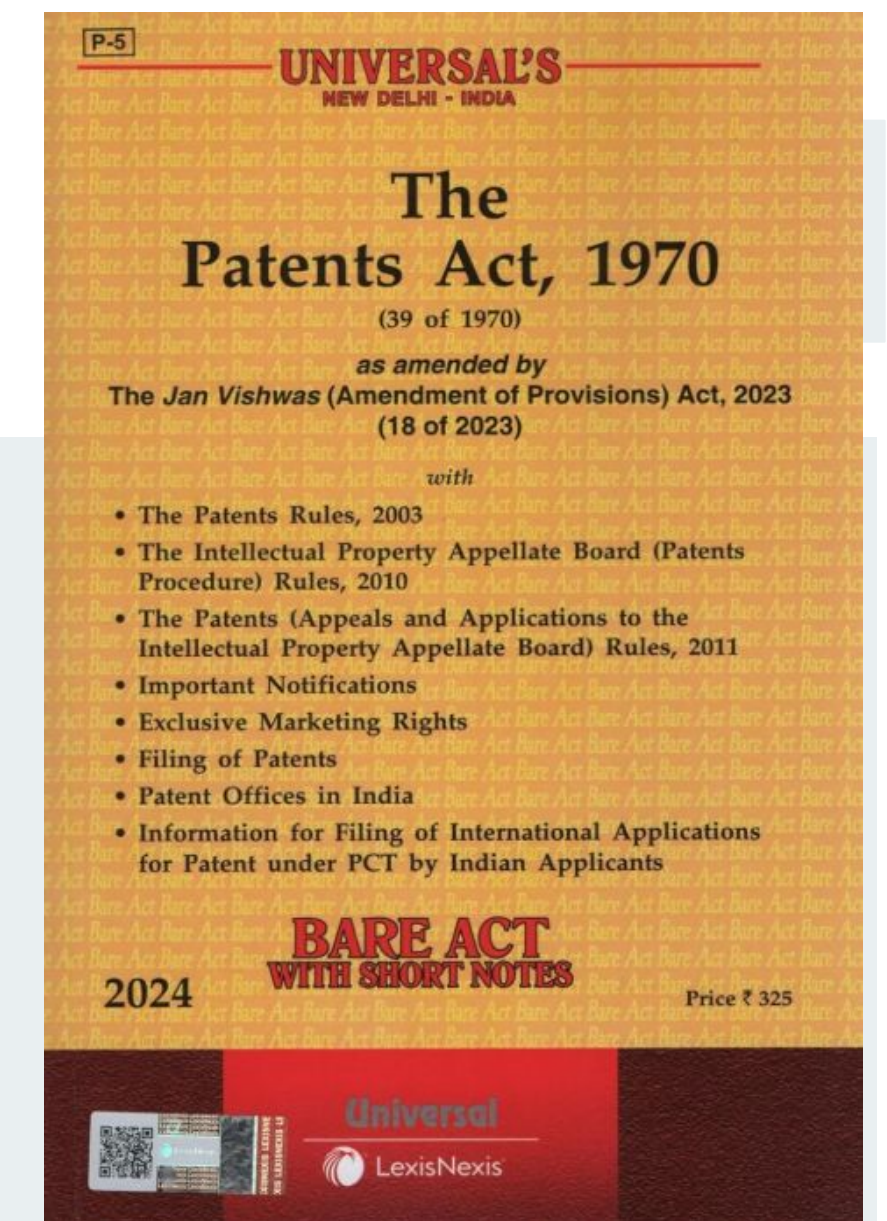
1

Your MacBook includes the following components:

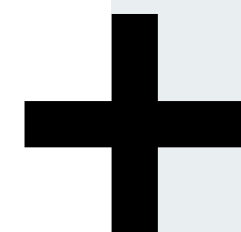


**Important:** Read all the installation instructions (and the safety information in Appendix B, "Safety, Use, and Care Information," on page 103) carefully before you plug your computer into a wall socket.

**COPYRIGHT**



# THE PATENTS ACT, 1970

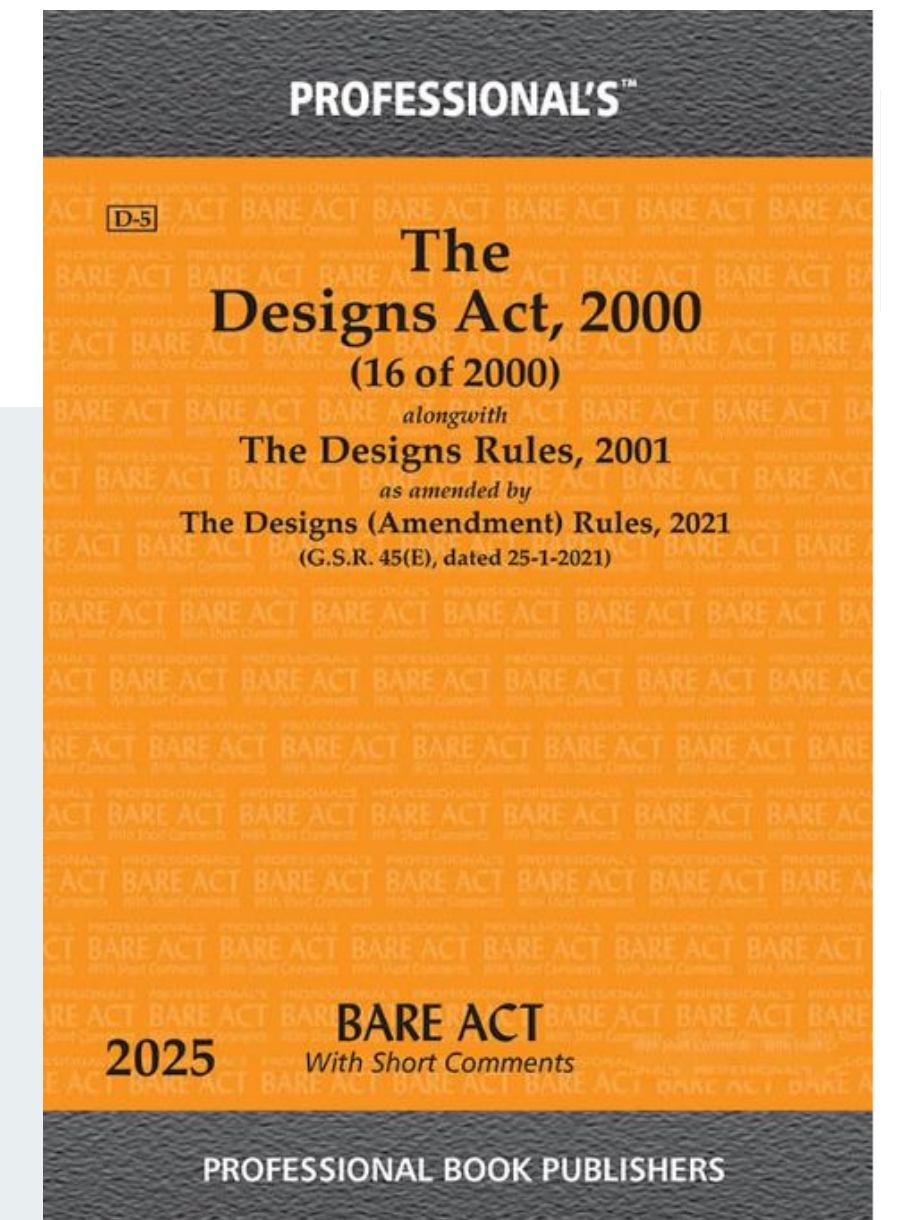


# THE PATENTS ACT, 1970

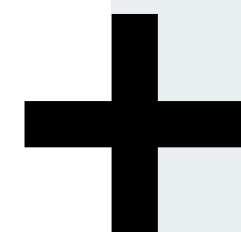
- The Patents Act, 1970 governs the framework for patent protection in India. It ensures the protection of inventions while fostering innovation and balancing public interest.
- Significant updates in 1999, 2002, and 2005 brought the Act into compliance with the TRIPS Agreement under WTO.
- Contains 23 Chapters and 163 Sections, with detailed provisions for patent filing, rights, and restrictions.
- Defines non-patentable subject matter under Sections 3 and 4.
- Ensures access to essential inventions for public use under specific conditions.

Relevant Section	Provisions
Section 1-2	Definitions of key terms, applicability and territorial scope
Section 3-4	Non-patentable inventions
Section 6-11	Applications for patents, procedure, provisional and complete specification, priority of claims
Section 11A-13	Publication, request for examination, Search and examination
Section 25	Opposition to patents, pre-grant and post-grant
Section 35	Secrecy direction for defence purpose
Section 39	Permission to file patents in foreign jurisdiction
Section 43-53	Grant of Patents and rights conferred thereby
Section 57-59	Amendment provisions
Section 60-62	restoration of lapsed patents
Section 63-66	Surrender and revocation
Section 82-83	Working of Patents
Section 84-94	Compulsory Licence
Section 99-103	Government use and acquisition of patents
Section 104-114	Patent Infringement
Section 118-124	Penalty provisions
Section 125-132	Patent Agents
Section 133-139	International arrangements
Section 140-160	Miscellaneous provisions





# DESIGN ACT, 2000



# DESIGN ACT, 2000

- The Designs Act, 2000 provides the legal framework for protecting industrial designs in India.
- Ensures exclusive rights for the creator or owner of the design.
- Contains 11 chapters and 48 sections.
- Designs dictated by function, contrary to public order or morality, or already disclosed in the public domain.
- The Act aligns with international treaties, such as the Hague Agreement on Industrial Designs, ensuring global compatibility.

Relevant Section	Provisions
Section 1-2	Definitions of key terms, Applicability and territorial scope
Section 3-10	Registration of designs
Section 11-20	Copyright in the registered designs
Section 21	Provision for grace period due to exhibition
Section 22-24	Legal proceedings and fees
Section 25-31	Design register and other documents in the patent office
Section 32-36	Powers and duties of the Controller
Section 37-42	Evidence in design matters
Section 44-47	Reciprocal arrangements, power of the central govt. in related matters
Section 48	Repeal and Savings with respect to the Design Act 1911

**Which of the following is primarily protected by a patent?**

- a) The ornamental appearance of a smartphone
- b) The internal mechanism of a folding smartphone screen
- c) The color combination used in a smartphone's
- d) The logo displayed on the smartphone's case

**Answer – b) The internal mechanism of a folding smartphone screen**

**A company develops a new type of smart pen. The pen includes a unique ink-dispensing mechanism and a futuristic, ergonomic design. Which of the following statements is correct?**

- a) The ink-dispensing mechanism can be protected by a design registration.
- b) The ergonomic appearance can be protected by a patent.
- c) The ink-dispensing mechanism can be protected by a patent, while the appearance can be protected by a design registration.
- d) Both the ink-dispensing mechanism and the appearance can only be protected under the same patent.



**Answer – c) The ink-dispensing mechanism can be protected by a patent, while the appearance can be protected by a design registration.**

# ANY QUESTIONS?

# Thank You

Looking forward to your valuable feedback at-  
Email- [gaurav.ipa@gov.in](mailto:gaurav.ipa@gov.in)