

**Topic - Demystifying Legal Terminologies**

**Concepts to be covered** - Introduction to the Legal terms that shall be of everyday use to the officials in Patent office: treaty, convention, ACT, Rules, Manual, guidelines etc.

**Objective of the session** - To have clear understanding of legal terminologies

**Learning Outcome** – The trainees will be able to understand the meaning of different terms, specifically related to patent prosecution. This chapter lists the frequently used terms in the Intellectual Property Office, which are inevitably associated with the day to day tasks in the IP Office and these will be referred to in many of the lectures during this induction training. An understanding of these terms is important to comprehend and utilise the teachings of subsequent sessions.

## **1. Act and Rules**

### **The Acts**

The laws relating to different matters are established in the form of Acts which are passed by legislative bodies. The Constitution of India gives the power to make laws to Parliament and State Legislatures. The Intellectual Property laws come in the Union List and the following six Acts passed by the Parliament are relevant to the Intellectual Property Office (O/o CGPDTM and RoC & GI):

The Patents Act, 1970

The Designs Act, 2000

The Trade marks Act, 1999

The Copyright Act, 1957

The Geographical Indications of Goods (Registration & Protection) Act, 1999 and

Semiconductor Integrated Circuits Layout Design (SICLD) Act 2000

Of these, the Patents Act and the Designs Act are relevant for the role of Examiner of Patents and Designs. A patent granted in India is granted under the provisions of the Patents Act,

1970 and a Design registered in India is registered under the provisions of the Designs Act, 2000.

The Patents Act contains 163 'Sections' and these Sections are grouped under 23 Chapters. The Sections may contain sub-sections and the sub-sections may contain clauses which may again contain sub-clauses.

For example: Section 6 of the Patents Act lays down who are the persons entitled to apply for patents. It has two sub-sections – 1 and 2. Subsection 1 of Section 6 has clauses a,b and c

*Section 6. Persons entitled to apply for patents*

*(1) Subject to the provisions contained in section 134, an application for a patent for an invention may be made by any of the following persons, that is to say,—*

*(a) by any person claiming to be the true and first inventor of the invention;*

*(b) by any person being the assignee of the person claiming to be the true and first inventor in respect of the right to make such an application;*

*(c) by the legal representative of any deceased person who immediately before his death was entitled to make such an application.*

*(2) An application under sub-section (1) may be made by any of the persons referred to therein either alone or jointly with any other person.*

## **The Rules**

The Rules are called sub-ordinate legislation and are intended to give effect to the provisions of the Act. The rules under any Act, including the Patents Act 1970 and Designs Act 2000, are made by the Central Government of India. The power to make rules is explicitly provided in the Patents Act in Section 159. The Rules prescribe the procedure and timelines including the forms and fees.

The Patents Rules contain 139 Rules grouped under 16 chapters. Each Rule may contain sub-rules and the sub-rules may contain clauses which may again contain sub-clauses.

For example,

*Rule 10. Period within which proof of the right under section 7(2) to make the application shall be furnished*

*Where, in an application for a patent made by virtue of an assignment of the right to apply for the patent for the invention, if the proof of the right to make the application is not furnished with the application, the applicant shall within a period of six months after the filing of such application furnish such proof.*

*Explanation.--For the purposes of this rule, the six months period in case of an application corresponding to an international application in which India is designated shall be reckoned from the actual date on which the corresponding application is filed in India.*

In the above Rule, it may be noted that this Rule 10 is intended to provide the timelines for furnishing Proof of Right as per Section 7 (2) of the Act.

The Patents Rules also contain 5 schedules, of which the first and the second schedules deal with the Fees and the Forms that are applicable for national patent applications. For example, Form 1 is for filing an application for a patent. The relevant Sections of the Patents Act and the relevant Rules of the Patents Rules are given under the title in most of the Forms which makes understanding of the applicability of the Forms easier. For example:

<p style="text-align: center;"><b>FORM 3</b> THE PATENTS ACT, 1970 (39 of 1970) and THE PATENTS RULES, 2003 <b>STATEMENT AND UNDERTAKING UNDER SECTION 8</b> (See <u>sub-rule (2) and (3) of Rule 12</u>)</p>
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## **2. Treaty, Agreement and Convention**

The intellectual property rights are territorial in nature. Which means that the rights are granted by the government of each country and the rights granted in one country is valid only within the territorial boundaries of that particular country and not valid in others. But the nature of the rights and criteria for grant/registration are governed by many international agreements, treaties or conventions. These are terms commonly used in international law to describe formal agreements between nations. Treaties and conventions play a vital role in fostering international cooperation, addressing global challenges, and creating uniformity in legal and policy frameworks. There are many such treaties and conventions relating to intellectual property.

Few treaties and conventions that are relevant to Patents and Designs:

The Trade Related Intellectual Property rights (TRIPS),

Paris Convention for the Protection of Industrial Property and

Patent Cooperation Treaty are examples.

Detailed sessions on these topics will be covered later.

## **3. Manuals**

In the context of IP, **manual** typically serves as a comprehensive guide for stakeholders, including applicants, examiners, and legal practitioners. Manual serves as a documentation to provide detailed interpretation of the Act and Rules including detailed procedures followed by the IP Office including administrative instructions, case laws as precedents etc.

Examples-

Manual of Patent Office Practice and Procedure

Manual of Designs Practice and Procedure

Manual of Geographical Indications Practice and Procedure etc.

## **4. Guidelines**

### **1. Guidelines**

Guidelines are intended to provide detailed information on a particular topic which is more complex. In Patents, certain subject matters may require separate guidelines to help the applicants and the patent office to understand how to deal with them.

Examples are:

Guidelines for Examination of Computer-related Inventions (CRIs)

Guidelines for Processing of Patent Applications relating to Traditional Knowledge and Biological Material

Guidelines for Examination of Biotechnology Applications for Patent

Guidelines for examination of patent applications in the field of Pharmaceuticals etc.

The Acts, Rules, Treaties, Convention, Manuals and Guidelines may undergo revision whenever need arises.

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## **Introduction to the Legal terms frequently used in Patent Prosecution**

The examination of patent application is a techno-legal process. An invention filed for patent protection is examined both from scientific and legal perspective as mandated by the Patents Act and Rules.

During their training, the trainees will come across many legal terms and expressions which the trainers will be using frequently. Therefore, it is utmost important that the trainees gather some basic idea/knowledge of the legal terminologies used in the field of patents. The following non-exhaustive glossary contains most frequently used terminologies in the patent

prosecution process. The objective of this glossary is to give an easy and relatable meaning of the terms in a simple language. Particular reference to any section or rules of the Patents Act and Rules are intentionally avoided here to reduce complexity. For any legal interpretation, corresponding Act and Rules may be referred.

Sl. No.	Terms	Definition / Meaning
1.	Application	Application means application for grant of patent for an invention filed at Indian Patent office. (Form 1 of First Schedule of the Patents Act). An application for a patent is inevitably accompanied by a description of the invention for which the patent is sought. A patent application accompanied by a complete specification contains description, claims and abstract. Drawings if applicable will be filed.
2.	Act	The laws relating to different matters are established in the form of Acts which are passed by legislative bodies. The Patents Act 1970 is the legislation that governs the patents in India. The Central Government is empowered to make rules for implementing the Patents Act, 1970.
3.	Abandonment	The Patents Act contains provisions wherein an application for patent is considered as abandoned or deemed abandoned when the applicant fails to comply with certain requirements/timelines.
4.	Abstract	Every application for a patent is to be accompanied by a brief that provides technical information of the invention.
5.	Adjournment	A temporary stopping of a trial, enquiry, meeting or hearing. It can be also related to the postponement of the current proceedings to a relatively later date.

6.	Adjudication	A legal process of resolving a dispute or claim made through a justice system.
7.	Affidavit	An affidavit is a legally binding written statement or declaration of a person's oath. It is a written statement made under oath, used as evidence in court
8.	Amendment	Amendment means alteration, modification, or correction. The modification of a portion of an application, specification, claims or abstract etc. The nature and type of amendments allowed are defined in the Patents Act.
9.	Anticipation	Anticipation in patent law refers to when an invention has been disclosed (in another published patent application or otherwise in any document anywhere) or used before the patent application is filed, making it ineligible for a patent. Anticipation also refers to a case where the invention is claimed by someone else in a patent application filed earlier in India. Thus anticipation could be by prior publication or prior claiming or prior use.
10.	Appeal	Appeal is a request to a higher authority to correct, review, clarify or interpret an order. The decisions issued by Controller can be challenged through appeal in courts.
11.	Appellant	A person or party who makes an appeal before the relevant authority.
12.	Appropriate Office	The appropriate office for a patent application in India depends on the applicant's residency, domicile, or place of business, or the location of the invention's origin.  <a href="https://ipindia.gov.in/jurisdiction-of-patent-offices.htm">https://ipindia.gov.in/jurisdiction-of-patent-offices.htm</a>
13.	Arbitration	A method of resolving disputes outside the courts, where an arbitrator makes a binding decision.

14.	<p>Assignment</p> <ul style="list-style-type: none"> <li>- Assignee</li> <li>- Assignor</li> </ul>	<p>An assignment is the transfer of rights from one party to another. The original owner who transfer all or part of their rights and interest is called assignor and The new owner who receives the right is called assignee.</p> <p>The true and first inventor(s) of an invention can assign the rights in the invention and the assignee can apply for a patent. Similarly the rights in an invention can be assigned after filing a patent application. Further the patentee can assign rights in a patent to an assignee.</p>
15.	Audi Alteram Partem	A Latin principle meaning "hear the other side," ensuring that all parties in a dispute have an opportunity to present their case before a decision is made.
16.	Biodiversity	Biodiversity refers to the variety and variability of life forms, including plants, animals, microorganisms.
17.	Biological material	Biological Materials refer to any substance that comes from living organisms such as plants, animal or microbes and includes cells, genetic materials, proteins, viruses, bacteria etc. There are specific requirements in the patent law when biological material is used in the invention. Source and geographical origin of biological material should be disclosed in the patent application.
18.	Budapest Treaty	The Budapest Treaty is an international agreement that recognizes the deposit of microorganisms for international patent purposes. Microorganisms created in labs are patentable. An invention for a new microorganism that is not known cannot be disclosed in the description and hence needs to be deposited in a gene bank for making it available. Under the Budapest treaty the applicants can deposit the microorganism in one of the international



		depository authorities and mention the deposit number in the specification.
19.	<p>Claim</p> <p>Independent Claim</p> <p>Dependent Claim</p>	<p>Part of patent application which defines the matter for which protection is sought. It is a statement in a patent application that defines the scope of the invention's protection. Claim defines the metes and bounds of the protection of a particular invention.</p> <p>A patent claim that stands alone and does not refer to any other claims in the patent application.</p> <p>A patent claim that refers to and incorporates a previous claim, adding further limitations or details.</p>
20.	Case Law	<p>Case laws are based on judicial precedence. Case law refers to the body of law created through judicial decisions made by courts, rather than laws enacted by legislative bodies or regulations issued by executive agencies. These decisions establish legal principles, interpret statutes, or clarify legal rules, and they often serve as precedents for future cases. Case law often addresses the issues not explicitly covered by statutes and is dynamic, i.e. it evolves as courts issue new rulings, overturn outdated precedents, or adapt to changing societal norms.</p>
21.	Complete Specification	<p>A document that fully describes an invention, including its technical and scientific details. It provides a comprehensive description of the invention and the manner in which it can be performed, enabling a person skilled in the relevant field to replicate the invention.</p>

22.	Common general knowledge	Information that the person skilled in the particular art would know at the patent's priority date, together with the contents of standard textbooks on the topic concerned.
23.	Convention	In the context of patents, a "convention" refers to an international agreement or treaty that establishes rules and frameworks for filing patent applications across multiple countries, party to that particular convention. For example, Paris Convention.
24.	Convention countries	<p>A convention country is a country that is a party to an international, regional, or bilateral treaty, convention, or arrangement.</p> <p>Any country, which is signatory or party or group of countries, union of countries or inter-governmental organizations which are signatories or party to an international, regional or bi-lateral treaty, convention or arrangement to which India is a party and which affords to the applicants of patents in India or to citizens of India similar privileges as are granted to their own citizens or citizens to their member countries.</p>
25.	Convention application	Convention patent applications filed in India are applications which take priority from an earlier patent application filed in a convention country.
26.	Contracting States	States that has agreed to be bound by a treaty; Countries that have ratified certain treaty/convention etc.
27.	Compulsory License	Under certain specific circumstances, the Controller General may allow someone (other than the patent holder)

		to use a patented invention under certain licensing terms and conditions, as defined in the Patents Act.
28.	Copyright	A copyright is a type of intellectual property that gives its owner the exclusive legal right to copy, distribute, adapt, display, and perform a creative work. Copyright is an intellectual property right law that given to a creator of literary, dramatic, musical, and artistic work and a producer of cinematograph films and sound recordings.
29.	Declaration	A declaration is a written statement assertion, or announcement made by an individual or entity often under oath or penalty of perjury
30.	Defensive Publication	Public disclosure of an invention to prevent others from obtaining a patent on it.
31.	Defendant	The person or entity being sued or accused in a court of law.
32.	De novo	Latin for "from the beginning," referring to a process or review that starts anew, without reference to previous decisions or actions.
33.	Designs	Design means the shape, configuration, pattern or colours applied to a product for aesthetic appearance. It is a form of intellectual property defined as  ‘Design’ means only the features of shape, configuration, pattern or ornament or composition of lines or colour or combination thereof applied to any article whether two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and

		are judged solely by the eye, but does not include any mode or principle or construction or anything which is in substance a mere mechanical device, and does not include any trade mark, as define in clause (v) of sub-section of Section 2 of the Trade and Merchandise Marks Act, 1958, property mark or artistic works as defined under Section 2(c) of the Copyright Act, 1957.
34.	Disclaimer	Generally, Disclaimer is a statement denying responsibility. In patent application, through disclaimer, the owner relinquishes certain legal rights to the patent.
35.	Disclosure	Description of the invention in a patent application or a patent. Disclosure is often used interchangeably with Specification in referring to a patent or patent application.
36.	Divisional Application	A further patent application filed after an original patent application because the initial application is related to more than one distinct invention. The divisional application may be filed in order to meet an objection of the Patent Office on ‘unity of invention’ or <i>suo-moto</i> by the applicant.
37.	Double Patenting	A patent is granted for only one invention. Double patenting is a situation where two patents are improperly issued for the same invention, which can lead to legal complexities. Care should be taken during patent examination to avoid double patenting.
38.	Enablement	It is a requirement for the grant of a patent that the applicant must describe the invention with enough particularity/clarity in a way that those skilled in the art will be able to make, use and understand the invention

		that the inventor made without any further experimentation/trials.
39.	Ever greening	Ever greening is done by patentees to extend the life of patent (particularly of drugs) by making minor changes to the original drug such as modifying its formulation, dosage or method of delivery and then obtaining new patents for these changes. The goal is to delay the entry of generic companies and maximise profits.
40.	Examination	It is the process by which a patent Examiner reviews a patent application for compliance with the requirements laid down in the patent law.
41.	Examiner of Patents & Designs	An Examiner of Patents is a professional employed by the Government in the patent office whose primary role is to evaluate patent applications to determine whether they meet the legal requirements for patentability.
42.	Ex parte	Ex parte refers to a legal proceeding or decision where only one party is present or heard, without the participation or knowledge of the other party. It is typically used in urgent situations where immediate action is needed.
43.	Filing Date	It refers to the date on which a document is filed. Patent filing date is the date when a patent application is filed.
44.	First Examination Report (FER)	First Examination Report (FER) is a communication issued by the patent office which contains the summary of objections resulting from the initial examination of patent application by the patent office.

45.	FRAND	FRAND is the principle of licensing agreement for Standard Essential Patents (SEPs), which stands for Fair, Reasonable, and Non-Discriminatory terms.
46.	Family Patent	Patent applications or publications for the same or similar invention in different countries.
47.	Freedom to Operate (search)	It is a type of search of patent documents. An analysis to determine whether a product infringes on existing patents. As the name suggests when a company is willing to venture into a particular field of technology, it is important to determine whether that field of technology is protected by patents or free to operate.
48.	Grace Period	Under patent law, the term grace period means a period of time before a patent application is filed when an inventor can disclose their invention (certain types of disclosure only, not all) without it being considered prior art.
49.	Grant	The grant of a patent refers to the official issuance of a patent by the patent office, providing legal protection and exclusive rights to the applicant, after following the due process of examination and opposition (if any).
50.	Guidelines	The Patent Office publishes guidelines on examination of different kinds of inventions like computer related inventions, pharmaceuticals, traditional knowledge and biological materials, biotechnology related inventions etc.
51.	Hearing	A legal hearing is a formal proceeding before a court, judge, or other decision-making body to resolve issues of fact or law. In a hearing, parties present evidence and arguments to determine the outcome. A hearing is the formal examination of a cause, civil or criminal, before a judge according to the laws of a particular jurisdiction. In

		Patent Office, the Controller can offer hearing to parties involved like applicant, opponent etc.
52.	Hearing Notice	A formal communication inviting to attend a hearing before the Controller specifying the agenda, date and time. Mostly hearings are conducted online in Patent office.
53.	Industrial Property	The broad application of the term “industrial property” is set out in the Paris Convention. Industrial property takes a range of forms. These include patents for inventions, industrial designs (aesthetic creations related to the appearance of industrial products), trademarks, service marks, layout-designs of integrated circuits, commercial names and designations, geographical indications and protection against unfair competition.
54.	Industrial applicability	Industrial applicability is a requirement for patenting an invention, meaning that the invention can be used or made in any industry.
55.	Infringement	Infringement is the act of using another's intellectual property without permission. The trespass on the rights of the owner of a patent (patentee) by another party without the permission of the owner.
56.	Injunction	An injunction is a remedy granted by the court that prohibits a wrongful course of action that has already begun.
57.	Intellectual Property Rights	Intellectual Property is the legal rights that protect the creations of the mind. Examples- Patent, Design, Copyright, Trademarks etc.
58.	International patent application	A patent application filed under the Patent Cooperation Treaty (PCT), enabling applicants to seek protection in multiple countries. There is no concept of ‘international patent’ or ‘global patent’. An international application

		under the PCT only facilitates the filing procedures in multiple countries and reduce burden on the applicant.
59.	Invention	As per Section 2(1)(j) of the Patents Act, an "invention" means a new product or process involving an inventive step and capable of industrial application;
60.	Inventive Step	Inventive step means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.
61.	International Search Report (ISR)	After filing an international application under the PCT, the international searching authority publishes ISR. It is a key document that identifies certain prior arts which may be prejudicial to the novelty and/or inventive step of the given invention. The ISR helps the applicant and patent offices assess the patentability of the invention. The opinion of the ISA in ISR is non-binding on national patent offices where the application is filed.
62.	Jurisdiction	The area in which legal power of an authority can be used. For patent filing each patent office has jurisdiction over certain States.  <a href="https://ipindia.gov.in/jurisdiction-of-patent-offices.htm">https://ipindia.gov.in/jurisdiction-of-patent-offices.htm</a>
63.	Lapsed	Lapsed means a termination or failure due to events, neglect, or time. The expiration of a patent due to non-payment of maintenance fees or the end of the patent term.
64.	Legal Entity	A legal entity is an organization or group recognized by law as having rights and responsibilities, separate from its



		members or owners. For example a company registered under the Companies Act.
65.	Letters Patent (LP)	Letters Patent is a legal document issued by the Government to enjoy the right, privilege or monopoly for a patent.(Also called Patent Certificate)
66.	Licence	A patentee may issue license(s) to others to exploit the patent and is a legal agreement specifying the acts that are permitted.
67.	Litigation	Litigation refers to the process of taking legal action or resolving disputes through the court system. It involves the filing of a lawsuit, the presentation of evidence and arguments, and the court's final judgment. Litigation can occur in civil, criminal, or commercial matters and generally involves two or more parties (plaintiff and defendant) seeking a legal resolution to their dispute.
68.	Locus-standi	The Latin Maxim “Locus Standi” consists of two words namely “locus” which means place and “standi” means the right to bring an action. So, collectively, it refers to the right to appear in court or to file an action. According to this principle, before approaching the court, one must demonstrate his legal capacity
69.	Manual	Manual is written instructions to do some work based on Act and Rules. It also includes reference works to help with case law.
70.	Manual of Patent Office Practice and Procedures (MPPP)	A manual published by the Patent Office for streamlining the functioning of the office, provide benefits to the stakeholders and also to provide guidance for prosecution of the patent applications at the Patent Office. The objective is to improve the functional efficiency and transparency.

71.	National Application	A national application is a patent application submitted to the relevant authorities (patent offices) within a particular country
72.	Natural Person	A natural person refers to a human being with legal rights and responsibilities, as distinct from a legal person/entity.
73.	Natural justice	<p>Natural justice is legal philosophy that ensures fairness, equity, transparency and justice that guide judicial and administrative decision-making processes. It encompasses a set of principles aimed at preventing arbitrary or biased decisions and ensuring that individuals are treated justly.</p> <p>The two main rules of natural justice are:</p> <ol style="list-style-type: none"> <li>1. Audi Alteram Partem: The right to a fair hearing, meaning that both sides of a dispute should be heard before a decision is made.</li> <li>2. Nemo Judex in Causa Sua: The rule against bias, meaning that no one should be a judge in their own case or make decisions in matters where they have a personal interest.</li> </ol> <p>These principles ensure that decisions are made impartially and justly, protecting individuals' rights in legal or administrative proceedings.</p>
74.	NBA	National Biodiversity Authority. Registration/permission from NBA is required if biological material used in an invention in a patent application is from India.
75.	Non-Disclosure Agreement (NDA)	A Non-Disclosure Agreement (NDA) is a legal contract that keeps shared information confidential, preventing its disclosure to third parties. It also specifies obligations, duration, and consequences for breach.

76.	Non-obviousness	A requirement for patentability; the invention must not be obvious to someone skilled in the relevant field. A non-obvious invention is said to possess inventive step.
77.	Notarized	Notarized means a notary public certifies the authenticity of a document. This adds a layer of protection against fraud.
78.	Novelty	It is a requirement for patentability; the invention must be new and which means not disclosed in prior art.
79.	Obviousness	The property of being easy to see and understand. An invention is deemed obvious if it does not involve an inventive step and would have been evident to a person skilled in the relevant field of technology at the time the invention was made, based on the existing prior art.
80.	Opposition  Pre-grant opposition  Post-grant opposition	A formal challenge to a patent application or granted patent, often filed by a third party.  A pre-grant opposition is filed before the grant of a patent by any person.  A post-grant opposition is filed after the grant of a patent (within a specified time) by any person interested.
81.	Paris Convention	The Paris Convention for the Protection of Industrial Property, signed in Paris, France, on 20 March 1883, is one of the first intellectual property treaties.
82.	Patent	A patent is a type of intellectual property right that gives its owner the legal right to exclude others from making, using, or selling an invention for a limited time period. It

		is a legal and enforceable right extended by the law of the country.
83.	Patent Agent	A patent agent is a licensed/registered professional who can practise before the patent office and helps inventors and companies who authorise the agent to process patent applications.
84.	Patentability	Patentability refers to whether an invention is eligible for a patent.
85.	Patent Cooperation Treaty (PCT)	The Patent Cooperation Treaty (PCT) is an international treaty that allows inventors to seek patent protection for their inventions in multiple countries by filing a single application. It is administered by WIPO
86	per se	In legal terms, " <b>per se</b> " is a Latin phrase that means "by itself" or "in and of itself." It is used to indicate that something is inherently or intrinsically the case, without needing further explanation or evidence. In the Patents Act, a computer program <i>per se</i> is not patentable.
87.	Petition	A petition is a formal written request or application submitted to a court, government, or other authority, seeking a specific legal remedy, action, or decision. It typically outlines the issue, the relief sought, and supporting facts or evidence.
88.	Person skilled in the art (PSITA)	A person skilled in the art (PSITA) is a hypothetical person with required technical knowledge and skill in a given field. The inventive step of an invention is adjudged considering the knowledge of the PSITA as a yardstick.
89.	Plaintiff / Defendant	Plaintiff: The party who initiates a lawsuit in a civil court seeking relief or damages.

		Defendant: The party who is being accused or sued in a civil case and must respond to the plaintiff's claims.
90.	Prejudice	<p>"Without prejudice" is a legal term that indicates that statements, negotiations, or documents cannot be used as evidence in court if settlement discussions fail. This usage may be found in certain averments submitted by applicants/agents.</p> <p>In the Patents Act, in some Sections the terms 'without prejudice to' is used. It is usually written without prejudice to 'some other Section' and it means that the implementation of the provision shall be without detriment to the other provision.</p>
	prima facie	In legal terms, " <i>prima facie</i> " is a Latin phrase meaning "at first glance" or "on its face."
91.	Prior art	Prior art is information that's publicly available before a patent application is filed. Existing knowledge, publications, or inventions relevant to determining the patentability criteria of a patent application.
92.	Power of Authority	A power of authority is a legal document that gives someone the right to act on behalf of another person.
93.	Priority (date)	A "priority date" refers to the earliest filing date of a patent application for a specific invention. Under the Paris Convention, the priority date is considered the date of filing in multiple countries if applications for substantially same invention is filed by the applicant within 12 months from date of first filing.

94.	Provisional Specification	A "provisional specification" in patent law refers to a document filed as part of a patent application that provides a preliminary description of an invention, securing a priority date for the applicant, even if the invention is still in a conceptual stage and not fully developed, allowing time to finalize the details before submitting a complete specification with claims.
95.	Publication	<p>The Patent laws provide for publication at various stages of processing of applications. As per the Patents Act, 1970 every Patent application is published (except certain circumstances) after a stipulated period of time (18 months from priority date or before if applicant requests). There is a publication after the grant. Further certain amendments etc are also to be published.</p> <p>There are two kinds of publication. One is the publication as per the statutory requirements in the Official Journal. As per the law, once published the application, specification and other documents are available for inspection by any person. Hence all documents are made accessible through the search portal “inpass”, which is also referred to as publication.</p>
96.	Quid pro quo	A Latin term meaning "something for something," referring to an exchange of goods, services, or benefits, often in a reciprocal manner. In the field of patents, full disclosure of the invention through complete specification is a <i>quid pro quo</i> for the monopolistic rights given through patents.
97.	Refusal	An act of refusing or denying the grant of a patent by the Controller.
98.	Rejoinder	A rejoinder is a quick reply to a question or remark.

99.	Review	Review means re-examination of the decisions. In Patents Act, the controller has the power to review his own decision.
100.	Scope (of claim)	The scope of a patent claim defines the extent of protection for a patented invention.
101.	Sequence listing	A sequence listing is a standardized document that contains biological sequence data in a patent application
102.	Sine qua non	A Latin phrase meaning "an essential condition or element," referring to something that is indispensable or necessary for a particular result.
103.	Specification	A specification is a techno-legal document that provides detailed disclosures about the invention and the extent of the protection that would be accorded to it to the general public. It is the detailed written description of the invention in a patent application along with claims if it is a complete specification, including how to make and use it.
104.	Standard essential patent (SEP)	Many inventions may be technology standards that are essential for implementation of the technology. Such patents for inventions that are essential for implementation of industry standards are referred to as Standard Essential Patents. e.g: WiFi
105.	Statute	Statute is another term for Act
106.	Stamp Duty	Stamp duty is a charge imposed by governments on legal papers and governed by The Stamp Act. The charges vary in different jurisdictions.

107.	Sufficiency of Disclosure	Sufficiency of disclosure or enablement is a patent law requirement that a patent application disclose a claimed invention in sufficient detail so that the person skilled in the art could carry out that claimed invention.
108.	Subsequent Examination Report	A further examination report issued by IPO after the FER. As per practice, the provision of SER is time dependent. Beyond a time period, no SER is issued and a hearing notice is issued.
109.	Suo-moto	Action taken by a court or authority on its own initiative, without a request from any party.
110.	Territorial	"Territorial" means that the law applies only within a specific geographical area
111.	Trade Secret	Confidential business information not disclosed in a patent application but protected by law against unauthorized use.
112.	Traditional Knowledge	Traditional knowledge (TK) is knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.
113.	TRIPS	Trade Related Intellectual Property Rights (TRIPS). It is an agreement of World Trade organization (WTO). It came into effect on 1 January 1995, and is to date the most comprehensive multilateral agreement on intellectual property. It is an international legal framework established to set minimum standards for the protection and enforcement of intellectual property (IP) rights among member countries of the World Trade Organization (WTO). The objective of concluding TRIPS was to



		harmonize IP laws globally to facilitate trade and reduce distortions caused by varying national IP systems.
114.	Treaty	a written agreement between two or more countries
115.	Term of Patent	The term of a patent is the maximum time period during which it is in force.
116.	Utility Model	a utility model is granting an exclusive right which provides protection for minor improvements of existing products that may not satisfy the patentability requirements.
117.	Verbatim	Verbatim is exact words without any change or interpretation
118.	WIPO	WIPO stands for World Intellectual Property Organization, which is a United Nations agency that administers international intellectual property.
119.	Withdrawal	It is a formal process by which an applicant of patent can withdraw his application before the grant of patent. This is normally done to avoid publication, cost consideration etc.
120.	Working Example	A "working example" in patent law refers to a detailed description of how to carry out an invention, providing specific instructions and measurements, essentially demonstrating that the invention is functional and can be replicated by someone skilled in the art, often included within a patent application to support the claims made about the invention
121.	Writs	A writ is a formal written order issued by a court or a judicial authority, directing a specific action or addressing a legal issue. Writs are used to protect rights, enforce duties, or correct errors in legal proceedings. In constitutional law, they are often used to safeguard

		<p>individual freedoms against unlawful actions by the government or authorities. Writs are typically issued under the jurisdiction of higher courts, such as a High Court or the Supreme Court.</p> <p>Habeas Corpus: A writ requiring a person to be brought before a court to determine if their detention is lawful.</p> <p>Mandamus: A writ commanding a public official or body to perform a specific duty they are obligated by law to do.</p> <p>Prohibition: A writ issued to prevent a lower court or authority from acting beyond its jurisdiction or unlawfully.</p> <p>Certiorari: A writ used to review and possibly cancel a lower court's decision or action, ensuring it is within legal bounds.</p> <p>Quo-Warranto: writ to prevent illegal usurpation of a public office by a person. Through this writ, the court enquires into the legality of a claim of a person to a public office</p>
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Note: The above content is a compilation of different legal terms used in patent prosecution process meant to be used for training of newly recruited Examiners of the Indian Patent Office and not for any legal interpretation/use. The compilation is prepared from different textbooks and commonly available online resources purely for educational purposes.

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