

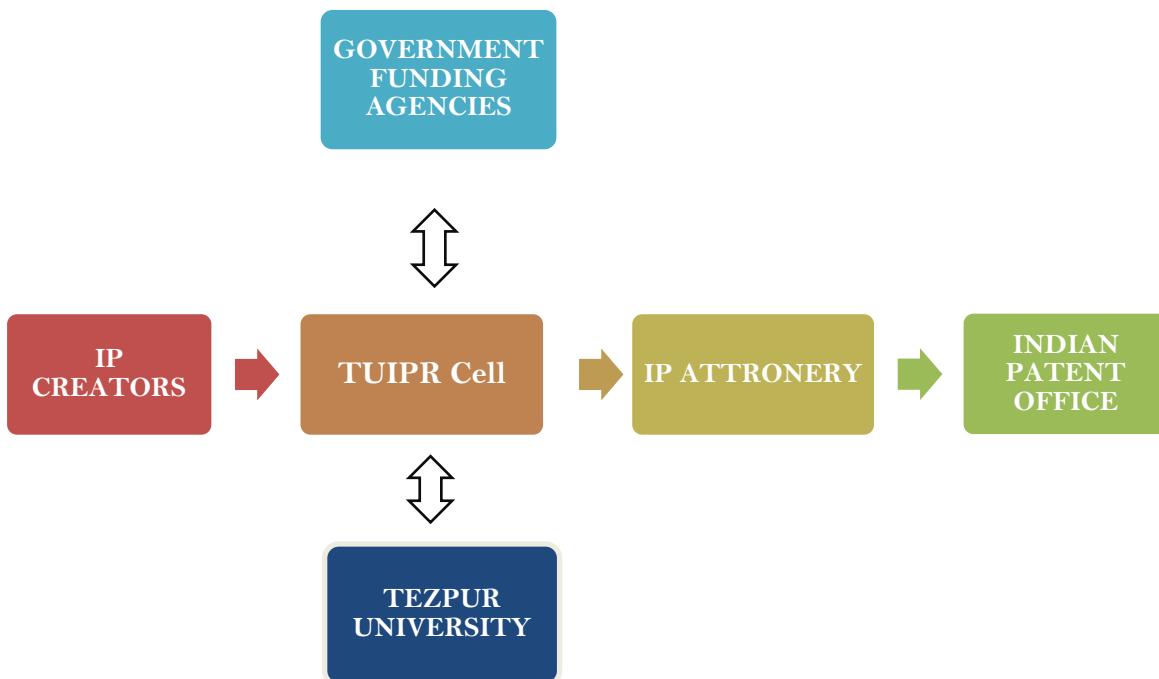
# GUIDELINES FOR IP FILING

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## Preamble

The Intellectual Property Rights (IPR) Cell at Tezpur University plays a pivotal role in fostering a culture of innovation and safeguarding the intellectual properties generated by individuals within the University and the neighboring region. The Cell's primary objective is to ensure that creators are duly recognized and rewarded for their innovative contributions while simultaneously making significant contributions to societal progress and development.

With a firm commitment to facilitating the protection of intellectual properties, the IPR Cell provides a comprehensive range of services aimed at assisting individuals throughout the entire process of IP filing. Our dedicated team is readily available to offer extensive technical support and guidance, ensuring that creators receive the necessary assistance at every step.



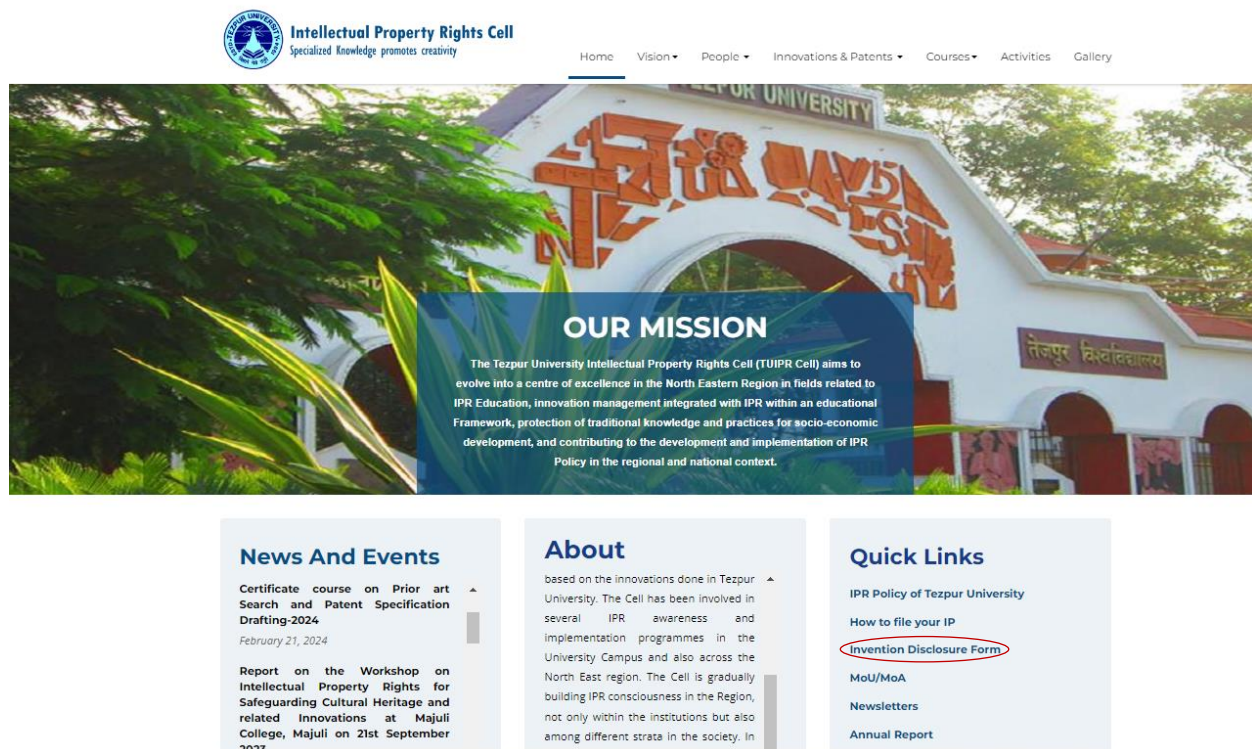
# PATENT

## STEP 1: EVALUATION OF THE INVENTION AT INVENTOR'S LEVEL

- (a) Identify the Invention:** Inventors should make evaluation of their inventions primarily and determine their potential for patentability and commercial viability. The invention should be Novel, Non-obvious, and have industrial applicability for its patent filing.
- (b) Record Invention Details:** It is advised to document all relevant information about the invention, including its technical aspects, purpose, advantages, and potential applications. Keeping record of experimental data, research notes, design drawings, and any other supporting material is necessary.
- (c) Conduct a Prior Art Search:** Inventor can conduct a thorough search to identify existing patents, publications, and other sources of prior art related to the invention.

## STEP 2: INVENTION DISCLOSURE FORM

- (a) Submission of Invention Disclosure Form:** Inventors should fill out an Invention Disclosure Form (IDF) provided by the Tezpur University Intellectual Property Rights Cell (TUIPR). Alongwith, the IDF, Inventor(s) may provide detailed descriptions and any supporting material related to the invention to TUIPR Cell.
- (b) Confidentiality and Non-Disclosure:** Maintain confidentiality during the patent filing process. Discuss the invention only with relevant university personnel. Inventors should not disclose their inventions in any Science exhibitions, Media, Social media platforms etc. before filing the patent. If such disclosures are done by mistake, it should be informed to TUIPR Cell while submission of the IDF.



**Photo:** Screen shot of the TUIPR Cell webpage showing the location for IDF submission.

### STEP 3: EVALUATION AND PATENT APPLICATION

- (a) Evaluation at TUIPR Cell:** The TUIPR Cell evaluates the Invention disclosure to assess its novelty, commercial potential, and patentability. Based on the search results, an opinion on patentability is provided to the Inventor in the form of a **Search Report**.
- (b) Drafting the Patent Application:** TUIPR Cell, in consultation with the inventor, drafts a Provisional/complete patent application that includes a Detailed description, Objectives, Detail description of the figures etc.
- (c) Review and Approval:** The developed patent application is reviewed and finally approved by the Technical Advisory committee before proceeding to the next step.

## STEP 4: PATENT FILING

TUIPR Cell files the patent application at **Indian Patent Office (IPO)** through associated Attorney of the Tezpur University. The Attorney firm, in consultation with TUIPR Cell prepares all supporting documents, and any additional forms related to the patent application required by the chosen patent office. The initial filing date of the patent application is called Date of Priority. Based on the readiness of the invention, the decision has to be made whether to go for **a provisional patent application** or a **complete patent application**.

**(a) Provisional Filing:** If the inventor is not quite ready with a complete invention and requires further research and development yet he/she doesn't want to lose on priority date for filing a patent application then going for a provisional patent application is recommended. Documents required to be submitted for provisional filing are (i) Application for Grant Patent (Form-1), (ii) Provisional specifications (Form-2) and (iii) drawings

**Link for Form-1:**

[https://ipindia.gov.in/writereaddata/Portal/IPOFormUpload/1\\_12\\_1/form-1.pdf](https://ipindia.gov.in/writereaddata/Portal/IPOFormUpload/1_12_1/form-1.pdf)

**Link for Form-2:**

[https://ipindia.gov.in/writereaddata/Portal/IPOFormUpload/1\\_13\\_1/form-2.pdf](https://ipindia.gov.in/writereaddata/Portal/IPOFormUpload/1_13_1/form-2.pdf)

**Link for other related forms:** <https://ipindia.gov.in/form-and-fees.htm>

**(a) Complete filing:** The complete filing of the Patent application is done within **12 months** from the date of Priority by submission of Complete specifications. The inventor gets this **12-months** period to bring the invention to the final stage. Accordingly, the earlier filed provisional patent application is modified with the final objectives of the invention for its complete specification filing. The patent application, at its final form includes 'Claims' and 'Abstract' in addition to the contents at provisional filing stage.

If the complete filing of the patent is not done within **12 months** from the date priority, the patent application is declared abandoned.

(As per the norms of TUIPR Policy (Clause 6), the ownership of all the IPs including patent resulting from the use of significant resources of Tezpur University lies with Tezpur University. For related terms and conditions, please refer the TUIPR policy: [https://www.tezu.ernet.in/tuipr\\_cell/quick\\_links\\_files/IPR\\_Policy\\_2021.pdf](https://www.tezu.ernet.in/tuipr_cell/quick_links_files/IPR_Policy_2021.pdf)

## STEP 5: PUBLICATIONS OF THE PATENT APPLICATIONS

- (a) Generally, the application is automatically published after **18 months** from the filing date in Indian Patent Office Website (<https://ipindiaservices.gov.in/publicsearch>). No fees or action is required for this.
- (b) If one does not want to wait till the expiry of **18 months**, an early publication request can be made along with prescribed fees. The early publication request can be made (optional step) with **Form-9** and by paying the prescribed fee. In general, the patent application is published within a month from request for early publication.
- (c) At this stage the published patent application may get pre-grant oppositions.

The screenshot displays the 'Patent Search' interface on the inPASS website. The page features a navigation bar with links for 'RTI', 'Feedback', 'Sitemap', 'Contact Us', and 'Help Line'. The main header includes the 'inPASS Indian Patent Advanced Search System' logo and the 'INTELLECTUAL PROPERTY INDIA' logo. Below the header, there is a 'Patent Search' section with a navigation menu containing 'Patent Search', 'Patent E-register', 'Application Status', and 'Help'. The search criteria are organized into two columns. The left column lists search fields: 'Application Date (National)', 'Title', 'Abstract', 'Complete Specification', 'Application Number', 'Patent Number', 'Applicant Name', and 'Applicant Country'. The right column lists search criteria: 'Publication Type' (with 'Published' selected), 'From Date (MM/dd/yyyy)', 'To Date (MM/dd/yyyy)', and 'Logical Operator' (set to 'AND'). The 'Please Enter Application Number' field contains 'e.g. 3285/CHENP/2008' and the 'Please Enter Patent Number' field contains 'e.g. 236542', both of which are circled in red. The 'Please Enter Applicant Name' field contains 'e.g. SRM Institute of Science and Technology' and the 'Please Enter Patent Number' field contains 'e.g. INDIA'.

Photo: Screen shot of Patent publications site

## **STEP 6: REQUEST FOR EXAMINATION (RFE)**

- (a) The patent application is examined only after receiving a request for examination that is RFE. The inventor/applicant needs to file a request for examination (RFE) **within 48 months of filing date or priority date**. This RFE is made with **Form 18**. One can also expedite this process by submitting **Form 18 (A)**.
- (b) Upon examining the patent application by a patent examiner in Indian Patent Office, the First Examination Report (FER), which generally contains prior arts (existing documents before the date of filing) which have similarity with the claims of the invention, and any objections raised regarding patentability requirements for the invention is prepared. Same examination report (with objections) is communicated to the inventor.

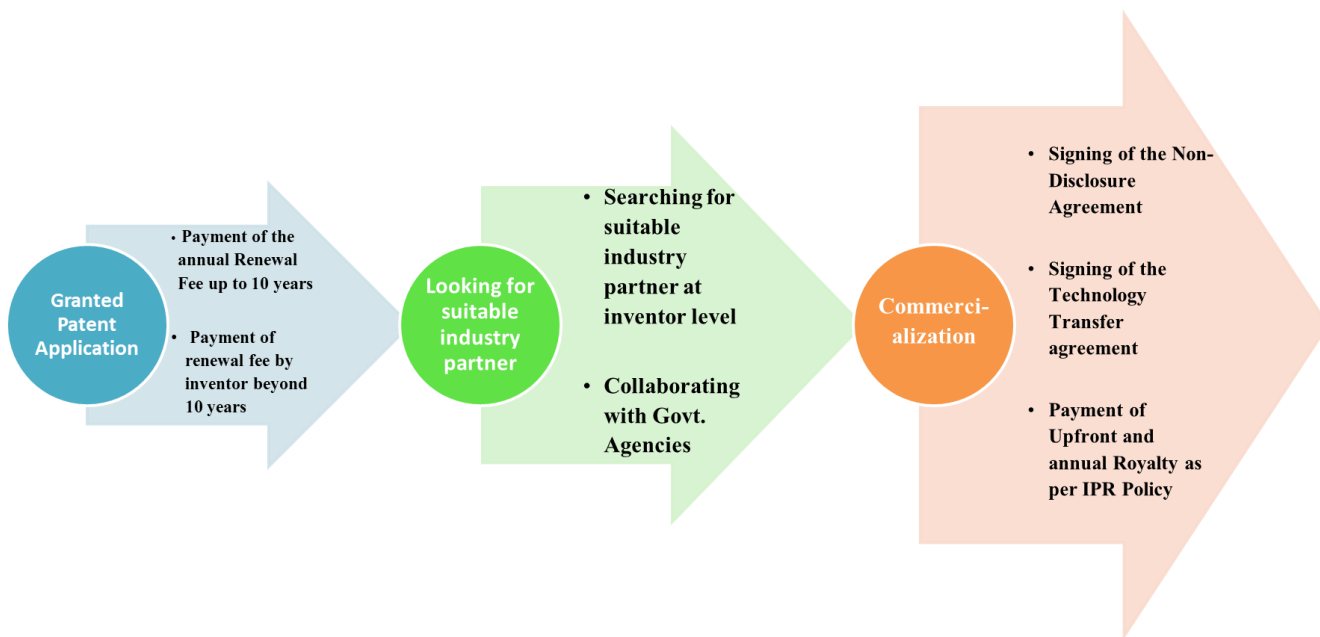
## **STEP 7: RESPONSE TO OBJECTIONS**

- (a) After conducting the substantive examination, the Indian Patent Office (IPO) issues a First Examination Report (FER). A response to the FER becomes due within **6 months** from the date of issuance of FER. This due date can be extended by a maximum of **3 months** upon filing a request for extension with the prescribed fee. It is pertinent to note here that the request for extension needs to be filed before the expiry of the initial **6 months** period provided for responding to the FER.
- (b) TUIPR Cell in consultation with the inventor and patent attorney submits the response to the objections raised in the First examination report (FER) Or optionally accepts the objections and amends the patent application as pointed out in First examination report.
- (c) If the Controller General is satisfied with the response to the objections or the amended patent application, the application is granted for patent.
- (d) However, if some further clarification is required, an Oral Hearing meeting is scheduled by IPO, where the associated patent attorney defends the application on behalf of the inventor. Inventor needs to provide the necessary information to the attorney via TUIPR Cell so that attorney can fully prepare for the hearing. Depending on the results of the hearing IPO decides whether the patent can be granted or not.

## **STEP 8: GRANT OF PATENT**

The Patent application is placed for a grant once it is found to be meeting all patentability requirements. The grant of a patent is notified in the patent journal which is published from time to time.

## STEPS OF COMMERCIALIZATION



**TUIPR Cell follows the guidelines of TU IPR policy for filed and granted patents from the University. As per the clause 6.2.1, the Renewal fee for 10 years (i.e., half of the term of the patent protection) shall be provided by the University for Indian Patents filed from the University. If the patent remains uncommercialized beyond 10 years, the inventors shall have to bear the maintenance cost for keeping the patent alive, that may be required for further exploration of commercialization**

As per the **Clause 6.1**, Tezpur University is owner of the patent applications which are originated from due to the utilization of university resources/manpower, and as per the clause 6.2, the revenue sharing arrangement between Tezpur University and the creators is **30: 70** of the net earnings from the IP (after adjusting all expenditure by Tezpur University to get the said IP) in which the creators have been involved.

Link for TU IPR policy:

[https://www.tezu.ernet.in/tuipr\\_cell/quick\\_links\\_files/IPR\\_Policy\\_2021.pdf](https://www.tezu.ernet.in/tuipr_cell/quick_links_files/IPR_Policy_2021.pdf)

# TRADEMARK

## STEP 1: TRADEMARK SEARCH

Before filing a trademark application, it is essential to conduct a thorough search to ensure that a similar or identical mark is not already registered or pending registration. This step helps avoid potential conflicts and objections during the application process. The search can be conducted online through the official website of the Trademarks Registry in India.

Search site: <https://ipindiaservices.gov.in/tmrpublicsearch/frmmain.aspx>

**(TUIPR Cell helps the trademark applicants throughout the process of Trademark application).**

## STEP 2: TRADEMARK APPLICATION

Once the trademark search is complete, an application can be filed with the appropriate Trademarks Registry. The application can be filed either online or offline, depending on the preference of the applicant. The application should include details such as the applicant's name and address, the trademark representation, class of goods or services, and a description of the goods or services associated with the mark.

Link for the form: <https://ipindia.gov.in/writereaddata/Portal/Images/pdf/FORM-TM-A.pdf>

### Fee structure of the Trademark applications

<b>Types of Applicants</b>	<b>(For Physical filing)</b>	<b>(For E-filing)</b>
Individual / Startup/Small Enterprise	Rs. 5,000	Rs. 4,500
In all other cases (Note: Fee is for each class and for each mark)	Rs. 10,000	Rs. 9,000

Details of other forms and fees related to trademark application is available here-

<https://ipindia.gov.in/form-and-fees-tm.htm>



**TUIPR Cell files the Trademark application on behalf of the applicant through associated Patent Attorney of the University, who prosecutes the trademark application in the later stages.**

### **STEP 3: EXAMINATION**

After the application is filed, it undergoes an examination process conducted by the Trademarks Registry. The examination includes assessing the trademark's distinctiveness, similarity to existing marks, and compliance with legal requirements. If any objections or discrepancies are found, the applicant is notified, and they can respond to the objections within the stipulated timeframe.

### **STEP 4: PUBLICATION**

If the trademark application passes the examination stage, it is published in the Trademarks Journal within 1 month from the date of application. The purpose of publication is to allow the public to review the application and raise any objections or opposition within a specified period (usually four months). If no opposition is raised during this period, the application proceeds to the next stage.

### **STEP 5: REGISTRATION**

If there are no objections or oppositions, the trademark application moves forward for registration. The applicant is issued a Certificate of Registration, which grants them exclusive rights to use the registered trademark within the specified class(es) of goods or services for a period of ten years. The registration can be renewed indefinitely in subsequent ten-year periods.