



Phone : 23382146
Fax : 091-011-23387293
email : jpmishra@icar.delhi.inc.in



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN, DR. RAJENDRA PRASAD ROAD
NEW DELHI - 110001

Dr. J.P. Mishra
Assistant Director General (IPR)

F.No. 11(1)/99-IPR
Dated 16th June 2005

To
The Director
ICAR
Coimbatore
Kerala

297
127

Sub:- Filing Patent Applications: Revised Guidelines for compiling applications including the procedure for Assigning Rights to ICAR.

Dear Sir

This has a reference to our earlier letter No. 11(1)/99-IPR dated October 5th 1999 on the subject mentioned above. Consequent upon the recent Amendments made by the Patent Office vide Gazette of India Extraordinary Part-II Section 3 (ii) dated 8th April 2005, the procedure for filing application for patent has been changed, the Patent Office has developed revised Forms 1 and 2 for filing the application for patent. A copy each of the Forms is enclosed and steps for compiling particulars for filing the patent applications have been enumerated on pages enclosed herewith. You are therefore, requested to follow the steps for Compiling the Forms 1 and 2 for filing a patent applications in future. Also please note that now Form 1 is to be accompanied with Annexures-I & II.

Encl: As above

Yours faithfully,

Jai Prakash Mishra
(J.P. Mishra)

ESU.
Letter to be
circulate to
Director - Display in LAN
8/1/05

PMT
11/13

8/1/05

Display in LAN
8/1/05

FORM 1 THE PATENTS ACT 1970 (39 of 1970) & The Patents Rules, 2003 APPLICATION FOR GRANT OF PATENT (See section 7,54&135and rule20 (1))		(FOR OFFICE USE ONLY) Application No: Filing Date: Amount of Fee Paid: CBR No: Signature:	
1. APPLICANT (S)			
Name		Nationality	Address
2. INVENTOR (S)			
Name		Nationality	Address
3. TITLE OF THE INVENTION			
4. ADDRESS FOR CORRESPONDENCE OF APPLICANT/AUTHORIZED PATENT AGENT IN INDIA		Telephone No.	
		Fax No.	
		Mobile No.	
		E-mail:	
5. PRIORITY PARTICULARS OF THE APPLICATION (S) FILED IN CONVENTION COUNTRY			
Country	Application Number	Filing Date	Name of the Applicant
			Title of the Invention
6. PARTICULARS FOR FILING PATENT COOPERATION TREATY (PCT) NATIONAL PHASE APPLICATION			
International application number.		international filing date as allotted by the receiving office.	
7. PARTICULARS FOR FILING DIVISIONAL APPLICATION			
Original (first) application number.		Date of filing of Original (first) application	
8. PARTICULARS FOR FILING PATENT OF ADDITION			
Main application/patent Number.		Date of filing of main application	
9. DECLARATIONS:			
(i) Declaration by the inventor(s)			
I/We, the above named inventor(s) is/are the true & first inventor(s) for this invention and declare that the applicant(s) herein is/are my/our assignee or legal representative.			
(a) Date _____			
(b) Signature(s) _____			
(c) Name(s) _____			
(ii) Declaration by the applicant(s) in the convention country			
I/We, the applicant(s) in the convention country declare that the applicant(s) herein is/are my/our assignee or legal representative.			
(a) Date _____			
(b) Signature(s) _____			
(c) Name(s) of the signatory _____			

(iii) Declaration by the applicant(s):**I/We, the applicant(s) hereby declare(s) that: -**

- I am /We are in possession of the above-mentioned invention
- The provisional/complete specification relating to the invention is filed with this application.
- The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.
- There is no lawful ground of objection to the grant of the Patent to me/us.
- I am/ We are the assignee or legal representative of true & first inventors.
- The application or each of the applications, particulars of which are given in Para - 5 was the first application in convention country/countries in respect of my/our invention.
- I/We claim the priority from the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention country before that date by me/us or by any person from which I/We derive the title.
- My/our application in India is based on international application under Patent Cooperation Treaty (PCT) as mentioned in Para - 6.
- The application is divided out of my/our application particulars of which are given in Para - 7 and pray that this application may be treated as deemed to have been filed on _____ under sec.16 of the Act.
- The said invention is an improvement in or modification of the invention particulars of which are given in Para - 8.

10. Following are the attachments with the application:

- (a) Provisional specification/Complete specification
- (b) Complete specification (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies), No. of pages _____ No. of claims _____
- (c) Drawings (in conformation with the international application)/as amended before the International Preliminary Examination Authority (IPEA), as applicable (2 copies), No. of sheets _____
- (d) Priority documents
- (e) Translation of priority document/Specification/International Search Report
- (f) Statement and undertaking on Form 3
- (g) Power of Authority
- (h) Declaration of inventorship on Form 5
- (i) Sequence listing in electronic form
- (j)

Fee Rs. in Cash./ Cheque / Bank Draft bearing no.
 Date on Bank.

I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters stated herein are correct and I/We request that a patent may be granted to me/us for the said invention.

Dated this day of 20.....

Signature:-

Name:

To, The Controller of Patent
 The Patent Office, at.....

Note: *Repeat boxes in case of more than one entry.

***To be signed by the applicant(s) or by authorized registered patent agent otherwise where mentioned.**

***Tick (✓)/cross (x) whichever is applicable/not applicable in declaration in para-9.**

***Name of the inventor and applicant should be given in full, family name in the beginning.**

***Complete address of the inventor and applicant should be given stating the postal index no./code, state and country. *Strike out the column which is/are not applicable * For fee: See First Schedule**

REVISED FORM-2

84

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART II—Sec. 3(ii)]

FORM 2 THE PATENT ACT 1970 (39 of 1970) & The Patents Rules, 2003 PROVISIONAL/COMPLETE SPECIFICATION (See section 10 and rule13)	
1. TITLE OF THE INVENTION	
2. APPLICANT (S) (a) NAME: (b) NATIONALITY: (c) ADDRESS:	
3. PREAMBLE TO THE DESCRIPTION	
PROVISIONAL The following specification describes the invention.	COMPLETE The following specification particularly describes the invention and the manner in which it is to be performed.
4. DESCRIPTION (Description shall start from next page.)	
5. CLAIMS (not applicable for provisional specification. Claims should start with the preamble — "I/we claim" on separate page)	
6. DATE AND SIGNATURE (to be given at the end of last page of specification)	
7. ABSTRACT OF THE INVENTION (to be given along with complete specification on separate page)	
Note: - *Repeat boxes in case of more than one entry. *To be signed by the applicant(s) or by authorized registered patent agent. *Name of the applicant should be given in full, family name in the beginning. *Complete address of the applicant should be given stating the postal index no./code, state and country. *Strike out the column which is/are not applicable	

STEPS FOR FILLING UP FORM 1

There are various items to be filled up in Form 1 of the prescribed proforma filing patent applications. In what follow, steps involved in compiling the particulars have been discussed;

Step 1: **Name, Nationality and Address of Applicant** should appear at item No. 1. Here Applicant is Indian Council of Agricultural Research; Nationality: Indian and Address: Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110001. This information is to be filled in the Columns provided under this item, in Form 1.

Step 2 : **Name, Nationality and Address of each Inventor** should appear at item No. 2. in case there are more than one inventor. Please note that three sub-columns at item No. 2 viz., Name, Nationality and Address have been given. The information should be given in appropriate Columns. To illustrate the point, if there is an invention made by two scientists viz. Dr. Ram Prakash and Dr. Prem Verma from Pathology Division of IARI, New Delhi the particulars at item No. 2 of Form1 will appear as under :

Name	Nationality	Address
1. Dr. Ram Prakash	Indian	Division of Pathology, IARI, New Delhi-10012
2. Dr. Prem Verma	Indian	Division of Pathology, IARI, New Delhi-10012

Step 3: The **title of invention** should appear at item No. 3. Please note to ensure that the title of the invention is the same as that mentioned on the first page of FORM 2.

Step 4: **Address for Correspondence of Applicant/Authorized Patent Agent in India with his/her Telephone No., Fax No., Mobile No., and E-mail should** appear at item No. 4 of Form 1. The following information may be filled in at this column.

"The Assistant Director General (Intellectual Property Rights) Indian Council of Agricultural Research Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110001"	Tel: 011-23382146 Fax: 011-23382146 Email: jpmishra.icar@nic.in
---	--

Step 5: **Priority particulars of the Application(s) in the convention Countries.** This information is to be given in the appropriate Column given at item No. 5. In case of new invention where no application has been filed earlier, -Nil- information may be filled in Columns provided at item No. 5

Step 6: **Particulars for filing Patent Cooperation Treaty (PCT) National Phase Application:** It should appear in the appropriate Columns given at item No. 6. In case no PCT application has been filed in respect of the application 'NIL' particular should be furnished at in the columns provided at item No. 6.

Step 7: **Particulars for filing Divisional Application:** It should appear in the appropriate Column at item No. 7. In case of new invention the information should be filled as 'NIL' in the Columns at item No. 7.

Step 8: **Particulars for filing Patent of Addition.** This information should be given in the Columns given at item No. 8. In case of new invention the Columns may be filled as 'NIL'.

Step 9: **DECLARATION**

(i) **Declaration by the Inventor(s)**

(Note: Particulars at item No. 9 (i) of Form 1 should be filled with care).

The inventor(s) should give the following declaration;

"I/We, the above named inventor(s) is/are the true & first inventor(s) for this invention and declare that the applicant herein is/are my/our assignee or legal representative for example as follows:"

Name	Nationality	Address	Signature (with date)
1. Dr. Ram Prakash	Indian	Division of Pathology, IARI, New Delhi-10012
2. Dr. Prem Verma	Indian	Division of Pathology, IARI, New Delhi-10012

(ii) **Declaration by the applicant(s) in the convention Country:**

(At this Column please type - **Not applicable**-)

3. Declaration by the applicant(s)

I/We, the applicant(s) hereby declare(s) that:

- I am/We are in possession of the above-mentioned invention
- The provisional/complete specification relating to the invention is filed with this application.
- The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.
- There is no lawful ground of objection to the grant of the Patent to me/us.
- I am/We are the assignee or legal representative of true & first inventors.
- The application or each of the applications, particulars of which are given in Para-5 was the first application in convention country/countries in respect of my/our invention.
- I/We claim the priority form the above mentioned application(s) filed in convention country/countries and state that no application for protection in respect of the invention had been made in a convention county before that date by me/us or by any person form which I/We derive the title.
- My/our application in India is based on international application under Patent cooperation Treaty (PCT) as mentioned in Para - 6.
- The applications is divided out of my/our application particulars of which are given in Para - 7 and pray that this application may be treated as deemed to have filed on under section 16 the Act.
- The said invention is an improvement in or modification of the inventions particulars of which are given in Para - 8.

10: Following are the attachments with the application:

- (a) Provisional specification/Complete specification
- (b) Complete specification (in conformation with the international application) as applicable (2 copies). No. of pages No of claim.....
- (c) Drawings (in conformance with the international application)/ as amended before the International Preliminary Examination Authority (IPEA), as applicable (e copies) No. of sheets
- (d) Priority documents
- (e) Translation of priority document/Specification/International Search Report
- (f) Statement and undertaking.
- (g) Power of Authority
- (h) Declaration of inventorship.
Fee Rs..... in Cash/Cheque/ Bank Draft bearing no..... date on Bank.

I/We hereby declare that to the best of my/our knowledge, information and belief the fact and matters stated herein are correct and I/We request that a patent may be granted to me/us for the said invention.

Dated this day of 200

(Jai Prakash Mishra)
Assistant Director General
(Intellectual Property Rights)
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi - 110001

To

The Controller of Patent
The Patent Office,
New Delhi.

ANNEXURE -I

The Asstt. Director General,
(Intellectual Property Rights)
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi – 110001.

**Sub:- Undertaking and Declaration in regard to Invention made by the
Undersigned.**

In regard to the invention made by me/us, I/We have requested our Director to forward the proposal for filing application for patent, In this connection we reiterate the following facts-

- i) The title of our invention is
 - ii) The invention made by us is completely new and is on account of inventive steps taken by us. It has not been published.
 - iii) There is no lawful ground of objection to the grant of patent in respect of our invention.
 - iv) I/We have perused the available literature on the subject and I/we confirm that no invention has been made by person of the type mentioned at item no (i) above.
 - v) I/We undertake to keep your posted of development in regard to correspondence/business discussion if any, pertaining to the above-mentioned invention, in future.
 - vi) I/We give below the declaration for assignment of rights to ICAR.
2. In view of the above facts, I/We request you to kindly expedite the filing of the application.

Yours faithfully,

{Name & Signature of the Inventor(s)}

ANNEXURE –II

The Asstt. Director General,
(Intellectual Property Rights)
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi – 110001.

**Sub:- Undertaking and Declaration in regard to Invention made by the
Undersigned.**

In regard to the invention made by me/us, I/We have requested our Director to forward the proposal for filing application for patent, In this connection we reiterate the following facts-

“The invention as disclosed in the specification uses the biological material from India and the necessary permission from the competent authority shall be submitted by me/us before the grant of patent to me/us.”

Yours faithfully,

{Name & Signature of the Inventor(s)}

Signature of two witnesses alongwith their names and addresses

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
1.	Director
2.	Head of Division

DECLARATION BY INVENTOR(S)

We declare that the authorized official of ICAR, who has signed the application for the invention under reference as applicant is our assignee.

Dated this..... day of200.....

INVENTOR(S)

NAME (in full expanded initials)

SIGNATURE

.....
.....
.....
.....

.....
.....
.....
.....

Signature of two witnesses alongwith their name and addresses

NAME

DESIGNATION

SIGNATURE

1.
.....
.....

Director

.....
.....
.....

2.
.....
.....

Head of Division

.....
.....
.....

FORM 2

This Form principally covers the details of invention in respect of specifications, Claims and Abstract. The title of Form may have to be modified as PROVISIONAL when the Provisional Application is filed and COMPLETE while a complete specification is filed.

Step 1: **Title of the invention** should appear at item No. 1 of Form 2. (Please note to ensure that the title of invention is the same as that mentioned at Sl.No. 3 of Form 1)

Step 2: **Name, Nationality and Address of Applicant** should appear at item No. 2 of Form 2. this should be presented as under:

2. APPLICANT(S)

(a) Name : Indian Council of Agricultural Research

(b) Nationality : Indian

(c) Address : Krishi Bhawan,
Dr. Rajendra Prasad Road,
New Delhi - 110001

Step3: **Preamble to Description**; (This is given at the foot note of Form 2)

Step 4: **Description** - The description about the specifications should appear at item No. 4 on a fresh page.

Step 5: **CLAIMS** should start as "I/We(on a separate page).

Step 6: **Name and address of ADG (IPR)** should be typed on the last page of the specification for his signature. (The last page means, the page where the statement of Claims ends.)

Step 7: **ABSTRACT**: This comprises the last part of a patent document. The abstract should be set as a separate page and written in a manner so as to reflect a brief description of the invention, including specifications and claims. This should contain 250-300 words.

*Note: In respect of filing a Provisional Specification, the preamble shall appear as under
"The following specifications describe the invention.*

*In respect of filing a Complete Specification the preamble should comprise as under
"The following specifications particularly describes the invention and the manner in which it is to be performed.*
