



PATENT APPLICATION FILING

A STEP-BY-STEP ROADMAP FOR INNOVATORS



 A patent protects your innovation and grants exclusive rights for a limited period. This roadmap provides a simplified guide to filing a patent application in India



Patentable Invention ?

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What can be Patented?

- A product or process
- Must be New
- Must involve inventive step (non-obvious)
- Capable of industrial application
- Must not fall under statutory exclusions ([section 3](#) and [4](#))

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Before you file

- Conduct a preliminary search for novelty & obviousness
- Use free database like [INPASS](#), [Patentscope](#), [Espacenet](#) etc.
- Prepare a draft specification
- Review specification to refine your draft
- Seek professional help if required

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Who can File?

- The true and first inventor
- The assignee of the inventor
- Legal representative (in case of deceased inventor)

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Where to File (Jurisdiction)

Depends on

- Residence
- Place of Business
- Domicile of the Applicant
- Place of origin of the invention

Patent Offices

- Delhi
- Mumbai
- Kolkata
- Chennai

DID YOU KNOW?



E-filing attracts Fee Concession!



Early Publication reduce waiting period!



Expedited Examination

Expedited Examination available for eligible applicants!



Beware of Timelines

Failure to meet timeline is fatal in patent prosecution!



How to File

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- Physical filing (by post or in person)
- E-filing (recommended; concessional fee available)
- Refer to the First Schedule for prescribed fees

Documents Required

Mandatory

- [Form 1](#) - Application for a Patent
- [Form 2](#) - Provisional / Complete Specification
- [Form 3](#) - Statement & Undertaking
- [Form 5](#) - Declaration of inventorship
- [Form 18](#) - Request for Examination

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Optional (If Applicable)

- [Form 9](#) - Early Publication
- [Form 18A](#) - Expedited Examination
- [Form 26](#) - Authorization of Patent Agent
- [Form 28](#) - For Small Entity / Startup / Educational Institution

Post Filing Confirmation

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- Preserve payment receipts
- Verify submission on official portal
- Track application status regularly

Publication

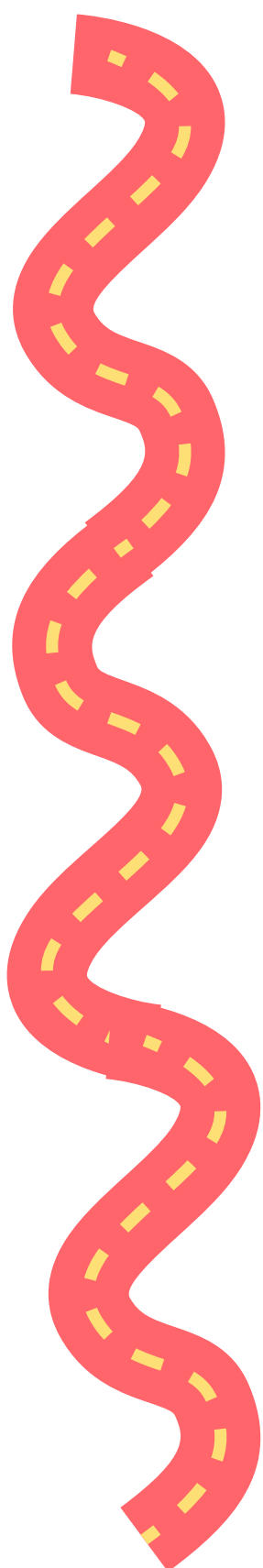
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- Automatic Publication after 18 months of filing
- Early publication Request ([Form 9](#))



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Examination

- No examination if [Form 18/18A](#) not filed within 31 months from filing / priority whichever is earlier
- After Examination, First Examination Report (FER) issued
- Reply to FER within 6 months, with possibility of extension of further three months on [Form 4](#)
- Hearing opportunity extended to the applicant whenever required

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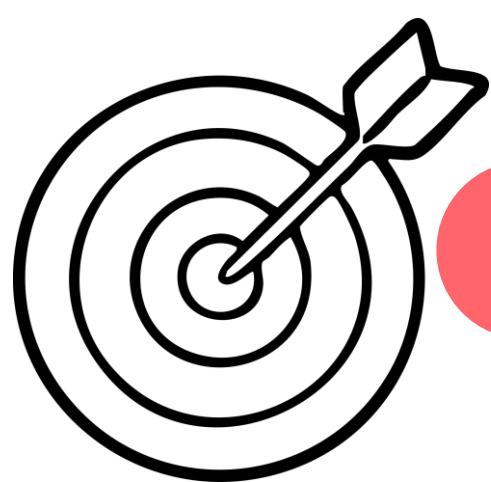
Grant

- Patent granted when all requirements as per Act and Rules are satisfied / complied
- A Patent is granted for 20 years from the date of filing
- Renewal fees need to be paid timely to maintain the patent

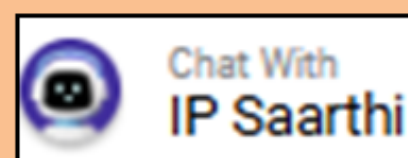
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Advantages

- Enjoy exclusive right to prevent others from making, using, selling or importing of patented product or process without consent
- Exploit your patent for market advantage, commercialization, licensing etc.



Useful Resources



Chatbot: <https://ipindia.gov.in/ipsaarthi/>



<https://iprsearch.ipindia.gov.in/openhousehelpdesk/Login/login>



<https://iprsearch.ipindia.gov.in/publicsearch>

<https://ipindia.gov.in/pages/home/acts-rules-ipr>



QR Code for FAQ in Patents

Disclaimer: The content is for general information only, not legal advice. Applicant should refer to the Patents Act, 1970 and Rules available on the official IP India website for specific matters.

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