
Glossary

Abstract

A summary statement of the important points of a text. Brief description of the essential content of an the patent document

Access Rights

Licensees and user rights to practice knowledge or pre-existing know-how often owned by another person.

Access and Benefit Sharing (ABS)

Refers to granting permission to enter an (geographic) area for the purpose of sampling, collecting, and removing genetic or other resources. Benefit sharing refers to all forms of compensation for the use of genetic resources, whether monetary or non-monetary. This could also include participation in scientific research and development of genetic resources, and sharing the findings of any potential benefits resulting from this work.

Agreement

A negotiated and usually legally enforceable understanding between two or more legally competent parties. Although a binding contract can result from an agreement, an agreement typically documents the give-and-take of a negotiated settlement and a contract specifies the minimum acceptable standard of performance.

Annuity

Annual payment to keep a patent or patent application alive in countries where it has been filed.

Appeal

Asking a higher legal authority to review a decision.

Applicant

The entity filing the patent application. The patent applications are filed in the name of the actual inventors, who may then assign their rights to, for example, their employer. In India, the “assignee” and the “applicant” are the same.

Assignee

The person(s), agency or corporate body to whom all or limited rights under a patent are legally transferred. Assignee can be a natural person or other than natural person like registered company, research organization, educational institute or Government. Assignee also includes assignee of the assignee and the legal representative of a deceased assignee.

Assignor

A person who assigns the rights of a patent to assignee is called assignor.

Berne Convention

The Berne Convention is meant for the Protection of Literary and Artistic Works. It is an international agreement governing protection of copyright, which was first accepted in Berne, Switzerland, in 1886. It has been amended several times.

Biodiversity

Biological diversity – or biodiversity – is the term given to the variety of life forms on Earth. It is the variety within and between all species of plants, animals and micro-organisms and the ecosystems within which they live and interact.

Biomaterial / Biological Material

Any material containing genetic information and capable of reproducing itself or being reproduced in a biological system.

Biosimilar

A biosimilar product is a biological product showing that it is highly similar to an approved biological product, known as a reference product. It does not exhibit clinically meaningful differences in terms of safety and effectiveness from the reference product. Only minor differences in clinically inactive components are allowable in biosimilar products.

Claim

Claims define the invention and legally enforceable matter in the application. The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as the true invention or discovery.

Co-inventor/ Joint Inventor

The invention generated not solely but with joint efforts with other inventor .More than one have inventor contributed to the conception of an invention.

Compulsory License

A license granted by the state upon request to a third party that, through the license, is permitted to exploit a patented invention after the owner of the patent has refused to provide a voluntary license under acceptable conditions.

Complete Specification

A complete specification describes the invention in toto and the best known method of carrying it out, and ends with one or more “claims” which define the scope of the invention. The application needs to disclose the full details of your invention and will be examined and may lead to the grant of a Patent.

Confidentiality Agreement

A legal document through which intellectual property or new knowledge can be disclosed by one party to another wherein the latter party is permitted to use the information/data for certain purposes, and only those purposes, that are stated in the agreement and agrees not to disclose the information to others.

Convention application

An application for a patent filed in respect of an invention, claiming a priority date based on the same or substantially similar application filed in one or more of the convention countries is called as convention application. A convention applicant should be filed within 12 months from the date of earliest priority application. It should be noted that a provisional specification cannot be filed in case of a Convention Application.

This application must be filed in any of the convention country within 12 month of priority date.

Convention of the International Union for the Protection of New Varieties of Plants (UPOV)

An international treaty that guarantees to plant breeders in member nations for national treatment and a right of priority. National plant variety protection statutes of member nations are brought into

harmonization with the various UPOV provisions, for example, the requirements of distinctness, uniformity, stability, and novelty for new crop varieties.

Convention on Biological Diversity (CBD)

Articulated at the 1992 “Earth Summit”, the Convention seeks to establish a comprehensive strategy for sustainable development, setting out commitments for maintaining the world’s ecological underpinnings in light of increasing business and economic development.

Contracts

An agreement between two parties enforceable at law incorporating clauses defining the terms, objectives and other aspects of the agreement. Legally binding documents between parties to outline and enforce access and benefit sharing agreements as well as trade secrets. For example: Confidentiality/non-disclosure agreements, Exclusive licenses etc.

Copyright

Copyright is an exclusive right conferred by the government to protect works in creative fields such as arts, music, literature etc and excludes others from reproducing, adapting, distributing, performing it in public. etc.

Co-owner/ Joint Owner

Co-ownership, also called Joint ownership, refers to a situation in which two or more persons have proprietary shares of an asset: they co-own a property. Joint ownership of IP, in particular, frequently arises in collaborative projects when the results have been jointly generated by the partners and the share of work is not easily ascertainable. Joint ownership may arise with regard to all the forms of IP, that is to say patents, copyright, trademarks and even trade secrets.

Counterfeit

Unauthorized representation of a registered trademark carried on goods identical or similar to goods for which the trademark is registered, with a view to deceiving the purchaser into believing that he/she is buying the original goods. It is commonly used in case of drugs, and referred to as spurious, fake or substandard drugs.

Cross Licensing

In patent law, cross-licensing is an agreement according to which two or more parties grant a license to each other for the exploitation of the subject-matter claimed in one or more of the patents each owns. Usually, this type of agreement happens between two parties in order to avoid litigation or to settle an infringement dispute.

Data Exclusivity

Data exclusivity basically refers to protection of clinical test data required to be submitted to a regulatory agency to prove safety and efficacy of a new drug, and prevention of generic drug manufacturers from relying on this data in their own applications. It is the extension of exclusivity right especially for medicinal products after the expiry of the term of patent.

Data Sharing

Data sharing is the practice of making data used for scholarly research available to other investigators.

Dependent claims

Dependent claims have reference to the independent claim and are proper subsets of their parents claim(s).

Design Patent

In a design patent application, the subject matter which is claimed is the design embodied in or applied to an article of manufacture (or portion thereof) and not the article itself. In India there is no design patent, only design registration provision.

Differential Pricing

The practice of setting different prices for different markets segments, i.e., two tiered pricing strategy; higher prices in richer markets and lower prices in poorer markets.

Disclosure (of an invention)

An invention disclosure is a confidential document written by a scientist or engineer for use by an organization's IP cell, or by an external patent attorney, to determine whether patent protection should be sought for the described invention.

Dissemination

Dissemination means the disclosure of knowledge by any appropriate means other than publication resulting from the formalities for protecting knowledge.

Divisional Application

A divisional application is one which has been “dissociated” from an existing application. The applicant, at any time before the grant of a patent can file a further application called divisional application, if he so desires or if an objection is raised by the examiner on the ground that the claims disclosed in the complete specification relates to more than one invention.

Due Diligence

Investigations undertaken to assess the ownership and scope of one or more IP rights that are being sold, licensed or used as collateral in a transaction. This is done in order to identify business and legal risks associated with the IP rights being analyzed.

Equitable Benefit Sharing

It is primarily used by traditional knowledge stakeholders and serves to balance the interests of the IP right holders and the TK generators, i.e., the traditional knowledge holders must be appreciated with compensatory payments or other non- monetary benefits for using their traditional knowledge for commercial or public health purposes.

Examination [Patent]

Examination is a process of review of the patent application, undertaken by a patent examiner, to determine whether the application complies with all legal requirements for patentability set out in the appropriate legislation. The examination process reviews prior art to ensure novelty.

Exclusive License Agreement

A legal document for licensing the intellectual property to another party for their exclusive use. The concerned intellectual property cannot be licensed to any other party for any use.

Evergreening

Legal, business and technological strategies by which producers extend their patents over products that are about to expire, in order to retain royalties from them, by either taking out new patents or by buying out for longer periods of time than would normally be permissible under the law.

First Examination Report (FER)

FER is communicated to the applicant or his agent after examination of the application and requires the party to address specific queries to render patentability to the invention and respond in a fixed period of time.

First to File

A rule under which patent priority is determined. The rule gives priority to the party that first files a patent application for an invention, rather than to the party that is first to invent. The first to file system is followed by almost every nation in the world.

Final Office Action

Applicant of a patent is notified from time to time by the patent examiner. When examiner examines the application for the first time, the observations are communicated to the applicant vide First Examination Report (FER) or First official action, similarly the examiner may issue a Second Examination Report called Second official action. Usually after examining the response towards the examination reports examiner issues a Final office action vide which a patent is either granted or rejected. In case of rejection of a patent or a claim the applicant's reply is limited to an appeal only as further amendment is restricted.

Freedom to Operate (FTO)

The ability to undertake research and/or commercial development of a product without illegally infringing on someone else's ownership rights or protected technology. This usually involves comprehensive of both granted patents and pending patent applications.

Geographical Indication

Indication which identifies a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

Industrial Property

Industrial property is a subset of intellectual property, referring to those types of intellectual property that have an industrial application. Specifically, it refers to patents, trademarks, designs, mask works, and plant breeders' rights.

Infringement

Infringement of an IPR includes making, using, or selling a patented product or process without permission, fabrication of designs, unauthorized use or imitation of a trademark, reproducing, adapting, distributing, performing in public, or displaying in public the copyrighted work of someone else. Infringements of industrial property are aimed to deceive, confuse, or mislead others.

Independent claim

Claims that do not have reference to any other claim. First claim of any application is usually an independent claim.

Industrial Design

An industrial design is a two- or three-dimensional design that increases the aesthetic value of a product used to produce a product, industrial commodity or handicraft.

Intellectual Property

Inventive and/or creative ideas and expressions of the human mind that may have commercial values and have been conferred legal protection of a property right. Intellectual property rights enable owners to restrict the access and usage of their property and to protect it from unauthorized use.

International Bureau

International bureau administers various conventions by WIPO and also international Patent applications may be filed directly with the International Bureau as Receiving Office, similar to a competent national or regional Office.

International Depository Authority (IDA)

An International Depository authority is in principle a culture collection facility, which is recognized by the World Intellectual Property Organization (WIPO) in accordance with the Budapest treaty for deposition of microbial strain, in case of patent filing based on a microbial inventions. WIPO has recognized 46 facilities as IDA in various countries. An applicant does not need to deposit the strain at all the depositories corresponding to the national phase of the PCT but deposition in only a single IDA is adequate.

International Patent Application

PCT is an international filing system for patents in which an applicant files in the receiving office in a country and gains an early priority date in all the designated countries without affecting the priority date. It is governed by World Intellectual Property Organization, and can be valid in up to 148 countries.

International Patent Classification (IPC)

The International Patent Classification system (IPC), established by the Strasbourg Agreement 1971, is a hierarchical system which uses language-independent symbols to classify patents and utility models according to the area of technology to which they relate.

International Search Report (ISR)

The International Search Report is published by the International Bureau for all PCT applications and it serves as a basis for any examination of the International application by the designated Offices.

Inventor

An individual or, if a joint invention, the individuals collectively who invented the subject matter of the invention. Inventor names are recorded for all patents.

Issue Date

Issue date is the date on which the patent becomes enforceable.

Know How

Information other than the protected information in a patent which enables a person to accomplish a particular task or to operate a particular device or process.

Lapse of patent

If the renewal/maintenance fee is not paid by the patent holder within prescribed time as mentioned in the Patent Act, patent gets lapsed i.e. ceases to exist. .

Layout-design

Layout-design means a layout of transistors, and other circuitry elements and wires connecting such elements and expressed in any manner in a semiconductor integrated circuit.

License

A written agreement granting permission to use an intellectual property right within a defined time, context, market line, or territory.

Licensee

The party obtaining rights under a license agreement.

Licensor

The party granting rights under a license agreement.

License fee

Licensing fees is a negotiated and fixed amount of money which is usually paid as a part of licensing agreement defining the terms and other aspects pertaining to licensing of an intellectual property.

Lisbon Agreement

The Lisbon agreement is an international agreement supervised by WIPO for the Protection of Appellations of Origin and their International registration, which entered into force on September 25, 1966.

Loss of Right (dubious)

When an originally filed patent application is abandoned, either intentionally or unintentionally or even though a patent is issued on an application, patent rights are lost to inventions that are disclosed in the patent but not claimed.

Madrid Agreement

An agreement administered by WIPO concerning international registration of Trademarks. It provides a centralized system for protecting a trademark in 98 members by registering the mark in one country.

Maintenance Fees

Fees for maintaining a patent in force. The fees typically have to be paid at definite intervals, depending on the jurisdiction, and significantly increase over time.

Material Transfer Agreement (MTA)

A contract between the owner of a tangible material and a party seeking the receipt of such material. The agreement covers the right to use the material with purpose to document the transfer and outline the objectives and terms of use, including identification of the research or assessment project, terms of confidentiality, publication, liability and others.

Method Claim

A claim which covers a way of doing something, usually expressed as a series of “steps”. The method of manufacturing a particular drug or a vaccine can fall under method claim such as recombinant DNA technology.

Microbiological Process

The inventions which concern a microbiological process involving or performed upon or resulting in microbiological material or a product.

Micro-organism

Any microbiological entity, cellular or non-cellular, capable of replication or of transferring genetic material, including viruses, viroids, animal and plant cells in culture.

National phase application

An international application made according to Patent Cooperation Treaty enters national phase, in the designated countries within 31 months from the international filing date. The designated countries then prosecute the applications in accordance with laws.

National Biodiversity Authority

The National Biodiversity Authority (NBA) is a statutory autonomous body under the Ministry of Environment and Forests, Government of India established in 2003 to implement the provisions under the National Biological Diversity Act, 2002, after India signed Convention on Biological Diversity (CBD) in 1992.

National treatment When a member country under Paris Convention treats a foreign applicant as its own national while protecting an invention in the given country, it is termed as National treatment.

Non-disclosure agreement

An agreement to treat specific information confidentially.

Nonexclusive License

A license under which owner's rights (licensor) are granted to the other party (licensee) but not exclusively; the licensor reserves the right to give the same or similar rights to use the licensed materials to other parties.

Non-obviousness

One of three conditions for patentability which means that invention would not be obvious to someone with knowledge and experience in the technological field of the invention.

Novelty

One of three conditions for patentability which obligates an invention to be new and original. That is, the invention must never have been made in public in any way, anywhere, before the date on which the application for a patent is filed.

Obviousness

The condition of an invention whereby a person with ordinary skill in a field of technology can readily understand it from publicly available information (prior art).

Office Action

Once a patent application is filed, it will be assigned to an Examiner, who will examine it for scope of protection, format and wording, and do a search for prior art. The document which the Examiner provides to explain why the application is rejected/accepted is called an "Office Action"

Official Gazette

The Controller publish periodically an official journal which contains such information as may be required to be published by or under the provisions of the Act or any rule made thereunder.

Omnibus Claim

A claim which merely claims the invention without any detail, as "the widget as shown in the drawings" as described in the specification". These claims are, however, not permitted in India.

Opposition Proceeding

An opposition proceeding is an administrative process available under the patent and trademark law of many jurisdictions which allows third parties to formally challenge the validity of a pending patent application ("pre-grant opposition"), of a granted patent ("post-grant opposition"), or of a trademark.

Ordinary Application

A patent application filed for the first time without claiming priority from any other application such as conventional or PCT application is called an ordinary application.

Paris Convention

The main international treaty governing patents, trademarks, and unfair competition. It is administered by the World Intellectual Property Organization (WIPO) and has principal provisions for „*national treatment, level of protection, Convention priority, and administrative framework within the Paris Union*”.

Patent

A patent is a document that defines the legal right for inventors and assignees to make use of and exploit their inventions for a given period of time. .

Patentee

A person to whom a patent has been granted; who appears on the official government registry of patent owners or, if the patent monopoly has been sold or handed through an estate, to that assign.

Patent Agent

A person who has qualified the exam conducted by Patent Office and has got his name registered in the register of patent agent, shall be called a registered patent agent under the Act and will be authorized to prepare all the documents to apply and obtain the patents and practice before the Controller.

Patent Application

A technical document describing in detail an innovation for which a patent is sought.

Patent Assignee

The individual(s) or corporate body to whom all of limited rights of the patent are legally transferred.

Patent Attorney

Patent Attorneys are specialist legal advisors, often with legal qualifications , who advise their clients how to protect their intellectual property and are involved in drafting of patent specifications and corresponding filing, subsequent prosecution and correspondence with the patent office, representing the applicant's case at the hearings, filing opposition proceedings or defending an application against an opposition.

Patent of Addition

Patent of addition is an application made for a patent in respect of any improvement or modification of an invention described or disclosed in the complete specification for which a patent has already been granted or a patent application is filed. A patent of addition lapses with the cessation of the main patent.

Patent Co-operation Treaty (PCT)

The Patent Co-operation Treaty (PCT) is an international treaty that provides a mechanism through which an applicant can file a single application which when certain requirements have been fulfilled, may be pursued as a regular national filing in any of the PCT member nations. PCT has come into force on January 24, 1978.

Patent Database

Patent databases are the comprehensive archive of the patents. There are freely available databases from PCT, USPTO, EPO, etc. and paid databases such as Delphion, STN, Derwent etc. Patent databases, some of which are commercial, are useful to determine the novelty of the invention and are also a mean to assess the technological development and help in technology transfer, licensing and other business activities involving patents.

Patent number

A patent number is a unique identifier of a patent and is 6 digit number (e.g. 266115). Patent numbers are assigned to each patent document by the patent-issuing authority.

Patent of Procedure

A patent that covers a way of obtaining a product that may have previously been known, in contrast to a patent for a product.

Patent Pending

A “Patent Pending” notice on a product informs others that an application for a patent has been filed, and that legal protection may be forthcoming.

Patent Pooling

A patent pool is an agreement between two or more patent owners to license one or more of their patents to one another or to third parties. A patent pool allows interested parties to gather all the necessary tools to practice a certain technology.

Patent Searching

A process carried out by the patent examiner/attorneys for checking the novelty of a patent application. The subsequent patent research report lists published items comprising both patent and non patent literature relevant to the subject of the invention.

Patent specification

A description of the invention. This may be published several times, first as the applicant wrote it, then after a patent examiner has amended it, and then finally after any objections from third parties have been taken into account.

Patent-issuing authority

Any country or organization with the authority and the power to issue patents

Petition

A petition is a signed, written request presented to change something, most commonly made to a government official or public entity.

Petty Patent

Petty patents/ utility models confer patent-like protection to some products. These are usually not examined (or are examined only as to form, and not novelty), and have a shorter term than regular patents. In some systems, these must be examined before bringing suit against an infringer, in others they are examined in court during the suit.

Post grant opposition

An individual or an organization has right to Oppose the filing or grant of a patent on the grounds specified in the Indian Patent Act. Post-grant opposition can be filed within one year of the grant of the patent with a statement and evidence in support of the opposition. For details refer, chapter 3, Invention and patent.

Power of attorney

Authorization of patent agent or any other person

Pre grant opposition

Pre-grant opposition can be filed after the publication of patent application and before the grant of patent by any person with a statement and evidence in support of the opposition.

Preliminary Search

A search through intellectual property records before submitting an application for registration in order to verify whether a patent, trademark or industrial design has been previously applied for or registered. The search may disclose conflicting registrations, and show that the application process would be in vain.

Prior art

The disclosed information against which an invention is judged to determine if it is novel and non-obvious and justified for patenting.

Prior Informed Consent

The consent given by a party to an activity after being fully informed of all material facts relating to that activity. The Convention for Biological Diversity requires that access to genetic resources shall be subject to the Prior Informed Consent of the Country providing the resources.

Priority application

Under the right of the priority provision, an application may be filed in one or more contracting states or countries within 12 months of the first application. In this case the original application number becomes the priority application date.

Priority Date

A priority date is the date of first filing of patent application and is used to determine if the invention is new. If the invention is known to the public before this date, the patent applicant is not entitled to patent the invention.

Provisional Application

Redrafted: A provisional patent application precedes the complete application upon which the grant is based, and is filed to establish a priority date for disclosure of the details of an invention and allows a period of up to 12 months for development and refinement of the invention before the patent claims take their final form in a complete application.

Prosecution

The applicant's side of the examination process, convincing the examiner to issue a patent.

Process Claim

A claim of a patent that covers the method by which an invention is performed by defining the steps to be followed, in contrast to a product claim or an apparatus claim, which covers the structure of a product.

Product-By-Process Claim

In a patent claim a product is claimed by defining the process by which it is made. The product-by-process form of claim is most often used to define new chemical compounds, since many new chemicals, drugs, and pharmaceuticals can practicably be defined only by their process

Proof of right

If the patent application is made by the assignee, a proof of right must be submitted along with the application for patents which prescribes that the application is made by virtue of an assignment of the right to apply for a patent for an invention.

Provisional Rights

While patents are only enforceable after they issue, a patentee may ask for a reasonable royalty for activities of an infringer which occur between the publication of the application on which the patent was based and the date of issue, if the invention claimed in the published application and the issued patent are “substantially identical”. The ability to ask for pre-issue damages is called “provisional rights”.

Public Domain

The status of an invention, creative work, commercial symbol, or any other creation that is not protected by some form of intellectual property. Items that have been determined to be in the public domain are available for copying and use by anyone.

Publication of Patent

The publication of a patent application is different from the publication in learned society, in this the patent office published the applications after 18 months of filing of the patent application or from the date of priority (whichever is earlier) in the official gazette of the Indian Patent office for inspection by public and checking for objections.

Reference

A piece of prior art; an act or instance of referring or citation to some previously documented literature.

Rejection

In an Office Action, the Examiner may reject claims based on form (section 112, Indian Patents act), patentability of the subject matter (section 101, Indian Patents act), or as unpatentable in view of the prior art (sections 102 or 103, Indian Patents act).

Renewal Fee

After a patent has been granted, renewal fees must be paid for maintaining the patent in force. The renewal fees are due before the expiry of each succeeding year and in case of nonpayment of renewal fee within the prescribed time limit, the patent ceases to exist. .

Request for examination (RFE)

A request for examination (RFE) in form-18 is to be filed simultaneously with the patent filing or within 48 months from the date of filing or earliest priority date; in case the RFE is not filed the corresponding application will not be examined and will be deemed as withdrawn. A request for examination may be normal or express (fast track).

Research Tool

A method, utility, application or material which promotes and improves research are called research tools. For e.g., Browzine by NIH.

Restoration

A patent that is lapsed because of failure to pay the prescribed fees within the prescribed period can be restored by making an application for restoration by the patentee or his legal representative. The application for restoration of patent should be made within eighteen months from the date on which the patent lapsed.

Royalty

Payment by a licensee to the owner of a patent under the terms of a license. Royalties are usually either a percentage of the sales price of a product, or a fixed dollar amount per unit, and are usually paid on a periodic basis - monthly, quarterly or annually defined in the licensing agreement. .

Specification

The specification is a techno-legal document containing scientific information constituting patent rights. The specification, thus, forms a crucial part of the patent documents. It is mandatory on the part of the inventor to disclose clearly and completely various features constituting the invention. Under the patent law, the disclosure is in the form of provisional and complete specification.

Sublicense / Sublicensee

A license giving rights of production or marketing of products or services to a person or company that is not the primary holder of such rights. The holder of the sublicense is known as a sublicensee.

Sui generis Right

A system of protection for plant varieties. In India plant protection came into being for new plant varieties as Protection of Plant Varieties and Farmers' Rights (PPVFR) Act in 2001.

Technology transfer

Technology transfer is the formal transfer of rights to a party to use and commercialize new inventions and innovations resulting from scientific research. The major steps in this process include the disclosure of innovations, patenting the innovation concurrent with publication of scientific research and licensing the rights on innovations to industry for commercial development.

Technology transfer fee

Fees charged for the transfer of technology, i.e., transfer of rights to a party to use and commercialize new inventions and innovations resulting from scientific research.

Territorial jurisdiction

Patents are territorial in nature, i.e. if a patent is granted in India, then anyone in India is prohibited from making, using, selling or importing the patented item, while people in other countries may be free to exploit the patented invention in their country.

Trademark

Trademarks are marks, logos or patterns which identify one seller's goods, are used to advertise, promote, assist in selling goods and distinguish them from goods sold by others. They signify that all goods bearing the mark come from or are controlled by a single source and are of an equal level of quality..

Trade Secret

Business/technical information that is the subject of reasonable efforts to preserve confidentiality and has value because it is not generally known in the trade.

Traditional Knowledge

Traditional knowledge includes creations, innovations, literary, artistic or scientific works, performances and designs originating from or associated with a particular people or territory and communicated from generation to generation.

TKDL

Traditional Knowledge Digital Library (TKDL) is an Indian digital knowledge repository of the traditional knowledge, especially about medicinal plants and formulations used in Indian systems of medicine..

Trade Related Aspects of Intellectual Property Rights (TRIPS)

TRIPS is an international agreement administered by the World Trade Organization (WTO) that sets minimum standards for intellectual property regulation as applied to nationals of other WTO Members. It also introduced intellectual property law into the international trading system.

Unity of invention

The international application must relate to only one invention or to a group of inventions which are so linked as to form a single general inventive concept.

Utility

The usefulness of a patented invention. To be patentable, an invention must operate and be capable of use, and it must perform some “useful” function. It is also called industrial application.

Utility Patent

Issued for the invention of a new and useful process, machine, manufacture, or composition of matter, or a new and useful improvement thereof and generally permits owner to exclude others from making, using, or selling the invention for a period of up to twenty years from the date of patent application filing, subject to the payment of maintenance fees.

Withdrawal of Application

The applicant may, at any time after filing the application but before the grant of a patent, withdraw the application by making a request in writing along with the appropriate form at the concerned patent office.

World Intellectual Property Organization (WIPO)

World Intellectual Property Organization is an international organization established by United Nations and is dedicated to promote use and protection of intellectual property and ensure that the rights of creators and owners of intellectual property are protected worldwide while they also get recognized and rewarded for their innovations and creations.

World Trade Organization

World Trade Organization (WTO) is an international organization which develops agreement, frameworks and various other processes to facilitate globalization, liberalization and expansion of international trade.

Written Opinion (from International Searching Authority)

For a PCT application, a written opinion is issued by International Searching Authority along with the international search report, to identify whether or not the claimed invention appears to be novel, non-obvious and industrially applicable, and briefly explains the issues rose on patentability, if any.