



# Patent Filing in India: Requirements and Timelines

## Patent Filing in India: Requirements

- Full name, Address, and Nationality of each Applicant and inventor.
- A copy of the Complete Specification, claims, abstract and drawings (if any), in the English Language.
- Verified English translation of the priority document. The same can be submitted subsequent to Filing as well.
- A Power of Attorney signed by an Applicant or an authorized person of each Applicant, in original. The same can be submitted subsequent to Filing as well.
- Proof of Right is a document evidencing the transfer of rights from inventor to Applicant (It can be Form 1 signed by all inventors or Notarized Assignment Deed). The same must be submitted within six months of the Indian Filing Date.
- The duly completed applicable Forms required for Indian Patent Filing shall be provided to our clients for signatures, upon entrusting us with filing an application in India.
- The Indian Patent Office requires details of the corresponding Applications filed outside India (i.e., the foreign applications) (such as Name of Countries, Application Date and Number, Status of Application, Date of publication etc.) according to Section 8 of the Indian Patent Act. Such Details are submitted using Form 3 and must be filed within six months of the Indian Filing Date. Further any change in the status of a foreign application— including any communication with the respective patent office where such foreign application was filed— must be reported to the Indian Patent Office within six months of the change.



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### Patent Filing in India: Important Timelines

- A Request for Examination must be filed within 48 months of the Priority Date or Filing Date, whichever is earlier. While the Request for Examination can be filed any time within this period, the application shall be examined only after publication. An Application shall ordinarily be published within one month from the date of expiry of 18 months from the Priority Date or Filing Date, whichever is earlier.
- Form 3 must be filed within six months of any activity (Filing, Publication, any Examination Report Receipt/Response, etc.) of any application filed in other country/countries.
- Working of invention statement, in Form 27, must be filed by every patentee and licensee in respect of every calendar year within three months of the end of each year. The form will contain information such as periodical statements as to the extent to which the patented invention has been commercially worked in India.