

Leaflet Patents in India

Duration

The patent has a duration of 20 years from the date of filing, provided that annual fees are paid.

Compulsory use

Working must be effected within 3 years from the date of grant of the patent to avoid any person from applying for a compulsory license to the patent. Working means the manufacture of the patented product in India to an adequate extent and on a commercial scale, or importation. A statement concerning the working of the invention in India has to be filed once in every period of 3 financial years (a financial year extends from 1st April to 31 March). The first period of 3 financial years starts with the financial year commencing immediately after the financial year in which the patent was granted. The statement of working has to be filed on or before 30 September of the year on whose 31 March the third financial year of the concerned period of 3 financial years ended. Failure to comply with the requirement of filing the statement on working is punishable with a fine.

Marking

In order to recover any damages from an infringer, patented products shall be marked by the word "Patent" or "patented" with the number and year of the patent.

License

Registration of the license contract with the Indian Patent Office is highly advisable. The Patents Act prescribes that if a license contract is not recorded in the Register of Patents, such contract/document shall not be admitted by the Controller or any court as evidence of the title or interest of any person to a patent. We recommend you to contact us if you intend to grant a license under your patent in India.