

INTELLECTUAL PROPERTY: A WAY TO PROTECT TO IDEAS

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Abstract

Intellectual property is important to reimbursement (whether collectively or individually), since intangible assets may be used financially since they can be marketed or licensed much like physical property. Each business owns them whether they know it or not. As a company establishes its position in the marketplace, it is important to protect and maintain its intellectual property, as this can mean the difference between success and failure. It's a busy job for scientists and researchers. The other element of the analysis is that the fruits should be properly preserved for harvesting. Very few inventors are conscious that their imagination is being preserved. Most of the time, it is the job left for lawyers with intellectual property. Yet their payments are enormous. Furthermore, if an inventor is very well aware of the procedures to be followed in preserving and implementing his or her invention, then the research will save a lot of costs and every inventor can become an entrepreneur or at least license the technology. The Make in India idea will definitely help to understand this.

Keywords: *intellectual property, inventors; make in India, research.*

I. INTRODUCTION

Innovative ideas that can be turned into commercial inventions are created by research institutes or research groups. Not every inventor is Thomas Edison, who knows the laws of patents very well. In order to prohibit most inventions from accepting inventions submitted, massive attorney fees almost equal or surpass the fees required to apply. Inventors believe that patenting is a cash game, and immense amounts are needed to defend and practice it. Patenting is a cash game for big fish, no doubt. Small inventors can do it by making proper use of the resources available and making some extra effort to protect them [1].

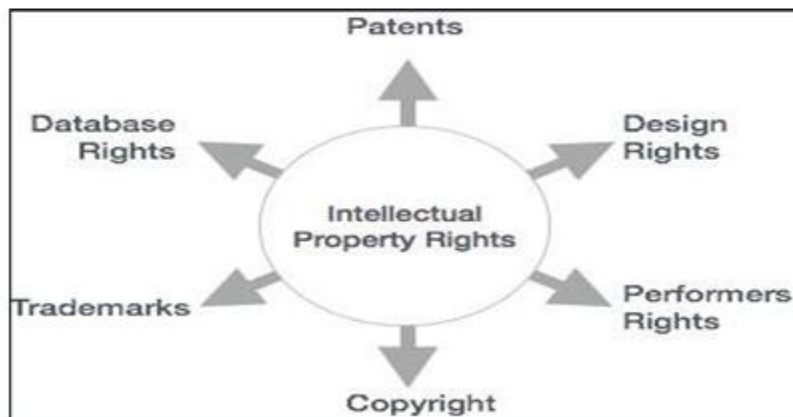


Fig. 1: Different Types of IP

Breakthrough inventions will undoubtedly win their inventors significant sums of money. Misdirected policies that obstruct the ability of universities to generate data and attract and produce top talent are major challenges to the economy and regional growth of the country. As every nation continues to shift towards a knowledge-based economy, the inventor is just as much a source of economic raw material as it was in the past, If a nation and its regions are interested in improving the capacity to succeed in the information economy, they will have to do far more than just boost the ability of inventors to sell technology. We will have to build an ecosystem that is more talent-friendly.

As Donald E. Strokes said, we can only restore the relationship between the government and the scientific community when we know what is wrong with that view. Policymakers should learn a lot from the inventors themselves, who have created environments within their walls that are conducive to technology employees for a very long time[1] [2]. The need of the day is to channelize such research through proper strategy. Universities in the United States have expanded their patenting and licensing activities significantly since the early 1980s. This review paper makes an attempt to provide a conducive environment by addressing process of filing a patent, and inventors ' support for cost cutting themselves [3].

II. IMPORTANCE OF FILING PATENTS

The patent gives the applicant the right to refrain from making, using, selling or importing his or her invention for a period of twenty years from the date of the first filing. The first filing date is the date of the patent office's first filing. For a period of twenty years, the inventor or claimant would have all the rights. The technology will be made public after 20 years. Then, anyone can produce, use or sell after that time, The applicant has all the rights for a twenty-year life cycle to patent the invention. It may also occur that the inventor may not be the claimant, where the inventor has only the rights provided for in the contract between the applicant and the inventor. It is therefore critical that, when filing patent applications, the inventor is aware of all such contracts. No doubt many firms are also the applicants, as the inventors write contracts for service when they are employed by them [4].



Fig. 2: Different Step of Patent in Nutshell

These businesses provide their inventors with some opportunities to inspire their firms to do the job. However, all patent-related privileges are, with the patent holders being the employers. One needs to be very cautious to figure out whether someone is damaging their creations. Only after the patent has been issued will one sue them for infringement. There may be large penalties for patent infringement decided by law. The applicant is entitled to make money through the patented invention in all of this patent registration and working process. Americans have a long tradition of having their inventors into heroes. There is growing concern among academics and university officials that greater participation in university research is causing a change from fundamental science to more applied study.

Thus the patent mechanism keeps the inventors motivated by granting them twenty-year monopoly for working with the invention. One cannot claim this privilege if not patented [5]. During the legal process, an inventor should be mindful of a few words related to filing and dealing with the patent procedure. The paper attempts to avoid coding the parts of the Indian Patent Act 1970, in order to keep the writing as clear as possible and to make it accessible to the inexperienced applicant or client.

III. KEY STEPS DURING THE FILING FOR PATENTS

First, and maybe most important, an inventor should know whether his or her invention can be considered creative. Therefore, innovation is characterized as a system or process that has a novelty (not anticipated by publication in any form), an innovative phase (technical advancement over existing technology) and an industrial application (can be made or used in industry). When all three requirements are met, an invention cannot be considered an invention and can not apply for a patent. Who can be the claimant now once there is an invention? An applicant may be an inventor or an employer or any other person entitled by the inventor to make a request. There are different fee forms for different applicants, however. If the applicant claims to be a small and medium-scale entity, it must provide a registration certificate as a small or medium-scale entity along with the form 28 in compliance with the 1970 Indian Patent Act.

When applying for a patent, individual applicants are considered natural individuals and receive the lowest fee structure. If and unless they have issued a certificate of registration, other organizations are deemed to be large. Large businesses ought to pay the increased final fees to the patent office for all the applications to be carried out. Nevertheless, an invention may be regarded as an interim application or as a full application. One can go to file a provisional application if he or she needs more time to come up with the idea. If experimental results are to be predicted, one must first protect the concept and then go to assert what actual security is. Such grace period in India, however, is only for 12 months. Within twelve months of provisional filing one must give the complete specification.

A full specification should be given for representations to be made by the inventor. Again, there are different payments depending on the number of pages in the document and the number of statements. Next are the forms needed to be used to apply for a patent by an applicant. For various kinds of applications, one has to use various shapes. The patent office has created e-filing laws. E-filing also benefits from a 10 percent reduction in fees relative to traditional filing. During physical filing, the applicant must deliver the forms by post or carry them directly to the appropriate patent office. The correct patent office is the office in which the office or individual applicant's address falls. The four patent offices in Mumbai, Delhi, Chennai and Kolkata are situated in India. Jurisdictions for submission are determined accordingly. One must have an electronic signature for filings. This can be obtained from any of the approved digital signatures which provide legal firms as stated on the website of the Indian Patent office [6].

IV. STEPS TO GET DIGITAL SIGNATURE FROM REGISTERED AGENCIES

To get digital signatures, there are numerous approved agencies identified by the patent office. The applicant will buy the digital signature, again. Class three categories of signatures are required for patent filings. Such signatures come for different periods of validity such as one year, two years etc [7]. There are also tokens that need to be bought by paying some extra amount. Token is nothing but a pen drive where you're kept and given your digital signature. Installing this digital signature on your desktop and using it for filing on the Indian patent office website is complete and comprehensive process [8].

The applicant will have to follow the process very carefully and make all correct sittings. All the steps require the internet access. Below is discussed the comprehensive process for adding a digital signature.

Step 1: Digital signature token comes as the pen drive. Connect this pen drive to your system.

Step 2: check for the internet connection and confirm that ipindia website is open on this system.

Step 3: find out the e-filling option on the site and download the digital signature manual [9].

Step 4: In the process you are asked to create a copy of the.dll file and store the folder for different operating systems in particular. Follow the directions carefully. To learn about your operating system right click on my computer and look at properties as shown in Figure 3. For example here the windows version is 8.1 and as shown in Figure 3 it is 64 bit operating system.

Step 5: Once the system settings are ready click on the e-filling link to sign up option. Fill in, and apply the data .Password user name and password are given. Save both the user name and password carefully so that you can recover it even if you forget [10].

Step 6: After create the login and password, one can login and proceed the filling.

V. CONCLUSION

This review paper provided instructions on the patent filing process and kept the inventors excited about the work. This was meant to introduce the inventor to the importance of maintaining his invention and making money off it. It really tried to spark the inventors and lead to the realization of the Make in India concept. Only when it has appeared and been protected by the Indians can it be made in India. The future goal of this paper will be to raise intellectual property (IP) awareness and encourage each researcher to be IP literate and to promote their innovation or become a self-startup.

VI. REFERENCES

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