

It Clicks! India Introduces Cheaper & Faster Patent Registration for Startups

On the Fast Track

Start-ups are now separately covered as per the DIPP definition

Would be charged lesser fees - treated as individuals

Would be eligible to apply for tatkal patents

Global Start-ups which meet India's definition can also apply

Several steps taken to unclog the system

Refund of fees is now possible

No extra fees fee withdrawal of application

Maximum 2 adjournments allowed



Our Bureau

New Delhi: Startups from the world over will now be able to register patents in India faster and at much lower costs under a 'tatkal (instant)' option offered under the latest amended patent rules. These benefits will also be available to entities that file their first application in India.

India has introduced expedited services for patent registration and also included the definition of 'startup' in the patent rules to pass on special benefits.

The amended rules seek to cut the time period for grant of patents from five-seven years to two and a half years immediately and one and a half years by March 2018.

"We want to encourage domestic filings," said Rajiv Aggarwal, joint secretary, Department of Industrial Policy & Promotion.

The executive order notifying the

amended patent rules will be issued soon, officials said.

Startups have been qualified as "individual persons" instead of companies in amended rules. This will bring down patent fees and make them eligible for 80% rebate as per the startup action plan. For the expedited patent registration, startups will have to pay double the fees while the companies will need to shell out thrice the amount.

Under the faster clearance route, application fee for individuals and startups is ₹8,000 while for companies it is about ₹60,000.

Besides, in order to unclog the patent regime and pendency of applications, the government has allowed withdrawal of application without any fee and also allowed refunds in specific cases.

Nearly 237 patent applications are pending at present and more than 2 lakh applications are in the examination stage.

The modified rules will allow fu-

ture applicants to put applications on a fast-track mode if they select India as International Search Authority or International Preliminary Examining Authorities and file applications in India first.

Besides, all startups will be able to make use of this facility.

"We have not specified the exact time limits in the notification but we will be able to significantly speed up processes," said Aggarwal.

The government has put a limit on adjournments in courts on patent hearings to two times with a maximum period of 30 days each. For the first time, it has also allowed refund of patent fees. In cases where the application is withdrawn and there is no need for the request for examination, 90% of the amount would be reimbursed.

Any payments made twice due to errors in online transaction will also be refunded. It has been clarified that the liability of patent application lies solely with the applicant.