

EXAMINING THE PROS AND CONS OF PATENT E-FILING

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Abstract

One of the e-government services that many industrialized nations have implemented in recent years is e-filing, which allows citizens to fulfill their obligations to the government online. The advantages and difficulties of electronic filing are highlighted in the study. E-filing enables online filing, which speeds up the procedure. The article's objective is to assess the e-filing and e-payment process. Increased accuracy, speedier confirmations, and quicker returns are advantages of electronic filing. E-filing is not error-free, though, and there are certain potential issues with this filing method.

Key Words: E-filing, Benefits, E-payments, Problems.

Introduction

Intellectual Property (IP) includes patents. Intellectual property (IP) is the kind of property that arises from the development of the human intellect. A patent is a statutory right that the government grants for an invention for limited time (the patent term) in exchange for full disclosure of his invention and the prohibition of others from producing, importing, selling, or using the patented product or process for doing so without his permission. The number of patent applications has skyrocketed as the digital age draws near. Numerous new issues have surfaced, and some of the patent system's preexisting issues have gained additional attention. However, the development of digital technology has also given rise to fresh concepts for resolving numerous issues with the patent system.^{1,2}

Distributed Ledger Technologies (DLTs), like blockchain, for instance, use time stamps, cryptographic algorithms, and other technologies to guarantee the accuracy and traceability of data. Every invention that is added to the chain can be fully documented by these technologies. This enables the adoption of the first to invent or first to file system. Furthermore, the DLTs' decentralization, transparency, and openness facilitate communication between several untrustworthy parties and give outside experts the chance to examine patents. This can improve examination standards and lessen the workload for patent offices.²

Who can file a patent application?

Any of the following individuals may submit an application for patent registration of an invention, either alone or in conjunction with another individual:

- The first and true inventor
- First and true inventor's assignee
- Deceased first and true inventor's representative

In accordance with the Patent Act, a "person" can be any natural person, business, association, group of people, or government entity, whether or not it is incorporated. The application must be submitted in the proprietor's name if the business is a proprietorship.³

Benefits of getting a patent

- Stops your invention from being stolen
- The right to be exclusive.
- It is simple to develop and market a product. (Fig. 1)
- A larger market share as a result of your concept becoming a brand bigger profit margin and greater monetary worth.³

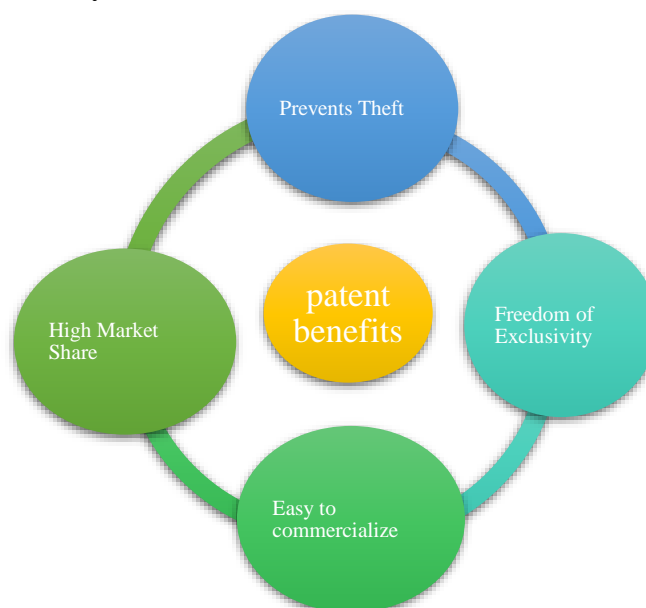


Fig. 1 – Benefits of Patent

E-Filing

The ultimate goal of the Indian Patent Office is to have a virtual office where all interactions, transactions, and correspondence between the agency and its stakeholders take place online. The stakeholders are using the service successfully. IPO has extended the e-filing system to encompass comprehensive e-filing for patents, whereby subsequent filings have been incorporated alongside the online submission of new applications. This is because the business understands how crucial it is to be more open and approachable in order to build trust with stakeholders. One advantage of the IPO environment is that the candidates can register as users and have their own personal folders.

Comprehensive e-filing services now offer the following improved and new features:

- Two-way login with a digital signature and password; web-based filing system.
- process for changing passwords
- capacity to submit all entries in compliance with the schedule 1 patent rules, 2003 and the appropriate validations with the IPO patent database.
- the capability of upgrading and updating user profiles and digital signatures.
- reduced transaction mistakes through improved protocols.⁴

Benefits of E-Filing

- Online verification to get our filing data and ensure error-free submission.
- The information are stored locally on our computer.
- Have the ability to remember our contact information for future applications.
- Get a number for your patent application right away.
- Make the registration procedure faster.
- Get a fee acknowledgement after printing the completed application.⁵

Patent Application Process

The patent application process are depicted in fig. 2



Fig. 2 – Steps of Patent Application Process

Request for examination

Table 1 -The fees of request for examination of application	
Particulars	Express request to have the patent application examination
Individual	4000
Small Entity	10000
Apart from Small Entities	20000

Table 2 - The fees of request for examination of international application	
Particulars	Request to examine international patent application

Individual	5600
Small Entity	14000
Apart from Small Entities	28000

Problems Faced in E-filing of Patent

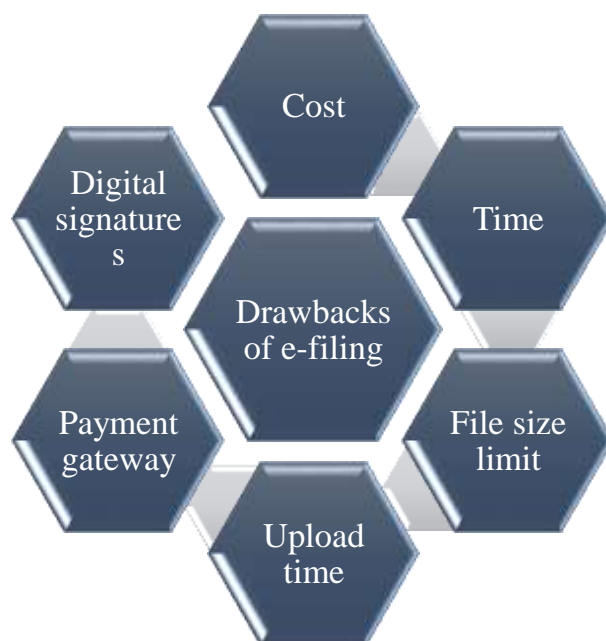


Fig. 3 – Drawbacks of E-Filing

Conclusion

The e-filing system for patents represents a significant advancement in integrating technology with intellectual property management. Its benefits, such as faster processing, improved accuracy, and ease of access, make it a valuable tool for applicants and patent offices alike. However, challenges such as cost, file size limitations, and dependence on digital infrastructure highlight the need for continuous enhancement. With targeted solutions to these issues, e-filing can serve as a model for efficiency and innovation in administrative processes, contributing to a more streamlined and accessible patent system.

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