Overview of Patenting System in India

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Organisational Chart
Controller General Of Patents, Designs & Trade Marks
Ministry Of Commerce & Industry
Department Of Industrial Policy And Promotion

PATENT OFFICE

CALCUTTA
MADRAS
BOMBAY
NEW DELHI

PATENT INFORMATION SYSTEM
DOCUMENTATION INCLUDING RETRIEVAL AND DISSEMINATION OF INFORMATION CONTAINED IN PATENT DOCUMENTS

IPTI

CALCUTTA
NAGPUR

TRADE MARKS REGISTRY
REGISTRATION OF TRADE MARKS UNDER THE TRADE AND MERCHANDISE MARKS ACT, 1999

CALCUTTA
AHMEDABAD

MADRAS
BOMBAY
NEW DELHI
BUT ....

What is intellectual property?

Creations of Human Mind
Intellectual Property

Industrial

Copyright

Patents

Designs

Trademarks

Geographical indications
## INDUSTRIAL PROPERTY

<table>
<thead>
<tr>
<th>Patents</th>
<th>Designs</th>
<th>Trade Marks</th>
<th>Geographical Indications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inventions relating to constructional features</td>
<td>any modification in shape, pattern, configuration</td>
<td>Word Name Logo</td>
<td>Indications of source origin or geography</td>
</tr>
<tr>
<td>e.g. Safety Valve, Mechanism of a PRESSURE COOKER</td>
<td>e.g. shape of a handle or body portion of a pressure cooker</td>
<td>e.g. for same Pressure Cooker “PRESTIGE” “HAWKINS” “MAHARAJA”</td>
<td>Darjeeling tea Kanjipuram sarees Kolhapure chappals</td>
</tr>
</tbody>
</table>
Intellectual Property Rights

PATENT

Design

TRADE MARKS

The RingG-PEN™
Flair, Reynolds, Cello, luxure etc.
What is PATENT?

- A MONOPOLY RIGHT* (TERRITORIAL)

- GRANTED BY THE CENTRAL GOVT. TO THE APPLICANT (Subjected to certain Conditions)

- FOR A LIMITED PERIOD (20 Yr)

- IN LIEU OF FULL DISCLOSURE OF INVENTION

* [Monopoly subsists on expiry of term and disclosure goes in public domain for commercial use]
Objectives of Patent System

- TO ENCOURAGE INVENTIONS
- TO BREED INVENTIONS
- TO UPDATE INDUSTRIAL DEVELOPMENT BY WORKING OF PATENTED INVENTIONS ON COMMERCIAL SCALE
- AVOIDING REINVENTING WHEEL
General principles for grant of patent...

- Not to impede protection of public health and nutrition
- Not to prohibit Central Government in taking measures to protect public health
- Patent rights not abused by patentee
- Patented inventions are available at reasonably affordable prices to public
Advantage of Patenting

- Avoids Duplication Of Research
- Keeps Abreast With Latest Development In Different Fields Of Technology
- Helps Industry To Improve Existing Technology To Produce Cheaper & Better Product
- Serves As An Indicator Of Achievements In R & D Institutions And Ability Of Individual Researcher.
- Helps to Frame Business Strategy According to Trend of Technology
Rights of Patentee
[Sec 48]

- Where the subject matter of patent is product, the exclusive right to prevent third parties from the act of making, using, offering for sale, selling, or importing for those purposes that products in India
- Where the subject matter of patent is process, the exclusive right over the act of using that process and the act of using, offering for sale, selling or importing for those purposes the product obtained from that process
What Can be Patented?

**INVENTION**
- New product or process (*Novel*)
- Involving Inventive Step (*Non-obvious*)
- Capable of Industrial Application
- Sufficiently Disclosed in the Specification
New (Novel) means?

Invention should not be

- Published in India or elsewhere.
- In prior public knowledge or prior public use with in India or elsewhere.
- Claimed before in any specification in India or elsewhere.
Inventive Step means?

A feature that makes invention not obvious to a person skilled in the art.
Industrial applicable means?

Invention should be capable of being made or used in an industry to result some tangible technical results.
Inventions Not Patentable

[Sec. 3]

- Frivolous & obviously contrary to natural law
- Contrary to law, morality or injurious to public health
- Use or commercial exploitation is contrary to public order or morality or cause serious prejudice to human, animal or plant life or health or to the environment
- Mere discovery of scientific principle or formulation of abstract theory
- Discovery of living or non living substances occurring in nature
Inventions Not Patentable

[Sec. 3]

- Mere discovery of new property or new use of known substance / process/machine/apparatus.
- Mere admixtures
- Mere arrangement and rearrangement of known devices.
- Method of agriculture or horticulture
- Process for any medicinal, surgical, curative, prophylactic, diagnostic or therapeutic treatment of human being or animal.
Inventions Not Patentable
[Sec. 3]

- Plant & animals or their parts including seeds, varieties and species and essentially biological process for the production or propagation of plants and animals.
- A mathematical or business method or a computer programme per se or algorithms.
- Literary, dramatic, musical or artistic/cinematography works and television productions or any other aesthetic creation.
Inventions Not Patentable

[Sec. 3]

- Scheme or rule or method of performing mental act or method of playing game
- Presentation of information
- Presentation of information
- Topography of integrated circuit
- Traditional knowledge or aggregation or duplication of known properties of traditionally known components
Inventions Not Patentable

[Sec. 4]

Inventions falling within the scope of Sec. (1) of Subsec. 20 of Atomic Energy Act, 1962

For Example: Inventions relating to Compounds of

Uranium, Beryllium, Thorium, Plutonium, Radium, Graphite, Lithium and more as notified by Central Govt. from time to time
Patented article or patented process can be freely used, without the consent of the patentee, for R&D purposes and imparting instructions to the pupils
# Fee Structure

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Form</th>
<th>Individual</th>
<th>Legal Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On Application.</strong></td>
<td>F–1</td>
<td>1000 (100 each extra sheet, 200 extra claim)</td>
<td>4000 (400 each extra sheet, 800 extra claim)</td>
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<td><strong>On Request for Examination</strong></td>
<td>F–18</td>
<td>2,500</td>
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<td><strong>Renewal Fee for 7th – 10th yrs</strong></td>
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<tr>
<td><strong>Renewal Fee for 11th – 15th yrs</strong></td>
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<td>3,000 annually</td>
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<tr>
<td><strong>Renewal Fee for 16th – 20th yrs</strong></td>
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<td>5,000 annually</td>
<td>20,000 annually</td>
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<td><strong>For Early Publication sec11(2)</strong></td>
<td>F– 9</td>
<td>2,500 annually</td>
<td>10,000 annually</td>
</tr>
</tbody>
</table>
A JOURNEY FROM FILING TO GRANT OF PATENT

1. **FILING OF APPLICATION**
   - IF P.S.IS FILED C.S. TO BE FILED WITHIN 12 MONTHS

2. **PUBLICATION OF APPLICATION**
   - AFTER 18 MONTHS FROM P.D.

3. **REQUEST FOR EXAMINATION**
   - WITHIN 36 MONTHS FROM F.D.
   - WITHIN 4 / 5 MONTHS FILING OF APPLICATION

4. **EXAMINATION u/s 12**
   - ALL OBJECTIONS TO BE COMPLIED WITHIN 12 MONTHS

5. **ACCEPTANCE & NOTIFICATION**
   - WITHIN 4 / 5 MONTHS

6. **NO OPPOSITION**

7. **OPPOSITION**
   - Decision of Controller
   - Appellate Board
   - High Court
   - Dismissed

8. **GRANT OF PATENT**
Who May File?

- The inventor
- Assignee of the inventor
  * The natural person
  * The legal entity
- The legal representative of the deceased applicant
- For PCT int. Application:- the applicant or at least one applicant should be a resident or national of India
How to Apply?

- APPLICATION ON FORM –1 with covering letter in the name of controller
- SPECIFICATION PROVISIONAL/COMPLETE ON FORM –2
- ABSTRACT OF INVENTION
- STATEMENT AND UNDERTAKING OF FOREIGN FILING PARTICULARS ON FORM -3- if any
- PROOF OF RIGHT—if applicable
- DECLARATION OF INVENTORSHIP ON FORM- 5
Contd…. 

- CERTIFIED COPIES OF PRIORITY DOCUMENTS-if applicable
- POWER OF ATTORNEY-if applicable
- MAY BE LEFT/SENT TO THE APPROPRIATE OFFICE IN HINDI/ENGLISH
- MAY BE FILED IN ELECTRONIC FORM WITH ONE COPY ON WHITE PAPER
- IF APPLICATION DISCLOSES SEQUENCE LISTING OF NUCLEOTIDES AND/OR AMINO ACIDS, IT SHOULD BE FILED IN ELECTRONIC FORM
Content of Complete Specification

- FULLY AND PARTICULARLY DESCRIBE THE INVENTION AND THE METHOD OF ITS PERFORMING
- SHOULD END WITH CLAIMS DEFINING THE SCOPE OF THE INVENTION
- CLAIMS SHOULD BE CLEAR AND FAIRLY BASED ON THE DESCRIPTION
- SHOULD RELATE TO A SINGLE INVENTION OR TO A GROUP OF INVENTIONS LINKED SO AS TO FORM A SINGLE INVENTIVE CONCEPT
- AN ABSTRACT* TO PROVIDE TECHNICAL INFORMATION
- IN CASE OF BIOLOGICAL MATERIAL, THE APPLICATION IS COMPLETED BY DEPOSITING THE MATERIAL TO AN AUTHORISED DEPOSITOR INSTITUTION AND BY FULFILLING CERTAIN CONDITIONS*
Subject to:

(A) THE DEPOSIT OF THE MATERIAL SHALL BE MADE NOT LATER THAN THE DATE OF APPLICATION IN INDIA

(A) ALL THE AVAILABLE CHARACTERISTIC OF THE MATERIAL REQUIRED FOR ITS IDENTIFICATION OR INDICATION ARE INCLUDED IN THE SPECIFICATION INCLUDING THE NAME, ADDRESS OF THE DEPOSITORY AND THE DATE AND NUMBER OF THE DEPOSIT

(A) ACCESS TO THE MATERIAL IN THE DEPOSITORY IS AVAILABLE ONLY AFTER THE DATE OF APPLICATION/PRIORITY

(A) DISCLOSE THE SOURCE AND THE GEOGRAPHICAL ORIGIN OF THE BIOLOGICAL MATERIAL IN THE SPECIFICATION, WHEN USED IN THE INVENTION
Abstract should contain:

- **TITLE:** SHALL DISCLOSE THE SPECIFIC FEATURE OF INVENTION - 15 WORDS
- **CONCISE SUMMARY OF THE SPECIFICATION CONTAINING:**
  - TECHNICAL FIELD OF THE INVENTION
  - TECHNICAL PROBLEM TO WHICH INVENTION RELATES
  - SOLUTION TO THE PROBLEM THROUGH THE INVENTION
  - PRINCIPAL USE OR USES OF THE PROBLEM
  - FIGURES OF THE DRAWINGS WHICH MAY ACCOMPANY IT FOR PUBLICATION
  - CHEMICAL FORMULA: if necessary
  - REFERENCE NUMERALS WITH EACH FEATURE OF THE INVENTION

MAY NOT CONTAIN MORE THAN 150 WORDS
EFFECTS OF PUBLICATION

- Gives opportunity to public for presentation/opposition
- Determines fact of the application such as priority
- Invention becomes prior art
- No other can file similar application for patent
- Interested parties may contact applicant
- Increases credibility of patent granted

[For not publishing: a request on plain paper within 15 months from priority date]
GROUNDS OF OPPOSITION

- PUBLICLY KNOWN OR USED IN INDIA
- LACKING INVENTIVENESS
- APPLICATION NOT FILED WITHIN 12 MONTHS FROM F.D. IN CON. COUNTRY
- NOT PATENTABLE U/S 2[1{J}], 3, 4, 5
- INSUFFICIENCY OF DISCLOSURE
- DISCLOSURE OF BIOLOGICAL MATERIAL NOT SUFFICIENT
- WRONGFUL OBTAINING
- PRIOR PUBLICATION
- POST PRIORITY PUBLICATION BUT PRIOR CLAIMING
- INFORMATION REGARDING FOREIGN FILING NOT FILED
- TRADITIONAL KNOWLEDGE OF INDIA OR ELSEWHERE
DUTIES OF PATENTEE

- Maintenance of the patent
  - Pay renewal fees
  - Every year till the end of the term
  - Time limit: before end of the preceding year (6 months extn. Available)

- Working of the patents:
  - Inventions are to be worked in India on commercial scale
  - Failing which compulsory licence may be issued
Compulsory Licence
General principles for grant of patent...

- Not to impede protection of public health and nutrition
- Not to prohibit Central Government in taking measures to protect public health
- Patent rights not abused by patentee
- Patented inventions are available at reasonably affordable prices to public
Compulsory licence

An application after three years from sealing
By any interested person
On the grounds that-
  • Reasonable requirement of public not satisfied
  • Not available at reasonably affordable prices
  • Not worked in the territory of India
Factors to be considered

- Nature if the invention
- Time elapsed after the sealing
- Measures already taken by the patentee
- Ability of the applicant to work the invention to the public advantage
- Capacity of applicant to under take risk
- Prior efforts made to obtain licence
Factors to be considered…

However, not required in case of national emergency or extreme urgency or public non-commercial use or on establishment of anti-competitive practices by the patentee
Special provisions

- In case of national emergency or extreme urgency or public non-commercial use-
  - Any time after sealing
  - Central Government by declaration in the Official Gazette
- No proper procedure to be followed if such conditions arise due to public health crises relating to AIDS, HIV, TB, Malaria, etc.
Termination of compulsory licence

- On the application of patentee or any person deriving interest in the patent
- On the condition that-
  - Such circumstances no longer exist
  - Such circumstances unlikely to recur
  - However licence holder shall have right to oppose such termination
Types of Applications

- Ordinary Applications
- Convention Application
- Patent of Addition Application
- Divisional Applications
- PCT International Phase Application
- PCT National Phase Application
PCT SYSTEM
(the Patent Cooperation treaty)

- Adopted in 1970 in Washington
- Became operational on 1.6.78 with 18 contracting states
- As on today total 118 states are the member
- India joined PCT on 07.12.98

THE PCT IS AN AGREEMENT FOR INTERNATIONAL COOPERATION IN THE FIELD OF PATENTS.

IT IS A TREATY FOR RATIONALISATIONS AND COOPERATION WITH REGARD TO THE FILING, SEARCHING & EXAMINATION OF PATENT APPLICATIONS AND THE DISSEMINATION OF THE TECHNICAL INFORMATION CONTAINED THEREIN.

The PCT is administered by IB, WIPO, Geneva, Switzerland
PCT ESTABLISHES

an international system which enables:

- Filing single application (the international application)
- With a single patent office (the receiving office)
- In one language having effect in each contracting state (the designated office)
- One formal EXAMINATION (by the receiving office)
- One search (by the international searching authority)
- One international publication (by the IB of WIPO)
- One optional preliminary EXAMINATION (by the international preliminary examining authority)
IN PCT SYSTEM

- NO PATENT IS GRANTED DURING THE INTERNATIONAL PHASE.
- THE PATENTS ARE GRANTED IN THE NATIONAL PHASE BY THE NATIONAL PATENT OFFICES WHICH IS ENFORCEABLE IN THAT COUNTRY ONLY.
- THERE IS NO PCT PATENT
Minimum requirement to file a N.P. application

- WITHIN 31 MONTHS FROM PRIORITY DATE
- REQUEST ON PLAIN PAPER WITH ESSENTIAL INFORMATION REGARDING INT. APPLICATION
  - Payment of national fees within one month
  - Address for service in India
  - ENGLISH TRANSLATIONS OF THE INTERNATIONAL APPLICATION, & PRIORITY DOCUMENT
  - REQUEST FOR EXAMINATION WITHIN 48 MONTHS FROM PRIORITY DATE OR WITHIN 12 MONTHS FROM 20/5/2003
PCT – FEES STRUCTURE

FEES GO TO RO/IN

- TRANSMITTAL FEES
  - RS 1500 / 5000

- CERTIFIED COPY PREPARATION & TRANSMISSION TO I.B
  - RS 1000 / 3000

- NATIONAL PHASE ENTRY FEES
  - RS. 750 / 1500

TO I.B.

- BASIC FEES
  - USD 476 UPTO 30 SHEETS
  - THEREAFTER USD 12 PER EXTRA SHEET

- DESIGNATION FEES
  - @ 104 USD / DESIGNATION
  - AFTER 5 DESIGNATION NO FEE

TO I.S.A.

- ISA/AT -- USD 183
- ISA/EP -- USD 1119*
- ISA/AU -- USD 592
- ISA/CN -- USD 180
- ISA/US -- USD 700
- ISA/SE -- USD 1119

FEES REDUCTIONS:
1. USD 148 IF REQUEST FORM PREPARED & SUBMITTED ON PCT EASY DISKETTE
2. 75% OF FEES WHERE * IS MENTIONED IF THE APPLICANT OR ALL THE APPLICANTS ARE NATURAL PERSONS FROM DEVELOPING COUNTRIES

1. FEES TO BE PAID AT RO/IN IF INTERNATIONAL APPLICATION IS FILED AT RO/IN
2. NO TRANSMITTAL FEES IF FILED AT RO/IB & FEES TO BE PAID AT RO/IB
# PCT FEES

**FOR PRELIMINARY EXAMINATION**

<table>
<thead>
<tr>
<th>Country</th>
<th>FEES OF IPEA</th>
<th>HANDLING FEE *</th>
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<tbody>
<tr>
<td>IPEA</td>
<td></td>
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<tr>
<td>AT</td>
<td>EUR 159</td>
<td>EUR 159</td>
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<tr>
<td>AU</td>
<td>AUD 550</td>
<td>AUD 267</td>
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<tr>
<td>CN</td>
<td>CNY 1,500</td>
<td>CNY Eq TO CHF 233</td>
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<tr>
<td>EP</td>
<td>EUR 1,530*</td>
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<tr>
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<tr>
<td>US</td>
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<td>USD 172</td>
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</tbody>
</table>

* 75% FEE REDUCTION FOR NATURAL PERSON
TYPES OF SPECIFICATION AND DRAFTING OF A SPECIFICATION
PROVISIONAL SPECIFICATION

- SECURES PRIORITY DATE
- MAY BE FILED AS SOON AS PATENTABLE IDEA COMES IN MIND
- DISCLOSES ESSENTIAL FEATURES OF INVENTION
- PATENT IS GRANTED ON COMPLETE SPECIFICATION ONLY
- TIMELIMIT TO FILE C.S.: 12 MONTHS FROM P.S. (3 MONTHS EXTENSION AVAILABLE)
COMPLETE SPECIFICATION

- **EXAMINED BY THE PATENT OFFICE**
- **CONTAINS FULL DISCLOSURE OF INVENTION**
- **CLAIMS – THE MOST IMPORTANT PART**
  - Determines the exact boundaries of invention
  - Right is limited to what is claimed
  - **1st Claim – The Basic Claim**
Claim- A Statutory requirement

- Every complete specification shall end with a claim or claims
- Claim or claims must define the scope of the invention for which protection is claimed

(Section –10 (4))
Drafting of Specification
Objectives of PS

Technical Part

EXCLUSIVE RIGHT

INVENTOR

Legal Part

DISCLOSURE

PATENT SPECIFICATION

CLAIMS

USEFUL ARTS

PUBLIC
CLAIMS

OBJECTIVE OF THE CLAIMS

TO DEFINE CLEARLY
AND
WITH PRECISION
THE MONOPOLY CLAIMED
SO THAT OTHER MAY KNOW THE EXACT
BOUNDARIES OF THE INVENTION
WITHIN WHICH THEY WILL BE
TRESSPASSERS
ELEMENTS OF COMPLETE SPECIFICATION

- TITLE OF THE INVENTION
- FIELD & USE OF THE INVENTION
- PRIOR ART
- DRAW BACKS OF PRIOR ART
- COMPARISON BETWEEN PRIOR ART AND PRESENT INVENTION
- SUMMARY OF THE PRESENT INVENTION
- STATEMENT OF INVENTION
- DETAILED DESCRIPTION OF INVENTION
  DRAWINGS & WORKING EXAMPLES
  *
  CLAIMS WITH OMNIBUS CLAIM
Case Study
Drafting a Complete Specification for an invention --- “A Foldable Pen”
The Patents Act 1970

Complete Specification
(See Section 10; rule13).

Title: A Foldable Pen

Applicant’s name: ABC
Address: XYZ street, Kurukshetra.
Nationality: Indian

The following specification particularly describes the nature of this invention and the manner in which it is to be performed.

1.
The present invention relates to a foldable pen which lies flat, when it is not being used for writing, and can be used as a bookmark when unfolded. When the pen is to be used for writing, it folds into a triangular prism, so that it can be easily grasped by the hand.

BACKGROUND OF THE INVENTION

Pens of the state of the art have a barrel which have generally either a circular, hexagonal, or triangular cross-sectional shape. While pens with barrels of these shapes are easy to hold when they are being used for writing, these barrels also have certain disadvantages, due to their thickness and shape.
When a person, such as a student, is using a pen to make notes of the contents of a book, it is not uncommon for the person to use the pen as a bookmark. But due to the thickness of the barrel, damage to the book can occur, if the book is closed while the pen is between the pages.

Furthermore, while it is possible to put writing, such as advertising, on the exterior of the barrels of pens of the state of the art, their shapes do not make it easy to do so. In addition due to their shapes not too much writing can be printed on the barrel nor is it easy to read it.

SUMMARY OF THE INVENTION

The disadvantages set forth above are eliminated by the present invention which is a pen that lies...
flat, when it is not being used for writing. When the pen is to be used for writing, it folds into a shape which can be easily grasped by a hand. Furthermore, as the pen lies flat, it is easier to put writing on its exterior and the writing can be arranged so that it is easier to read.

The invention comprises a pen, preferably made by injection molding, whose barrel is made of three flat panels. One of the panels is connected by a first hinge on one side to the second panel and the third panel is connected by a second hinge to the opposite side of the first panel, so that a single plane is formed by the three panels. Thus, since the pen lies flat it can be placed, between the pages of a book as a bookmark, without damaging the book.
One of the panels has a hollow reservoir for storing and dispensing ink, with a pen tip, such as a ballpoint tip or felt tip, extending into the reservoir, through which the ink will be dispensed. To use the pen as a writing instrument, the outer edges of the two outer panels are pressed between the fingers of the hand until the outer edges of the two outer panels meet. Due to the hinges connecting the panels, a triangular prism results, which is easy for the hand to grasp while writing with the pen. The flat panels forming the barrel can be made of any suitable plastic or paper material such as polyethylene.

STATEMENT OF INVENTION
A foldable pen comprising;

(a) a flat body of quadrilateral shape, molded

Verbatim to Claim 1
to form two longitudinal depressions in said body, said depressions acting as hinges and defining three panels, such that the body may assume two distinct shapes, either a virtually flat quadrilateral object, or, when folded at its hinges, a prism;

(b) a hollow reservoir located in one of the panels for storing and dispensing ink, and
(c) a writing tip extending into the reservoir for dispensing the ink.

**BRIEF DESCRIPTION OF THE ACCOMPANYING DRAWINGS**

Further features and advantages of the invention become clear from the following description and drawings
FIG. 1 is a perspective view showing the pen, when it is flat;

FIG. 2 is a perspective view showing the pen, being grasped by a hand, ready to be used for writing; and

FIG. 3 is a section along plane 3--3 in FIG. 1.

DETAILED DESCRIPTION

As shown in FIG. 1, the pen is comprised of three panels, 1, 2 and 3, with the first panel 1 being attached to the second panel 2 and the third panel 3 at opposite edges by means of conventional plastic hinges 4, so that all three panels are in the
same plane. Each of the panels 1, 2 and 3 are of the same size and tapered at one end 5. Also, each edge of each panel is beveled.

The first panel 1 has a hollow reservoir 7 for storing and dispensing ink. A writing tip 8, such as a ballpoint tip or felt tip, through which the ink will be dispensed extends into the hollow reservoir at the tapered end of the first panel 1. At the end of the first panel 1 opposite of the location of the pen tip 8 a venting orifice 9 opens into the reservoir 7.

As shown in FIG. 2, when the pen is to be used for writing, the outer edges 11 and 12 of respectively the second and third panel 2 and 3 are pressed between the fingers of the hand until they touch. As each edge of each panel 1, 2 and 3 are
beveled, the edges matingly meet. A triangular prism results, which is easy for the hand to grasp when the pen is being used for writing.

When the person has finished using the pen for writing, the pressure by the fingers is released and due to the plastic hinges 4 the pen resumes the flat shape shown in FIG. 1.

Although the invention is illustrated and described with reference to one preferred embodiment thereof, it is to be expressly understood that it is in no way limited to the disclosure of such a preferred embodiment, but is capable of numerous modifications within the scope of the appended claims.
I claim:

1. A foldable pen comprising;

(a) a flat body of quadrilateral shape, molded to form two longitudinal depressions, said depressions acting as hinges and defining three panels, such that the body may assume two distinct shapes, either a virtually flat quadrilateral object, or, when folded at its hinges, a prism;

(b) a hollow reservoir located in one of the panels for storing and dispensing ink, and

(c) a writing tip extending into the reservoir for dispensing the ink.
2. A foldable pen as claimed in claim 1, wherein each of the panels is of the same size.

3. A foldable pen as claimed in claim 1, wherein each of the edges of each panel is beveled.

4. A foldable pen as claimed in claim 2 or claim 3, wherein each panel is tapered and the folded construction forms a truncated pyramid.

5. A foldable pen as claimed in claim 1, wherein the panel having the hollow reservoir has a venting orifice opening into the hollow reservoir.

6. A foldable pen as claimed in claim 1, wherein the pen tip is a ballpoint tip.
7. A foldable pen as claimed in claim 1, wherein the pen tip is a felt tip.

8. A foldable pen substantially as herein described with reference to the accompanying drawings.

Date

Signature of the applicant:

DD/MM/YY  --signed--
Advise to scientists

- Evaluate your invention for patent
- Filing of Patent application does not cost much
- Filing of Patent application does not prohibit publication of invention in any publication except before
- So Patent, publish and prosper
PRESENT TIMELINES WITH PRESUMPTIONS

**ACTIVITY**

1. FILING APPL. with
   [Comp.+RQ for Early Publ. CL.10a(2)/S.11A(2); R 24A]  
2. PUBLICATION  
   [S. 11A(1); R. 24]  
3. REQUEST FOR EXAM  
   [S. 11(B)(1); R 24B(1)(i)]  
4. REFERRING TO EXAMINER  
   Exam. & Communication (FER)  
   [S.12(2) & 14; R 24 B(2)(ii)]  
5. MEETING THE REQUIREMENT  
   BY APPLICANT [S. 21(1); R. 24B(4)(i)&(ii)]  
6. THIRD PARTY OPP. BY REPRESENTATION AND DISPOSAL [S. 25(1); R.55(1)-(6)]  
7. GRANT OF PATENT & NOTIFICATION  
   [Cl.33/S.43(1)&(2)]

**TIMELINE**

- 1M
- 3M
- 5M
- 1M

**PRESUMPTIONS**

1. APPLICATION IS FILED WITH COMPL. SPECN. AND EARLY PUBL. REQUEST [F-9].
2. PATENT OFFICE PUBLICATION PROCESS IS COMPUTERISED TO PUBLISH WITHIN 1 MONTH.
3. APPLICANT IS DILIGENT TO FILE F-19 AS WELL AS QUICK REPLY TO FER.
4. EITHER NO OPP. BY REPRESENTATION U/S 25(1) FILED OR IT IS FILED JUST AFTER PUBLICATION.
<table>
<thead>
<tr>
<th>ACTION</th>
<th>TIMELINE</th>
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<tbody>
<tr>
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<tr>
<td>SCRUTINY</td>
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<td>COMP AFTER PROV. [C1.7(a)(1)/S.9(1)]</td>
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<td>PUBLICATION [S. 11A(1); R. 24]</td>
<td>2M</td>
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<tr>
<td>REQUEST FOR EXAMINATION [S. 11(B)(1); R 24B(1)(i)]</td>
<td>3 M *</td>
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<tr>
<td>REFERING TO EXAMINER</td>
<td>4 M *</td>
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<tr>
<td>Examination &amp; Communication of FER [S.12(2) &amp; 14; R 24 B(2)(ii)]</td>
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<td>MEETING REQUIREMENT</td>
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<tr>
<td>BY APPLICANT [S. 21(1); R. 24B(4)(i)&amp;(ii)]</td>
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<tr>
<td>THIRD PARTY OPP. BY REPRESENTATION AND DISPOSAL [S. 25(1); R.55(1)-(6)]</td>
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<tr>
<td>GRANT &amp; NOTIFICATION [C1.33/S.43(1)&amp;(2)]</td>
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• THIRD PARTY OPPOSITION BY REPRESENTATION U/S 25(1) IS FILED WITHIN 3 MONTHS OF THE PUBLICATION
• OPPOSITION U/S 25(1) IS DISPOSED OFF WITHIN 4 MONTHS.
PRESENT TIMELINES

ACTIVITY | TIMELINE | [MAXM.]
---|---|---
1. FILING APPL Comp/Prov | | |
2. SCRUTINY | 12M | |
3. COMP. AFTER PROV. [Cl.7(a)(1)/S.9(1)] | | |
1. PUBLICATION [S. 11A(1); R. 24] | 18M | |
2. REQUEST FOR EXAM [S. 11(B)(1); R 24B(1(i)] | 36M | |
3. REFERRING TO EXAMINER Examination & communication [ S.12(2) & 14; R 24 B(2(ii)] | 3M | 52M |
1. MEETING THE REQUIREMENT BY APPLICANT [S. 21(1); R. 24B(4(i)&(ii)] | [6+3] | 9M |
1. THIRD PARTY OPP. BY REPRESN. AND DISPOSAL [S. 25(1); R.55(1)-(6)] | | 3M |
9. GRANT OF PATENT & NOTIFICATION[Cl.33/S.43(1)&(2)] | | 1M |
PRESENT TIMELINES

<table>
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<th>ACTIVITY</th>
<th>TIMELINE</th>
<th>[MAXM.]</th>
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* OPP. BY REPREST U/S 25(1) FILED WITHIN 3 MONTHS FROM PUBL
U/R 55(1) & DISPOSED
BY THE TIME MEETING THE REQUIREMENT BY APPLICANT
*U/R 24B(4)(i)&(ii).
TIMELINES BEFORE 1.1.2005

ACTIVITY

1. FILING APPL
   Comp/Prov

2. SCRUTINY

3. COMP. AFTER PROV. [S.9(1)]

4. PUBLICATION [S.11A(1)]

5. REQUEST FOR EXAM [S.11B(1)][R-24(1)(i)/F-19]

6. REFERRING TO EXAMINER
   Examination & communication
   (FER) [S.12(2) & 14]

7. MEETING THE REQUIREMENT
   BY APPLICANT & NOTIFICATION
   [S.21(1) & S.23]

8. PREGRANT OPP./ SETTLING OPP. [S.25]

9. REQUEST FOR SEALING & GRANT [S.43]
THANKS