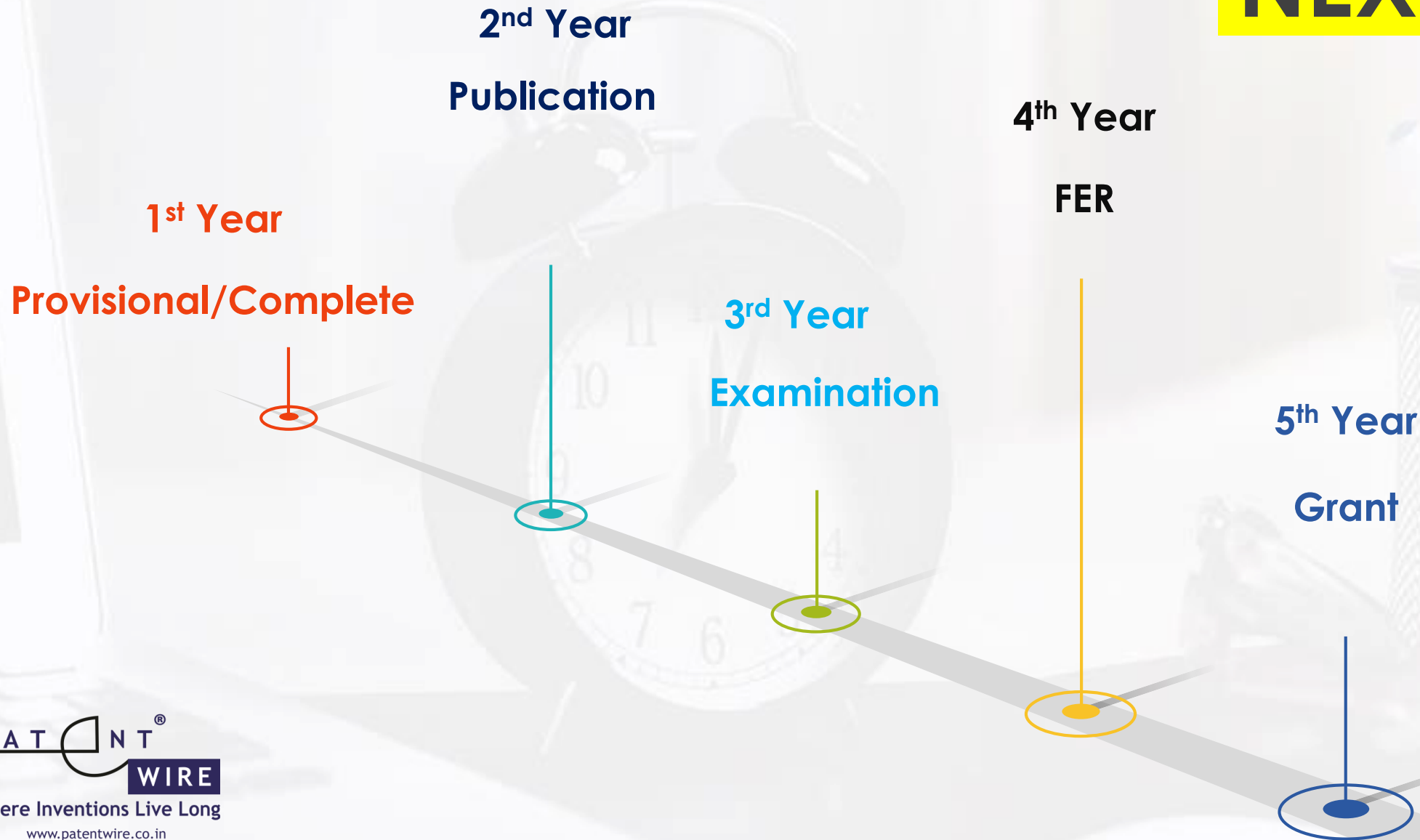


# PATENT FILING TIMELINE

# WHAT'S NEXT



# Step 1



**1<sup>st</sup> Year**

## **Provisional/Complete**

- ☐ Prior Art Search may be conducted before filing a provisional/complete specification.
- ☐ If provisional specification is filed with first application, complete specification must be filed within 12 months from the filing date of provisional.
- ☐ Foreign filing or PCT Application must be done within 12 months from the first filing.
- ☐ Only complete specification can be filed as Convention or PCT Application.
- ☐ Marketing or commercialization of the invention can be started just after filing first application.

# Step 2



## 2<sup>nd</sup> Year Publication

- ☐ Publication in official journal occurs automatically after 18 months of first filing.
- ☐ Request for Early Publication can be made in case of any “Strategic Business Requirements”.
- ☐ Publication is only after filing of complete specification.
- ☐ After publication, any one can access the disclosure and other details of the application through government or private patent databases.
- ☐ Publication can be stopped by expressly withdrawing Application till 15 months from the date of first filing.
- ☐ PCT and foreign application will be published in respective journals/databases.

# Step 3



## 3<sup>rd</sup> Year Examination

- ☐ Examination of application by Examiner can only be done if Request for Examination has been filed.
- ☐ Examination of application will be done only after publication of application.
- ☐ Application for Request for Examination can be filed along with complete specification.
- ☐ The deadline for filing Request for Examination is 48 months from the date of first filing;
- ☐ If the deadline of filing Request for Examination is missed, the application will be abandoned and cannot be revived.
- ☐ PCT and other foreign applications will be searched/examined by respective examiners separately.

# Step 4

## 4<sup>th</sup> Year FER



- ❑ First Examination Report will be issued after examination of application.
- ❑ Based on Patentability criteria, Examiner will object the application and issue the objection letter.
- ❑ The objection letter contains various prior arts, their similarity with the application, and objections on various non patentability and procedural issues.
- ❑ Deadline for filing response to the First Examination Report is 6 months from the date of issue of FER.

# Step 5

## 5<sup>th</sup> Year Grant

- ❑ After receiving response towards FER, Examiner may issue subsequent examination report or call for a hearing.
- ❑ Based on the argument and satisfying all objections raised in the FER, Examiner may grant/reject the application.
- ❑ The notification of grant will be published in official journal.
  - ❑ The Letter Patent will be issued subsequently.
- ❑ Subject to payment of renewal fee the patent will be valid till 20 years of the first filing date.

