



**Ministry of
Education**
Government of India



**MoE's
INNOVATION CELL**
(GOVERNMENT OF INDIA)



कपिला - KAPILA

कलाम बौद्धिक संपदा साक्षरता और जागरूकता
अभियान

PATENTS

PRE-FILING CHECKLIST

Ever had a eureka moment and wondered, “Can I patent this?” Before you rush to the patent office, let’s talk about what you actually need to have in place—because filing a patent isn’t just about protecting an idea.





Here's a detailed Patent Filing Checklist based on the Patents Act, 1970 (as amended) – simplified for anyone who's brilliant, but busy

Is Your Work Patentable?

Not all inventions are eligible under Indian Patents Act.

Your idea must be:

- A new product or process**
- Involving an inventive step**
- Capable of industrial application**
- And must not fall under Section 3 or 4**

- Your invention must be a product or process with practical utility**





What is not a Patent -Section3



Frivolous inventions



Inventions contrary to natural laws



Inventions contrary to public order or morality



Mere discovery of scientific principles or natural phenomena



Discovery of new form/properties of known substances



What is not a Patent -Section3



Mere admixture resulting in aggregation



Arrangement or duplication of known devices



Methods of agriculture or horticulture



Any process for the medicinal/surgical/curative treatment of humans or animals



Plants and animals (except microorganisms)



What is not a Patent -Section 3



**Mathematical or business methods,
computer programs per se or
algorithms**



**Literary, dramatic, musical, or artistic
works**



**Mere scheme or rule of mental act
or method of playing games**



Presentation of information



Topography of integrated circuits



What is not a Patent -Section3



Inventions related to traditional knowledge



Inventions related to aggregation or duplication of known components



✗ Inventions related to atomic energy, including nuclear fuel, radiation, or weapons, cannot be patented in India under Section 4

Novelty – Is It Really New?

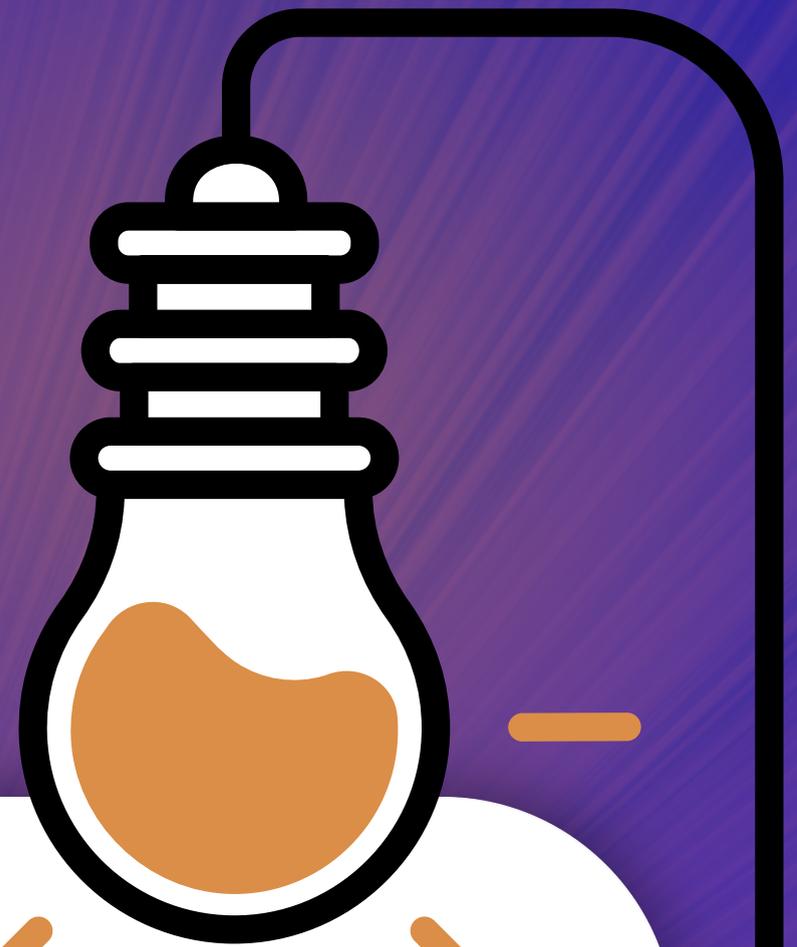
📄 The invention must be new in the world – not just new to you or your campus.

📖 If it's published in a journal, thesis, blog, or presented at a seminar – it's already disclosed.

✅ Conduct a prior art search before filing (Google Patents, Espacenet, Indian Patent Database).

🔴 Even your own public disclosure can hurt your chances unless a provisional is filed first.





Inventive Step – Is It Non-Obvious?

The invention must involve a technical advancement or economic significance.

Ask yourself:

? Would a skilled person in your field consider it an “obvious next step”?

If yes ➡ It may be rejected.

✓ Show how your idea improves existing technology or solves a known problem differently.

Industrial Applicability – Is It Useful?

Your invention must be practically usable.

- ✓ Can it be made or used in a real-world industrial setting?**
- ✓ Works in labs, but also scales or applies in a sector—healthcare, agriculture, biotech, clean energy, etc.**
- 🧪 Ideas that are only conceptual or hypothetical will be rejected.**



Write a Strong Patent Specification

This is your most critical document – your invention must be reproducible by someone skilled in the art.

- ◆ **Title**
- ◆ **Field of invention**
- ◆ **Background & problem solved**
- ◆ **Detailed description**
- ◆ **Claims (what you're protecting!)**
- ◆ **Abstract (within 150 words)**
- ◆ **Drawings (if applicable)**
- 💡 **Start with a provisional specification if your invention is still developing.**



Who Can Apply?

🎓 **Students can file patents! You just need to be the true and first inventor or have rights assigned to you.**

✅ **Individuals, research teams, startups, or colleges can be applicants.**

👉 **If your invention was made under a funded project or incubator, check the IP ownership clause.**



Must-Have Forms Before Filing

Form 1 – Application for grant of patent

Form 2 – Provisional or complete specification

Form 3 – Statement on foreign applications

Form 5 – Declaration of inventorship

Form 18 – Request for examination

Class 3 Digital Signature Certificate (DSC) – Mandatory for online filing

To file a patent, you'll need the following (all e-filed at ipindia.gov.in)





Bonus – Some Practical Tips

- ◆ **File a provisional patent early to secure priority**
- ◆ **Keep a lab notebook or innovation diary – signed, dated, and witnessed**
- ◆ **Use your college's IPR Cell or Incubator for mentorship and help with drafting**
- ◆ **Don't forget to apply for Form 28 if you're a startup (for fee reductions)**



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For more updates on MIC initiatives, we encourage you
to follow us on our official social media handles:

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