



# PATENT FILING AND PROSECUTION-INDIA

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## PROJECT INFORMATION

The Client has requested for assistance in a patent filing project in India and further provide prosecution support services in India. This Statement of Work (SoW) outlines the specific deliverables for the project identified with the details given below.

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## PROJECT DESCRIPTION

### INPUT

**The Client is interested in protecting an invention in India. The professional fees and time schedules given in this document are relevant only for Indian Patent Drafting, Filing and Prosecution.**

Ruchica Kumar proposes the following two variants for drafting and filing:

- **Option I:** As a first step, a PCT application will be filed with WIPO. The Client will have a time period of approximately 30 months from the date of filing of the PCT application to decide which countries (selected from countries covered under PCT) to select for entering into the national phase. At this stage, the applicant may file Non-provisional Patent Applications (NPAs) in countries of interest and claim priority from the PCT application filed earlier.
- **Option II:** A Provisional Patent Application (PPA) can be filed only in India<sup>1</sup>. The Client will have a time period of 12 months from the date of filing of the PPA in order to file an NPA in India. The Client may then opt to file NPAs in Thailand, Egypt, and Brazil; or file a PCT application first and then later select the countries of interest for entering the national phase (similar to Option I).

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<sup>1</sup> The applicant needs to have a domicile in India.

- **Option III:** In case client has already filed a complete specification in any other country, then there is an option of filing a convention application in India. Client has 12 months from date of first filing to file any convention applications.

## METHODOLOGY

The methodology for filing and prosecution support will include the following:

- Ruchica Kumar will appoint an Indian patent agent or work herself to handle filing and prosecution support for Indian patent application. The Indian patent agent will be responsible for handling filing of the patent application in India, and addressing office actions and other notifications/objections received from the Indian patent office.

## FEES

An invoice will be sent to the Client immediately after the conclusion of each phase, which will become payable within 30 days of submission. The filing and any other fee charged by the patent office (e.g., during prosecution) shall be payable by the Client in advance. Some cost may also be incurred in case any additional effort is required by Ruchica Kumar during filing and/or prosecution support. These costs will be transferred to the client on an as-is basis. Prior approval will be sought from the Client before incurring such expenses.

The following link would provide detailed information on fees charged by Indian patent office for various services.

<http://www.ipindia.nic.in/form-and-fees.htm>

Following Tables list detailed fees that is charged by Ruchica Kumar for Patent filing and prosecution.

**Table 1: Patent Filing Fees - India**

Types of Fee for Patent Application		Professional Fee (INR)	Official Fee (INR)	
			Natural Person	Others
Drafting and filing of Patent Application (Complete specification)		75,000	As per Actual	As per Actual
Filing application (Client Drafted)	With one priority date	25000	As per Actual	As per Actual
	For every additional priority date	8000	As per Actual	As per Actual
Filing of PCT-India national phase	With one priority date	25000	As per Actual	As per Actual
	For every additional priority	8000	As per Actual	As per Actual
Converting an Invention Disclosure to Provisional Specification		25,000	-	As per Actual
Late Filing of Documents		5,000	-	-
Preparing and Filing Formal Drawing per Sheet		1,250	-	-
Preparing and Filing Petition		5,000	As per Actual	As per Actual
Filing a Request for Examination		10,000	As per Actual	As per Actual

**Table 2 : Patent Examination Related Prosecution Services**

Types of Fee for Patent Prosecution	Professional Fee (INR)	Official Fee (INR)	
		Natural Person	Others
Receiving, Preparing and Filing a Response to First Examination Report	35,000	-	-
Reviewing, Preparing and Filing a response to further Examination Report	35,000	-	-
Hearing before controller	30,000	-	-

**Table 3: Patent Opposition Related Prosecution**

Types of Fee for Opposition Under Section 25	Professional Fee (INR)	Official Fee (INR)	
		Natural Person	Others
Preparing and Filing notice of opposition to grant of patent	30,000	As per Actual	As per Actual
Preparing and Filing of written statement and evidence by opponent	30,000	-	-
Preparing and Filing of reply statement and evidence by applicant	25,000	-	-
Preparing and Filing of reply statement by opponent or any further evidence by applicant	25,000	-	-
Filing a notice of intention to attend hearing before Controller	25,000	As per Actual	As per Actual
Hearing before controller (per hearing)	5,000/hour	-	-

**Table 4: Miscellaneous Patent Prosecution Services**

Types of Fee (Miscellaneous)	Professional Fee (INR)	Official Fee (INR)	
		Natural Person	Others
Obtaining extension of time under sections 53(2) and 142(4), rules 13(6), 80(1-A) and 130	5,000	As per Actual	As per Actual
Substitution of applicants name	5,000	As per Actual	As per Actual
Filing request for amendment of application for patent /complete specification/other related documents		As per Actual	As per Actual
(i) Before Grant	10000-15000		
(ii) After Grant	10000-15000		
Filing Request for changing name/address / nationality/address for service	5,000	As per Actual	As per Actual
Preparing and Filing commercial working of patents	5,000	-	-
Obtaining certified copies	15,000	As per Actual	As per Actual
Filing an application for restoration of a patent	5,000	As per Actual	As per Actual
Payment of additional fee for restoration	5,000	As per Actual	As per Actual
Filing request for post dating	5,000	As per Actual	As per Actual
Obtaining certified copy of priority document and for transmission of the	15,000	As per Actual	As per Actual

same to the International Bureau of World Intellectual Property Organization			
Request for permission for making patent application outside India (Foreign Filing License)	15,000	As per Actual	As per Actual
Application for revocation of a patent	5,000	As per Actual	As per Actual
Registration of title (In respect of each patent)	5,000	As per Actual	As per Actual
Drafting of an assignment deed/ license agreement	50,000	-	-
Application for revision of terms and conditions of license	5,000	As per Actual	As per Actual
Request for correction of clerical error	5,000	As per Actual	As per Actual
Obtaining duplicate Patent	5,000	As per Actual	As per Actual
Inspection of register of patents	5,000	As per Actual	As per Actual
Application for review or setting aside the decisions/ order of the controller	5,000	As per Actual	As per Actual

**Table 5: Patent Renewal Services**

Types of Fee for Renewal of Patent	Professional Fee (INR)	Official Fee (INR)	
		Natural Person	Others
Third term to Sixth year	5,000	As per Actual	As per Actual
Seventh year to tenth year	5,000	As per Actual	As per Actual
Eleventh year to fifteenth year	5,000	As per Actual	As per Actual
Sixteenth term to 20 Year	5,000	As per Actual	As per Actual

**PROFESSIONAL TIME FEES**

Time-based fees are charged for work carried out by our professionals that is not listed above. Such time fees vary according to the amount of time spent by the professional concerned.

**OTHER FEES**

This schedule covers the most common elements of work carried out by the firm. Further elements of work, not detailed herein, are generally charged on the basis of official fees plus handling fee plus professional time fees. Please enquire if a quotation is required.

**FORMS**

Following Forms would need to be filled at time of patent filing.

List of Forms:

1. [Form 1](#)
2. [Form 2](#)
3. [Form 3](#)
4. [Form 5](#)
5. [Form 26](#)

Following forms would need to be filed for early publication of application and also for requesting an examination.



1. [Form 9](#)
2. [Form 18](#)

There may be others that would we would need to file later on client's behalf as per case requirement.

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