SOFTWARE PATENTING IN INDIA

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Agenda

1. Introduction (understanding the nature of SW Inventions)
2. Software Patentability (Patentability in India)
3. Industry Trends (Current Industry Behaviour)
4. New Challenges (w.r.t Patent Office Manual)
5. Strategies to consider
6. Conclusion
Introduction

Software Inventions typically provide:

- **Technical Effect** (e.g. Smart Stay)
- **Business Application** (e.g. Cheque Book Issuance)
- **Technical Application** (e.g. Visual effects, Shop location alert)

Software Patentability

Non-Patentable Subject Matter includes:

- **Computer Program Per Se** (Beauregard claims)
- **Mathematical Algorithm** (calculations, HW Calculator)
- **Business Method** (Cheque Book Issuance, yahoo case)
Industry Trends

- Micro-increments

- Mere-design around

New Challenges

Standard Hardware Vs New Hardware
Y2013 Top Patent Grantees in India

- Samsung R & D Bangalore: 119
- CSIR: 88
- Qualcomm: 84
- GM Global: 50
- Samsung Electronics: 38
- Ericsson: 38
- Siemens: 36
- HUL: 35
- Thomson Licensing: 32
- Philips: 31

Source: Indian Patent Office

Strategies to Consider

- Disclose multiple embodiments
- Amend US & EPO claims in India
- Visible Vs Invisible
- Open Source Vs Patent Protection
- Avail Utility Model Protection
Conclusion

- Software Inventions need protection
- Challenges persist in awareness
- Very close to EPO practice
- Urge to Patent and Prosper
- Publish or Perish instead.

Thank You