



सत्यमेव जयते

Government of India

MSME

MICRO SMALL & MEDIUM ENTERPRISES

सुक्ष्म, लघु एवं मध्यम उद्यम

PHD
CHAMBER

PROGRESS HARMONY DEVELOPMENT

Estd. - 1905

INTELLECTUAL PROPERTY FACILITATION CENTRE

FOR MICRO, SMALL AND MEDIUM ENTERPRISES (MSME)



PHD CHAMBER OF COMMERCE AND INDUSTRY

Serving: Delhi, Punjab, Haryana, Chandigarh, HP, Jharkhand,
J & K, MP, Rajasthan, UP, Bihar, Chhattisgarh, Uttarakhand and Northern Eastern Region

About Us



Mr. Alok B. Shiram
President

PHD Chamber of Commerce and Industry, one of the prestigious Chambers of Commerce and Industry is 110 years old. Established in 1905, is a forward-looking, proactive and dynamic multi-State apex organization working at the grass-roots level, with strong national and international linkages. It works in close coordination with business houses, Government in the centre and the states, communities and international bodies. It reaches the smallest industrial clusters with its well-conducted programmes on transfer of information sharing.

PHD Chamber is more than an organization of the business community and the hallmark has been integrated development of the economy in which economic growth and social change being inseparable have been given adequate attention. PHD Chamber strongly believes that skilled workforce would be an enabler for India's growth story to come true and thus it has structured its chosen motto for the year 2015 as 'Skill India for Global Competitiveness.' PHD Chamber contributes significantly to socio-economic development and capacity building in several fields through its research-based policy advocacy role. In a nutshell, PHD Chamber acts as a catalyst in the promotion of industry, trade and entrepreneurship for the entire country.



Mr. Mahesh Gupta
Sr. Vice President



Mr. Gopal Jiwrajka
Vice President



Mr. Sharad Jaipuria
Immediate Former President



Mr. Saurabh Sanjay
Secretary General

CSR IMR

PHD CHAMBER India - My Responsibility

Partnering with States

PHD Chamber is dedicated to the cause of economic and social development at pan India level which makes it unique amongst the Chambers of Commerce and Industry. PHD Chamber's geographical span covers the states of Bihar, Chhattisgarh, Delhi, Haryana, Himachal Pradesh, Jharkhand, Jammu and Kashmir, Madhya Pradesh, North Eastern –the seven sister states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura), Punjab, Rajasthan Uttar Pradesh, Uttarakhand and the Union Territory of Chandigarh with Gujarat in the pipeline.

Headquartered in Delhi, the Chamber has its regional offices in Bihar, Bhopal, Chandigarh, Dehradun, Jaipur, Jammu, Lucknow, Raipur and Shimla.

Seven Thrust Areas of PHD Chamber

- Industrial Development
- Education and Skill Development
- Infrastructure
- Health
- Affordable Housing
- Agriculture and Agribusiness
- Digital India

INTELLECTUAL PROPERTY FACILITATION CENTRE

FOR MICRO, SMALL AND MEDIUM ENTERPRISES (MSME)

PHD Chamber of Commerce and Industry in association with the Ministry of Micro, Small and Medium Enterprises (MSME), Government of India, has set up an Intellectual Property (IP) Facilitation Centre for MSME at Lucknow to guide MSMEs regarding utilization of IP tools and technologies. This endeavour is supported by the Development Commissioner under the programme "National Manufacturing Competitiveness Programme (NMCP) under XI Plan" and scheme "Building Awareness on Intellectual Property Rights (IPR) for MSME" and will ensure better management of intellectual property related needs of MSMEs.

IP Facilitation Centre's Mission:

- Improve awareness of intellectual property and its benefits amongst individual entrepreneurs and MSMEs.
- Provide cost effective IP related services to individual entrepreneurs and MSMEs.
- Compile and provide access to IP related resources.
- Assist MSMEs to understand opportunities and provide an avenue to effectively enter India's growing market.
- Help in commercialization of IP.

WHY IPR?

Intellectual Property viz. Patents, Industrial Designs, Trade Marks, Copyrights, Geographical Indications and Trade Secrets have assumed significant importance in the face of changing environment which is characterized by global competition, continuous innovation, short product cycle, need for rapid changes in technology, high investments in research and development (R&D), increasing efficiencies in production and marketing and need for highly skilled human resources. Regardless of the product which an enterprise makes or the service it provides, it is likely that it is regularly creating and using intellectual property. There is an emergent need for enterprises and professionals to systematically consider the steps required for protecting, managing and enforcing their intellectual property, so as to get the best possible commercial results from its ownership.

WE ARE HERE FOR YOU

PHD- IPR Team comprises experts in the domain who will use their extensive experience in the field of IP to assist you in achieving the objective of growth by leveraging your IP. The team can put you in touch with legal and technical experts who will provide guidance on your queries on IP and help devise IP strategies for your business. We can arrange prior art searches, patent drafting, clearance searches, filing IP applications, handling office actions etc. **which are not only reliable but cost effective and timely.** If you are facing any hurdle with respect to your own IP or an existing IP right, we can help you resolve issues so that your focus stays on your business and profits.

Get your ticket to innovation!

Services Offered:

- Advisory & Consultancy
- IP Searches
- Filing and prosecution of IP applications
- Market surveys / investigations
- IP Valuation & Audit
- IP Due Diligence
- Technology scouting, licensing and assignment
- Commercialization of IPR
- Enforcement
- Legal advice

Facilities at the Centre:

- Technical & Legal expertise
- Modern Infrastructure
- Training Programmes
- IP Library – Guides & Newsletters
- Conference Room
- Access to IP Databases
- Helpline
- Gateway to the IP office

Frequently Asked Questions (FAQ) on IPR Protection in India

Intellectual Property is intangible incorporate property consisting of bundle of rights. The property imbued from the intellectual capacity of a human brain for instant an invention, design of an article, literary or artist work, symbols/trade marks, having commercial value and the same is not available in the public domain.

Intellectual Property commonly encompasses the following:

1. Patent
2. Trademarks
3. Industrial Design
4. Copyright
5. Geographical Indication of Goods
6. Integrated Circuit
7. Protection of Undisclosed Information such as Trade Secrets

Patents:

What is Patent?

Patent enables its owners to exclude from making, using and selling its inventions.

Term of patent:

The term of patent is for twenty years (20), provided the maintenance fee is paid at the end of every year.

Territorial Scope:

Patent laws are territorial, a separate patent must be obtained in each country. Indian patent office protects invention only filed in India.

What is patentable?

Only inventions are patentable. An invention must be new, useful and must involve inventive steps compared to closest prior art. A new and unobvious product, process, apparatus or composition of matter will generally be patentable.

Patentability searches:

Patentability search is a search for invention in hope of not finding the invention. The patentability search is an universal concept since inventions can not be boundary constraint. But it is to be noted that the patent laws are territorial.

Computer databases search is quick and relatively inexpensively. Database searches are most useful in searching sophisticated inventions, which can be described by precise, well-known terms of art. They are much less useful in searching mechanical gadget type inventions.

No search will "guarantee" the patentability of any invention. The object is to make a reasonable assessment of the prospects for obtaining worthwhile patent protection. Search results are also useful in preparing a patent application.

Information required for conducting search:

To conduct a search the description, drawings or photographs of the invention, showing how it is made, operated and used would be helpful. Further details of any known prior art; a summary of the prior art's shortcomings; an explanation of how these are overcome by the invention; a list of any other advantages of the invention; and, details of any possible variants or modifications that could be made without departing from the general concept of the invention

Who can apply for a patent?

An application for obtaining a patent can be made by a true and first inventor who holds the rightful ownership in the invention due to fact that he invented the same or by any person who is an assignee/legal representative of the first and true inventor. Also a legal heir of the first and true inventor can apply for patent in case of the death of the true and first inventor.

What is not patentable invention?

1. an invention which is frivolous or which claims anything obviously contrary to whole established natural laws.
2. an invention the primary or intended use or commercial exploitation of which could be contrary to public.
3. the mere discovery of a scientific principle or the formulation of an abstract theory.
4. the mere discovery of any new property or new use for known substance or of the mere use of known process, machine or apparatus unless such known process result in a new product or employ one new reactant.
5. a substance obtained from mere admixture resulting into aggregation of properties.
6. mere arrangement or re-arrangement or duplication of known devices each functioning independently.
7. a method of agriculture or horticulture.
8. any process for the medicinal, surgical, curative, prophylactic or other treatment of human beings or animals.
9. plants and animals in whole or any part in whole or any part thereof other than micro organism but including seeds, varieties and species and essentially biological processes for production or propagation of plants and animals.
10. a computer programme per se other than its technical application to industry or combination with hardware
11. a mathematical method or business method or algorithms
12. a literary , dramatic, musical or artistic work or any other aesthetic creation whatsoever including cinematographic works and television productions.
13. a mere scheme or rule or method of performing mental act or method of playing game.
14. a presentation of information
15. topography of integrated circuits
16. an invention which, in effect is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components.
17. invention relating to atomic energy.

What is patent specification?

A patent specification discloses the details of the invention for which the patent protection is sought. The legal rights in a patent are based on the disclosures made in the specification. Specifications are of two kinds

1. Provisional: A provisional specification discloses incomplete invention or inventions requiring time to develop further. The provisional specification is filed to claim the priority date of an invention.
2. Complete: The document, containing the detailed description of invention along with the drawings and claims is called as the complete specification. Also the description regarding prior art is included in the complete specification.

What is the date of priority?

The date of priority is the date on which the patent application either with provisional specification or with complete specification is filed at the patent office.

What happens to the application after filing?

Initially, a patent examiner examines the patent applications and then communicates the objections, if any, to the applicant via first examination report. The applicant has to meet up with the compliance of the patent office within specific time frame, if the applicant fails in doing so the application shall be abandoned. Otherwise the application is published in the patent gazettes issued by the patent office. The said published application is open public perusal and opposition. If there is no opposition the patent shall be granted.

Trademark:

What is a Trademark?

A trademark may be a word, symbol, logo, slogan, or any combination thereof that is used to identify and distinguish one person's goods or services from the goods or services of another, and serves as an indicator of source of the goods or services.

Use of "TM", "SM" and notation with Trademark:

The "TM" or "SM" notation is merely a means of informing third parties that the person claims trademark rights to the word, slogan, or phrase associated with "TM" or "SM" notation. The same can be used once the application is made for registration of a Trademark. After the grant the symbol is used.

Types of Trademark:

Basically there are three types of Trademarks namely

1. Trademark and Service mark
2. Collective mark
3. Certificate Trademark

Term of Trademark:

The term for Trademark is for ten years but the mark can be perpetually be on the Register by renewing it every after ten years. The same can be assigned and licensed.

Design :

What is Design?

The design means the features of shape configuration pattern, ornament or composition of lines or colours applied to any article whether in two-dimensional or three dimensional or in both forms. Design registration does not cover the mechanical features of the item.

What is Copyright?

Copyright means exclusive right to do or authorize others to do certain acts in relation to

1. Literary, dramatic, musical and artistic works.
2. Cinematograph film
3. Sound Recordings

The nature of the acts varies according to the subject matter. Basically copyright is the right to copy reproduce the work in which copyright subsists.

Geographical indication of Goods:

Geographical Indications of Goods means indications, which identify a goods as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin. Thus Geographical Indications of Goods Act provides the rights, to use the geographical indication, to the person(s) of a particular territory wherein the goods are originating, produced, processed, or prepared.

Plant Variety and Farmers Right Protection:

Under this act breeders will have rights to protect the new variety of plant/crop either in person or through any one he designates. The rights under this act include the right to produce, sell, market, directly or export a variety.

Further the Act defines the farmer's rights as follows:

The farmer shall be deemed to be entitled to save, use, sow, resow, exchange, share, or sell his farm produce including seed of a variety protected under this act in the same manner as he was entitled before the coming into force of this Act but the farmer shall not be entitled to sell branded seed of a variety protected under this Act.

Plants are not patentable in India. However the plants can be protected under the provision of the Plant Variety Protection and Farmers Rights Act as mentioned herein above.

Intellectual Property Rights:

Intellectual Property Rights are statutory rights once granted allows the creator(s) or owner(s) of the intellectual property to exclude others from exploiting the same commercially for a given period of time. It allows the creator(s)/owner(s) to have the benefits from their work when these are exploited commercially. IPR are granted to an inventor or creator, designer in lieu of the discloser of his/her knowledge.

Governing Laws in India for IPR as follows:

1. Patent Act 1970
2. Trade Marks Act (1958 original) 1999
3. The Copyright Act 1957
4. The design Act 2000
5. Geographical Indication of Goods (Registration and Protection) Act 1999
6. Plant Variety and Farmers Right Protection Act 2001

What is an invention/innovation?

An invention means: a new product or process involving an inventive step and capable of industrial application.

An Innovation means: The successful exploitation of new ideas in the form of a useful machinery or process, by any person, using own intellect is called as innovation. Every innovation may not be patentable invention but every invention is an innovation.

All the inventions are the innovations and are patentable, but all the innovations are not the patentable inventions.

What is Traditional Knowledge (TK)?

The knowledge continually developed, acquired, used, practiced, transmitted and sustained by the communities/individuals through generations is called Traditional Knowledge.

In India traditional knowledge including the existing oral knowledge can not be protected under the provisions of the existing IPR laws/acts, as mentioned herein above. However, if there is a substantial improvement in the existing traditional knowledge and if it can fulfill the requirements of the definition of the invention, then the patent application can be filed.

What is Prior Inform Consent (PIC)?

Prior Informed Consent is a consent sought from the innovator and/or inventor and/or knowledge holder to develop, protect, explore, commercialized ones innovation. PIC document may be of different types each defining the scope of rights imparted to exploit the innovation.

What is a PCT?

PCT abbreviated, from the Patent Cooperation Treaty. PCT is an International treaty, which provides facility to the applicant to file a single patent application and designate the countries in which he/she wants to protect his IP rights. Thus a single patent application is filed for the purpose of an international search report and to claim the priority date in all the designated countries. After receiving the international examination report, the applicant has to file a request in each designated country to take on record his/her application and this is called national phase of a patent application. A PCT application also provides an international filing date through a single patent application. India is a member country to PCT.

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FOR OFFICE USE

REF NO –

DATE -

IPR2015 -

APPLICANT
PHOTOGRAPH

APPLICATION FORM

Dear Sir,

We wish to apply for services of the Intellectual Property Right facilitation Center . We are enclosing all the supporting documents and our Cash/Cheque /DD No. * _____ dated _____ towards services required in favour of " PHD Chamber of Commerce and Industry".

Applicant full name	
Designation	
Name of entity	
Enterprise	<input type="checkbox"/> Individual <input type="checkbox"/> Micro <input type="checkbox"/> Small <input type="checkbox"/> Medium <input type="checkbox"/> Propriety <input type="checkbox"/> LLP <input type="checkbox"/> Partnership <input type="checkbox"/> Pvt. Ltd. <input type="checkbox"/> Ltd. <input type="checkbox"/> Others
Nature of business	
Full postal address for correspondence
Phone	Mobile _____ Email _____

Requirement for Services: *If the space provided in any column is inadequate, please attach a sheet

2.	Required services (Please Tick)				
A.	Advisory and Consultancy		F.	IP Due Diligence	
B.	IP Searches		G.	Technology scouting, licensing and assignment	
C.	Filing and prosecution of IP applications		H.	Commercialization of IPR Enforcement	
D.	Market surveys/investigations		I.	Legal Advice	
E.	IP Valuation & Audit		J.	Others	

Check List for Enclosures (To be sent later)]

Detailed description - 2 copies of Reprints / cuttings of your invention, if published in technical or scientific magazines, copies of Publication, Patent specifications (provisional / complete), Drawings / Diagrams, Patent search documents etc.

Membership Fees

Category	Rs.
Individual Member / Micro enterprises	1000
Small Enterprise	2000
Medium Enterprise	3000

*(Annually)

PHD Chamber -IPFC does not offer any guarantees related to the effectiveness of its advisory services including, but not limited to, intellectual property analysis & protection. Applicant understands and accepts that PHD Chamber -IPFC will offer its advisory services on a 'best effort' basis without any guarantees on the outcome of such advisory services. It is hereby declared that the undersigned has read, understood and accepted the terms and conditions of PHD Chamber IP Centre service package and accepts the same. The undersigned authorized representative of the applicant also declares that all the information given herein above is true and correct to the best of his personal knowledge and belief and also understands that in the event of any information found to be untrue or incorrect, the contract of the said services is liable to be terminated forthwith.

Signature - _____

Date _____



PROGRESS HARMONY DEVELOPMENT

Estd. - 1905

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Excellent Conferencing Facilities



The Head office of PHD Chamber, housed in the prestigious PHD House building opposite the ruins of the historic 'Siri Fort' in New Delhi and the state-of-art building in Chandigarh provide modern conferencing and Catering facilities for

corporate events, board meetings, training programmes, etc. The facilities in New Delhi include a 250 seater modern auditorium, several conference and meeting rooms as well as beautifully landscaped lawns to suit different requirements and also a business centre; while the ambience is international, the cost is economical.



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PROGRESS HARMONY DEVELOPMENT

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About the PHD Chamber

PHD Chamber of Commerce & Industry, a leading Industry Chamber of India, ever since its inception in 1905, has been an active participant in the India Growth Story through its Advocacy Role for the Policy Makers and Regulators of the Country. Regular interactions, Seminars, Conference and Conclaves allow healthy and constructive discussions between the Government, Industry and International Agencies bringing out the Vitals for Growth. As a true representative of the Industry with a large membership base of 48000 direct and indirect members, PHD Chamber has forged ahead leveraging its legacy with the Industry knowledge across sectors (58 Industry verticals being covered through Expert Committees), a deep understanding of the Economy at large and the populace at the micro level.

At a Global level we have been working with the Embassies and High Commissions in India to bring in the International Best Practices and Business Opportunities.



Seven Thrust Areas

- Industrial Development
- Infrastructure
- Housing
- Health
- Education and Skill Development
- Agriculture and Agribusiness
- Digital India

Connect with us:



We look forward to hearing from you! Please contact us:

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