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NOVELTY AS CRITERIA OF PATENTABILITY- STUDY OF UK, US, AND INDIAN POSITION

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Abstract

In the realm of intellectual property law, patents serve as a crucial mechanism for incentivizing innovation by granting inventors exclusive rights to their creations/inventions. However, not all inventions are eligible for patent protection, one of the fundamental criteria determining patentability is novelty. Novelty, in this context, refers to the requirement that an invention must be new or original to qualify for a patent. This paper delves into the concept of novelty as a criterion of patentability, examining the legal frameworks and interpretations across three significant jurisdictions: the United Kingdom (UK), the United States (US), and India. Each jurisdiction has its own set of laws, regulations, and judicial precedents shaping the understanding and application of novelty in patent law.

Keywords: Novelty, prior art, grace period, disclosure

Introduction

Novelty is a fundamental criterion of patentability that is crucial for obtaining a patent on an invention, it refers to the requirement that an invention must be new or, in other words, not disclosed to the public before the filing date of the patent application. If an invention is not novel, it may not be eligible for patent protection. Also, there are people who get confuse between the termolgy “Novelty” Nobility” as the same was found when survey form was shared to all the category of people. Even though the questions put forward were very straight forward still there was an issue in understanding about the title.

And to clear the same “**Novelty** means quality of being new, original, or unusual” and “**Nobility** means quality of being noble in character”

Statement of problem

There are many researchers or inventors who is still are unknown to the laws available to protect their new ideas and inventions in almost every field, one of the main issues related to novelty is public disclosure. If an invention has been made available to the public before the filing date of the patent application, it may lack novelty. This could occur through publications, public presentations, exhibitions, or other forms of public disclosure.

Relevance of the study

The novelty criterion is determined by its impact on the assessment of whether the claimed invention is novel and has not been disclosed in the prior art, understanding, and addressing the relevance of prior studies is crucial for successfully navigating the patent application process.

Objective of the study

- The primary objective is to provide a comprehensive and well-documented basis for claiming that the invention is new, inventive, and not disclosed in the prior art as this is crucial for successfully obtaining a patent.

Hypothesis

The claimed invention introduces a novel solution to a technical problem that is not disclosed in the existing body of knowledge (prior art), then the invention is likely to meet the novelty criteria for patentability.

Research questions

1. How do the novelty requirements in India compare with those in other jurisdictions?
2. How might the grace period impact the novelty assessment, especially in the context of public disclosures?
3. Has the invention been used or made available to the public in India prior to the filing date and how much time can be taken by the patent officials to approve the patent?

Research methodology

The research work has been done with the help of empirical method which carries the survey done by circulating google form and it also emphasises on legal structure, case analysis and legal framework, the doctrinal information has been taken from different legal articles and case laws which took place and same has been mentioned.

1. **How do the novelty requirements in India compare with those in other jurisdictions?**

Novelty is a fundamental requirement for an invention to be patentable. It is used as a principle to determine whether the invention, which has been brought for being patented, is new¹. Here are some key points about novelty as a criterion for patent:

- An invention is considered novel or new if it has not been anticipated by prior publication, prior public knowledge, or even prior use².
- The invention must not form part of the state of the art, which includes anything found in printed media or described in a patent application³.
- If an invention was known to the public before filing a patent application, or before its date of priority, if the priority of an earlier patent application is claimed, the invention is not considered new and therefore not patentable.
- Novelty shows the difference between invention and discovery. In the US this distinction can be seen from decades in the form of “product of nature doctrine” and other similar rhetoric elsewhere⁴.
- The traditional standards of novelty and non-obviousness also apply to living matter, so new life patents are based on differences in the properties and uses of new life and known substances⁵.

*Lallubhai Chakubhai Jariwalla v. Chimanlal Chunilal & Co.*⁶: In this case the court stated that there are two features necessary to the validity of a patent are novelty and utility, but the real test is the novelty of the invention. Novelty is essential, for otherwise there would be no benefit given to the public and consequently no consideration moving from the patentee. The plea of want of subject-matter is included in the plea of want of novelty⁷.

¹ Samyak Lunia from Bennett University, Novelty as a criteria for patentability, December 6, 2021, blog.ipleaders.in

² SS Rana & Co - Renu Bala Rampal and Johny Raj Solomon, Novelty Criteria in Patent Application, May 11 2022

³ Novelty Patent: Everything You Need to Know, upcounsel.com

⁴ Samyak Lunia from Bennett University, Novelty as a criteria for patentability, December 6, 2021, blog.ipleaders.in

⁵ Samyak Lunia from Bennett University, Novelty as a criteria for patentability, December 6, 2021, blog.ipleaders.in

⁶ (1935) 37 BOMLR 665

⁷ Casemine.in

India perspective

Novelty is a fundamental requirement for obtaining a patent under the Indian Patent Act⁸. The Indian Patents Act⁹ defines a “new invention” as any invention or technology that has not been used in the country or anywhere else in the world before the date of the filing of the application with complete specification¹⁰. An invention is considered new if it is not anticipated by prior publication, prior public knowledge, or even prior use. The subject matter must not have fallen in any prior art. Here prior art, which is used to determine the patentability of an invention, particularly whether an invention meets the novelty and the inventive step or non-obviousness criteria for patentability.

Prior art is any evidence that your invention was already publicly known or available, in whole or in part, before the effective filing date of your patent application¹¹.

Prior art can include the following¹²:

- A product that was available for sale
- Commercial use of the invention
- Articles, publications, or journals (printed or electronic)
- Presentation at a public event (a trade show, conference, etc.)
- Public knowledge or use of the invention (e.g., demonstration)
- A previously filed patent application (assuming the previous application eventually becomes a published application or an issued patent).

Prior art arises when someone has either made an idea available to the public or filed a patent application that was eventually published or issued as a patent¹³.

- Prior art is not limited to existing products or issued patents but it includes a broad range of information that was publicly available or publicly disclosed.
- Prior art is evaluated by patent offices as part of the patent granting process in what is called “substantive examination” of a patent application.

⁸ Saurabh Uttam Kamble, Novelty: Indian patentability standards, 05 July 2023, lawyersclubindia.com

⁹ 1970

¹⁰ Saurabh Uttam Kamble, Novelty: Indian patentability standards, 05 July 2023, lawyersclubindia.com

¹¹ Michael K. Henry, Ph.D., WHAT IS PRIOR ART? henry.law, 02 JAN 2024

¹² Michael K. Henry, Ph.D., WHAT IS PRIOR ART? henry.law, 02 JAN 2024

¹³ Patent and Prior art search In India, ethassociates.com

- Relevant prior art identified by patent offices or patent applicants are often cited by patent applicants in patent applications and by patent offices in patent search reports.

In July 2018 India's first ever SEP decision was issued by the High Court of Delhi in two joined (identical) disputes which was

#Koninklijke Philips v. Rajesh Bansal and Koninklijke Philips v. Bhagirathi Electronics. These cases were the India's first ever Standard Essential Patent (SEP) decision in these two joined disputes. The defendants were importers and assemblers of DVD players in India. The plaintiff, Philips, filed patent infringement cases against both, claiming that they had imported DVD player components that were manufactured using its patented technology and had then assembled them in India without obtaining licenses.

#InterDigital v Xiaomi: This case was released by the High Court of Delhi in early May 2021. The US tech company InterDigital filed suit against the Chinese consumer electronics maker Xiaomi, claiming infringement of its 3G and 4G patents, as Xiaomi had used its technology without authorization. Keeping in mind the interests of both the parties, the court rejected the two-tier system proposed by Interdigital on two grounds – (i) fair play, where it is essential for each party to be aware of the case of the other party that it is supposed to counter; and (ii) the nature of lawyer-client relationship, which requires the lawyer to act in accordance to the client's instructions and not "substitute their judgement for that of the client"¹⁴. The Delhi High Court held that a court of one state (i.e. the Wuhan Court) cannot bar the parties from pursuing the dispute at a forum in another state (i.e. the Delhi court), when this foreign forum has the competent jurisdiction to hear the case. The court also clarified that exceptions can apply only when the foreign forum is 'vexatious or oppressive' to the state's court. Moreover, the court ordered Xiaomi to remunerate InterDigital for the penalties imposed by the Wuhan court¹⁵.

¹⁴ Enrico Bonadio (City, University of London), Dr. Luke McDonagh (London School of Economics), and Anushka Tanwar (University School of Law and Legal Studies, New Delhi), Recent Indian Case Law on Standard Essential Patents, Kluwer Patent Blog, June 4, 2021

¹⁵ Enrico Bonadio (City, University of London), Dr. Luke McDonagh (London School of Economics), and Anushka Tanwar (University School of Law and Legal Studies, New Delhi), Recent Indian Case Law on Standard Essential Patents, Kluwer Patent Blog, June 4, 2021

#Farbwerke Hoechst Aktiengesellschaft Vormals Meister Lucius v Unichem Laboratories¹⁶:

in this it was stated that, state-of-the-art, the publication or invention must contain all the invention's features in question. The invention will continue to have its novelty unless the patent claim in question is described in its entirety in the published material.

USA perspective

In the USA, the doctrine of anticipation requires novelty of invention. Essentially, §102 of the U.S. Code requires the patent applicant to demonstrate that the invention is new¹⁷. An invention is considered new if it is not identical to the prior art². The standard for anticipation (and hence for newness) is a rigorous one; requiring that every element of the claimed invention, as arranged in the claim, be disclosed either specifically or inherently by a single prior art reference.

USA has a broader definition of prior art, which also includes any patent or patent application filed in the US or abroad before the filing date of the patent application, regardless of whether it was published or not. They approach to the assessment of novelty, on the basis of the anticipation test, this test requires that the prior art must disclose every element of the invention claimed in the patent application in the same way and for the same purpose.

In USA, a person is entitled to a patent unless the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention¹⁸. There are exceptions for disclosures made 1 year or less before the effective filing date of the claimed invention¹⁹.

#Swofford v. B & W, Inc²⁰. and #Graver Tank & v. Mfg. Co. v. Linde Air Prod. Co²¹. here in the both cases court observed that utility and novelty are questions of fact, not law. Therefore, whether an invention has novelty or not has to be decided on a case-to-case basis. For the first case United States Court of Appeals, Fifth Circuit gave the verdict, whereas for the second one United States Supreme Court gave the verdict.

¹⁶ AIR 1969 Bom 255, (1974) 76 BOMLR 130

¹⁷ GENE QUINN, Patentability: The Novelty Requirement of 35 U.S.C. 102, JUNE 10, 2017, 09:45 AM, ipwatchdog.com

¹⁸ 35 U.S. Code § 102 - Conditions for patentability; novelty, Legal Information Institution, law.cornell.edu

¹⁹ 35 U.S. Code § 102 - Conditions for patentability; novelty, Legal Information Institution, law.cornell.edu

²⁰ 395 F.2d 362 (5th Cir. 1968)

²¹ 339 U.S. 605 (1950)

#Minerva Surgical, Inc. v. Hologic, Inc.²²: in this case, Hologic sued Minerva for infringement. Minerva argued that Hologic's patent was invalid because the new claim did not match the written description. Hologic invoked the assignor estoppel doctrine because Truckai had assigned the original application, he and Minerva could not impeach the patent's validity.

The Federal Circuit agreed and the Supreme Court defines the boundaries of the "assignor estoppel" defense to a claim of patent invalidity as The Federal Circuit failed to recognize these boundaries, deeming "irrelevant" the question of whether Hologic had expanded the assigned claims. If Hologic's new claim is materially broader than what Truckai assigned, Truckai could not have warranted its validity.

#Helsinn Healthcare S. A. v. Teva Pharmaceuticals USA, Inc.²³: In this case, Helsinn sued for infringement. Teva countered that the 219 patent was invalid under the "on sale" provision of the AIA, which precludes a person from obtaining a patent on an invention that was "in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention," 35 U.S.C. 102(a)(1), arguing the 0.25 mg dose was "on sale" more than one year before Helsinn filed the 2003 application.

The Federal Circuit held, and the Supreme Court unanimously agreed, that the sale was publicly disclosed, regardless of whether the details of the invention were publicly disclosed in the agreements where a commercial sale to a third party who is required to keep the invention confidential may place the invention "on sale" under section 102(a). The patent statute in force immediately before the AIA included an on-sale bar. Supreme Court and Federal Circuit precedent interpreting that provision indicated that a sale or offer of sale need not make an invention available to the public to constitute invalidating prior art. The Court applied the presumption that when Congress reenacted the "on sale" language in the AIA, it adopted earlier judicial constructions.

²² 594 U.S.(2021)

²³ 586 U.S. (2019) 17-1229

UK perspective

In the UK, an invention shall be taken to be new if it does not form part of the state of the art²⁴. The state of the art in the case of an invention shall be taken to comprise all matter (whether a product, a process, information about either, or anything else) which has at any time before the priority date of that invention been made available to the public (whether in the United Kingdom or elsewhere) by written or oral description, by use, or in any other way

Under UK patent law, an invention is considered new if it does not form part of the state of the art. The state of the art comprises all matter which has at any time before the priority date of the invention been made available to the public²⁵. There are exceptions for disclosures due to unlawful obtaining or breach of confidence.

#Generics (UK) Ltd and others v Yeda Research and Development Company Limited and others²⁶ marks the first patent court case to consider the impact on novelty of the UK doctrine of equivalents which was recently introduced into UK patent law by the Supreme Court in **#Actavis v Lilly**²⁷.

In this case, Arnold J ultimately held the claims invalid for obviousness considering an alternative regimen disclosed by the prior art (the same prior art over which the claims were found to be novel), meaning that the claimed regimen was obvious to try with a fair expectation of success. Also, UK Supreme Court clarified the circumstances in which the monopoly granted by a patent could be widened beyond the normal interpretation of the claim to cover variants which have no material effect on the way the invention works.

Survey conducted on the Novelty as the criterion of patentability: study of UK, US, and INDIAN Position.

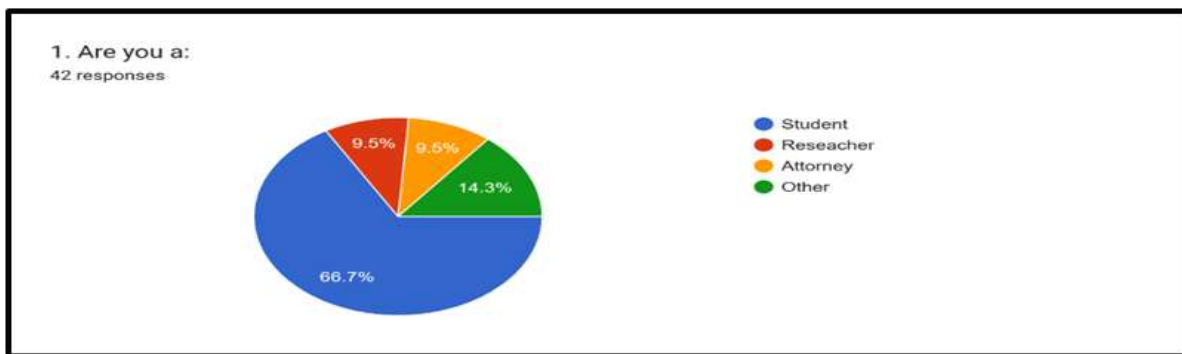
The survey that was conducted through google form as can be seen in the paper, accordingly there were 42 responses from different category of people (fig.1) and which also allow us to understand how much they would know about Novelty as the criteria of patentability, though the majority was of student but still that counts as there are students who at the early stage actually tries to create something new when they have that motivation.

²⁴ Bethan Halliwell, Withers & Rogers LLP, Requirements for Patentability – UK Patents Act 1977, 31 January 2022

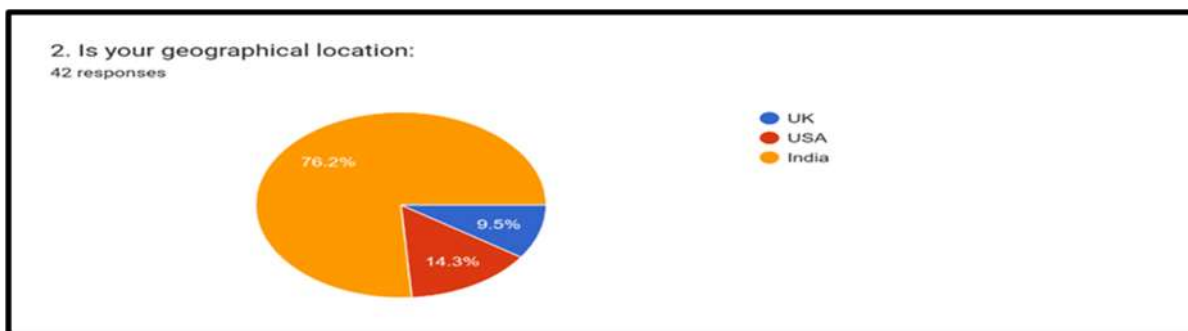
²⁵ The Patents Act 1977 (as amended), Section 2, gov.uk

²⁶ [2017] EWHC 2629 (Pat)

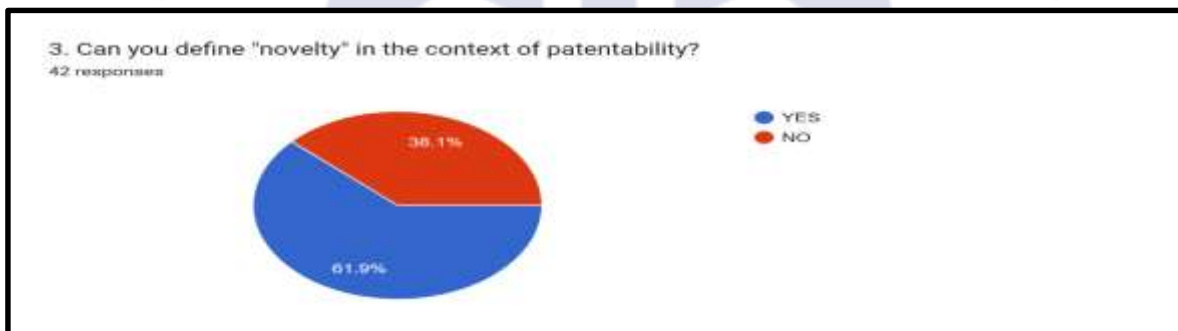
²⁷ [2017] UKSC 48



The survey includes geographical location (fig.2) of India, USA, and UK as the paper is of comparative study of the novelty criteria in the patentability.

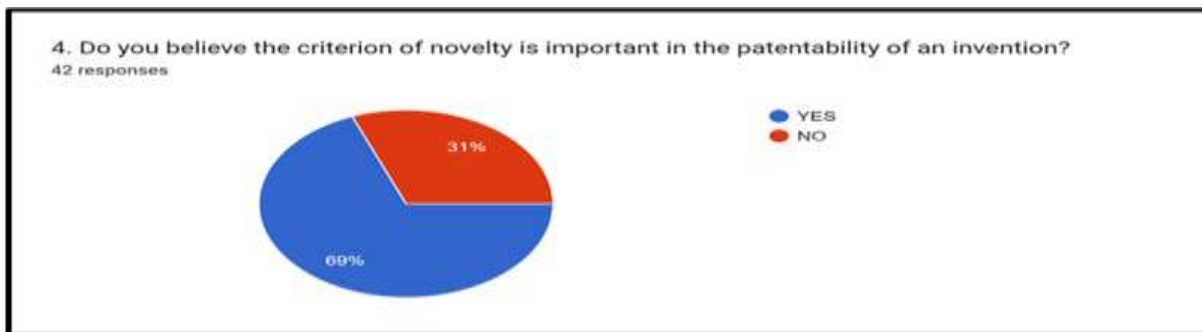


According to the research conducted and as per the result it is not wrong to say that there are aware about the laws relating to novelty in the context of Patentability (fig.3), according to the survey almost 61.9% knows about it where as 38.1% have no idea about. Though this research has been done by asking citizen of USA and UK as well to get a broader idea.

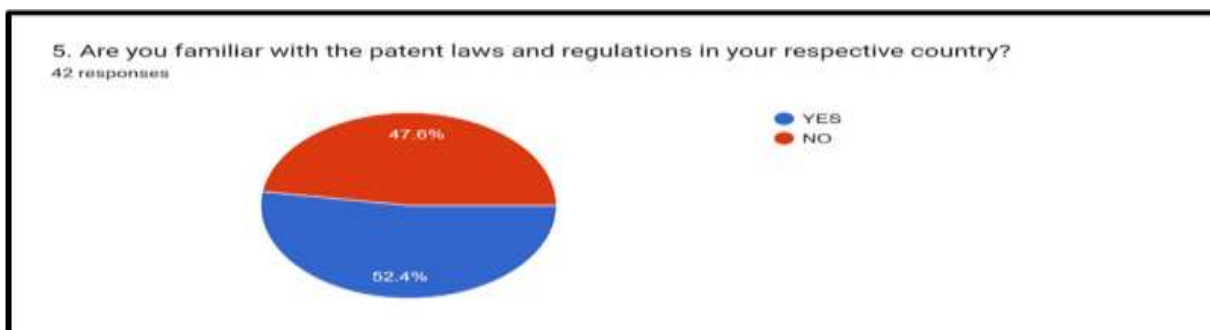


There is another point to be noted that, there are people who are aware about the Novelty criterion under patent law but only for their native country not the way around which is common and usual, as no one would research about other country laws unless and until he/she personal interest is involved.

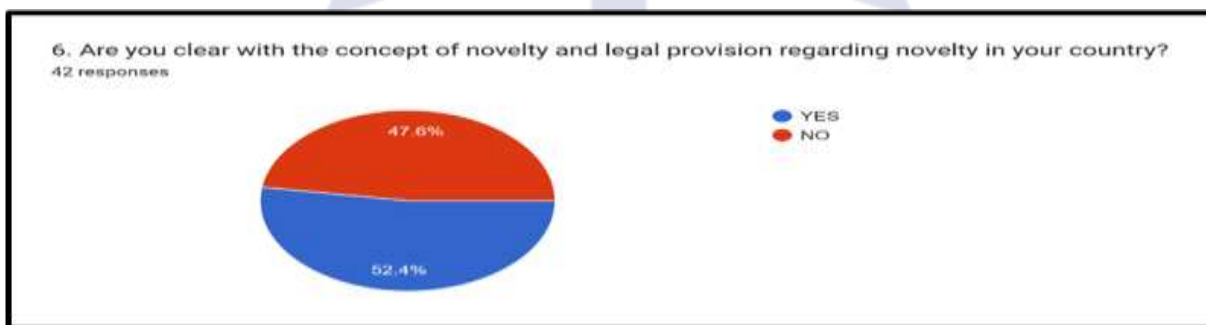
The survey conveys that the majority agrees (fig.4) that novelty is an important criterion for an invention and it is necessary part of the patent, which should not be ignored.



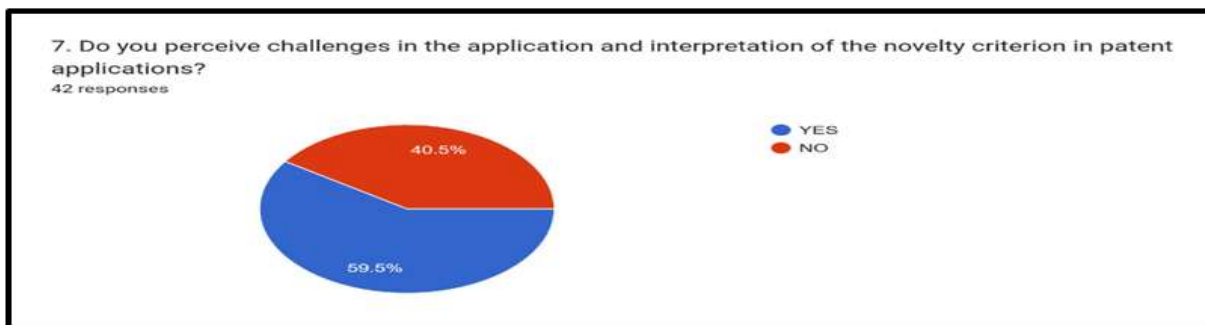
Here the results majority in yes (fig.5) but with mere difference from no so it is not wrong to say that some know and some do not people who know are working as professor or student who are researcher as well or attorney,



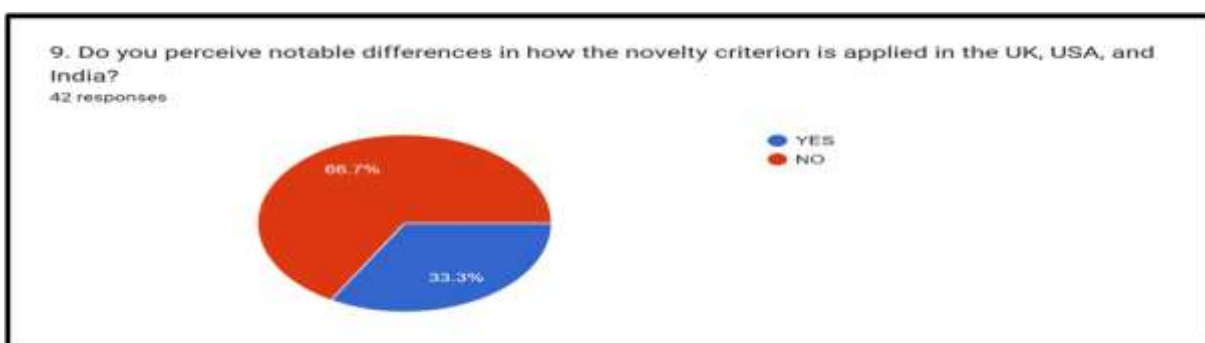
The survey also seeks to put light on the matter of clarity of the concept of novelty (fig.6), where the results are same as fig.5, the rate is same in both contexts.



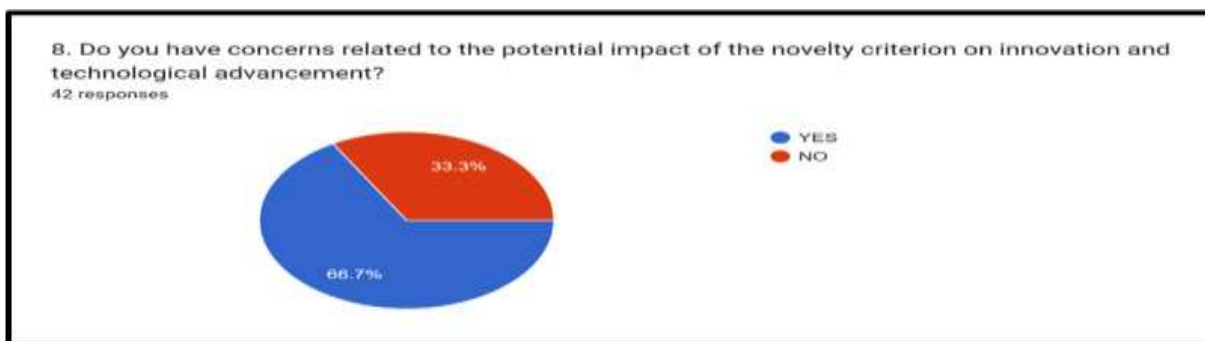
The survey asked the question whether they felt that the filing of application is challenging, here the majority of vote says that they felt that it is challenging (fig.7), which could be true also as the novelty criterion has to go through a lot of process so that no identical invention be patented in different names that to with same method and everything.



When asked that do they find notable difference between the laws over novelty. The maximum votes were for no (fig.9), which make sense as unless and until they will not do research over the matter how would they will find differences in the laws and could make notable differences as well.



Here, the majority voted for yes (fig.8), that they have concern, and the concern would be the advancement of technology and there are people who are not so familiar with the technology till yet as they do not believe to rely on technology, rather they would depend on human brain, books or articles published in authentic papers.



2. How might the grace period impact the novelty assessment, especially in the context of public disclosures and how much time can be taken by the patent officials to approve the patent?

The grace period in patent law refers to a specific duration prior to the filing or priority date of a patent application, during which an inventor can disclose their invention without it destroying the

novelty of the invention for patenting purposes. Now obviously the other question that comes to the mind is that will not the invention be affected by the same as in when the invention will be disclose to public definitely some or the person would try to copy it and would want to have rights over the same. So, for such situation there are laws provided which states that:

In India the Patents Act²⁸ in India provides a grace period of 12 months for filing a patent application from the date of its publication in a journal, its public display in an exhibition organized by the government, disclosure before any learned society, or published by the applicant.

Whereas in USA, inventors have up to one year from their earliest date of public disclosure of their invention to file a US patent application.

And in UK law, person will get six months from the date of the disclosure in which to file an application for a patent. However, the UK does not presently have a 12-month patent grace period, instead having only relatively weak six-month grace periods for abusive disclosures or disclosures made at a designated international exhibition.

Coming to the research question, it can be understood by the points mentioned below

- i. **Grace Period Purpose:** The primary purpose of a grace period is to allow inventors to disclose their inventions to the public (through publications, presentations, or other means) without losing the novelty of their invention.
- ii. **Exemption from Prior Art:** During the grace period, certain disclosures made by the inventor or someone who obtained the information from the inventor may be exempted from being considered as prior art and this means that these disclosures will not be used against the inventor when assessing the novelty of the invention.
- iii. **Conditions for Grace Period:** The conditions and duration of the grace period can vary between jurisdictions also in some cases, the grace period is triggered by the inventor's own disclosure, while in others, it may be triggered by a third party's disclosure
- iv. **Novelty Preservation:** If an inventor discloses their invention publicly and then files a patent application within the grace period, the disclosure is not considered prior art and therefore, it does not affect the novelty of the invention²⁹.

²⁸ 1970

²⁹ Pankaj Musyuni, India: Novelty: An Indian Perspective, LexOrbis, 18 December 2017

- v. Flexibility for Inventors: The grace period provides inventors with flexibility, as they can present their inventions at conferences, publish their findings, or discuss their inventions with potential investors without losing the opportunity to obtain a patent³⁰.
- vi. Legal Uncertainty: The grace period prolongs the period of legal uncertainty during which the public may not be able to conclusively assess whether a disclosure forms prior art or not, thereby increasing the risk of unintentional infringement by third parties³¹.
- vii. Variations Across Jurisdictions: The grace period varies across jurisdictions, some countries offer a 6-month grace period, while others offer a 12-month grace period and the specifics of what disclosures are covered by the grace period can also vary.

In case of #*Farbwerke Hoechst Aktiengesellschaft Vormals Meister Lucius v Unichem Laboratories*³², wherein the court held that if the inventor proves that the matter published was obtained fraudulently and was published without his or her consent, then it may not be anticipated. Now, it is known to everyone that how everyone wants things to be done in instant or click of fingers but it is not possible in every situation especially in case of laws that to under patent laws.

India: The time required for getting a patent grant in India can vary as mentioned below

- The general route of the patent grant can take between 3 to 5 years from the filing of date³³.
- The patent application is published after 18 months from the filing of date³⁴.
- There are recent updates in patent rules, specifically the Patents (Amendment) Rules, 2021, which now offer advantages like faster grant of patent applications by expedited route. This reduces the time required for grant of patent from 3-4 years to 1-1.5 years³⁵.
- The fastest patent was granted in 41 days after filing a request for expedited examination³⁶.

USA: According to the United States Patent and Trademark Office (USPTO), it takes about 22 months to get patent approval after going through the steps to file a patent.

³⁰ Pankaj Musyuni, India: Novelty: An Indian Perspective, LexOrbis, 18 December 2017

³¹ Users respond on grace period for patents, European Patent Register, epo.org, 17.06.2022

³² AIR 1969 Bom 255, (1974) 76 BOMLR 130

³³ Intepat Team, How Can I Get My Patent Grant Within 1 Year? intepat.com, November 14, 2019

³⁴ Dhruv Kaushik, Richa Chaudhary, Fast-tracking Patent Grant in India: Pros and Cons, sagaciousresearch.com

³⁵ Patent Procedure in India with steps, timeline and costs, patentinindia.com

³⁶ How much time will it take for my invention to get a patent in India? patentinindia.com

- Even if you are eligible for a prioritized examination for plant and utility patents, known as Track One, you might get approval in six to 12 months³⁷ and this can cost around \$1,000 to \$4,000.
- However, there are papers that suggest that the average wait time could be up to 25 months in the United States.

UK: In the UK, the process for obtaining a granted patent typically takes from 2 to 4 years from the date of the application³⁸ which is filing of date.

- However, by paying some fees early and replying promptly to letters from the UK Intellectual Property Office (UKIPO), it is possible to reduce this time to as little as 18 months³⁹.
- Also, some research papers suggest that UK patent applications can sometimes be granted in less than one year.

3. Has the invention been used or made available to the public in India prior to the filing date?

Determining whether an invention has been used or made available to the public in India prior to the filing date of a patent, it's important to consider the principles of novelty and prior art. If the invention has been disclosed or made accessible to the public before the filing date, it may impact the novelty of the invention, which is a key requirement for patentability.

One important case law that addresses the issue of prior use and public availability in India is the case of "#Biswanath Prasad Radhey Shyam v. Hindustan Metal Industries⁴⁰" This case established the principle that for an invention to be considered anticipated, it must be made available to the public in a form that enables the public to understand and practice the invention. In this case, the court emphasized that mere prior knowledge by a few individuals would not necessarily constitute anticipation. The public must have access to the information in a manner that enables them to use the invention. The court also considered the importance of accessibility and the need for the information to be available to the public at large.

³⁷ How Long Does it Take to Get a Patent: Everything You Need to Know, upcounsel, October 27, 2020

³⁸ UK Patents - The Basics, Mewburn Ellis, mewburn.com

³⁹ UK Patents - The Basics, Mewburn Ellis, mewburn.com

⁴⁰ AIR 1982 SC 1444

In the case of #Novartis AG vs Union of India⁴¹, the Supreme Court rejected the patent application for a beta crystalline form of imatinib mesylate, a drug used to treat chronic myeloid leukaemia, on the grounds of lack of novelty and inventive step, here the court rejected the patent application of Novartis for its anti-cancer drug Glivec. The main issue was whether Glivec satisfied the criteria of novelty, inventive step, and enhanced efficacy under Section 3(d) of the Indian Patents Act, 1970. The court held that Glivec was not a new invention, but a modified form of a known substance (imatinib) that did not show any significant improvement in therapeutic effect and the court also ruled that Section 3(d) was constitutional and in compliance with the TRIPS agreement, and that it aimed to prevent the evergreening of patents by introducing minor changes and the judgment was widely hailed as a victory for public health and access to affordable medicines in India and other developing countries.

In the case of #TVS Motor Company Limited vs Bajaj Auto Limited⁴², The main issue in this case was whether TVS Motor Company Limited had infringed the patent of Bajaj Auto Limited by using a similar technology in their 125-CC Flame motorcycle. Bajaj Auto Limited claimed that TVS Motor Company Limited had copied their DTS-i technology, which involved the use of two spark plugs at either end of the combustion chamber to achieve faster and better combustion. TVS Motor Company Limited argued that they had incorporated improvements in their product, such as the use of three valves instead of two, which distinguished it from the patented technology of Bajaj Auto Limited. TVS Motor Company Limited also filed a counter-suit against Bajaj Auto Limited for groundless threat of infringement.

The Madras High Court held that the patent for an improved internal combustion engine with a twin spark plug was not anticipated by prior public use, as the patentee had taken reasonable steps to maintain the confidentiality of the invention during the trial runs of the engine before filing the patent application.

Bajaj Auto Limited appealed to the Supreme Court of India against this order, the Supreme Court of India dismissed the appeal of Bajaj Auto Limited, and affirmed the order of the Division Bench of the Madras High Court. The court observed that the patent of Bajaj Auto Limited was not a new invention, but a mere workshop improvement of a known substance, The court concluded

⁴¹ AIR 2013 SC 1311

⁴² Civil Appeal No. 6472 of 2004

that the patent of Bajaj Auto Limited was invalid and liable to be revoked. The court also advised the parties to settle the matter amicably outside the court, and withdraw the pending suits and proceedings against each other in various courts and fora. The court stated that the parties were engaged in a healthy competition in the field of automobile industry, and that they should focus on innovation and development rather than litigation. The court hoped that the parties would respect each other's intellectual property rights and refrain from making any baseless allegations or threats in the future.

Conclusion

It can be concluded through the paper that novelty is one of the essential criteria for patentability, which means that the invention must not be already known or disclosed to the public before the filing date of the patent application and that novelty is a relative concept which is used by the countries, as different countries may have different standards and sources of prior art that can affect the novelty of an invention, therefore, a comparative study of the novelty criteria in different jurisdictions can help inventors and patent applicants to understand the requirements and challenges of obtaining patent protection in various markets and this paper also helps to understand that how novelty is important in each area of country wordings can be different but meaning would remain the same unless and until same has been broadly explained.

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