

IP Lab

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FILE FOREIGN APPLICATION PROSECUTION HISTORY WITH INDIAN PATENT OFFICE

During the prosecution of the Indian patent, one provision (Section 8), which has attained importance is the requirement of filing information about foreign patent applications in relation to the same or substantially the same invention. Noncompliance of this provision is a ground for pre-grant opposition, post-grant opposition and revocation of a patent, irrespective of the fact that the invention is novel, non-obvious and useful.

The courts and tribunals in the recent past in India have revoked the patents for non-compliance with Section 8.

Please [click here](#) to access the article analyzing the nuances of the relevant statutory provisions, case laws and the problems faced by patent applicants in complying with this requirement.

- [Ajay Chandru](#), [Aditi Jha](#) & [Gowree Gokhale](#)

You can direct your queries or comments to the authors

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