

CHAPTER 1- Fundamentals of Patent Law

1.1 Objective

The objective of this chapter is to give an understanding of patent law fundamentals. It gives an insight into evolution of patent law, objectives of patent law and patentability requirements.¹

1.2 Introduction

A patent grants exclusive rights over an invention for a limited period of time to an inventor in exchange of full disclosure of his invention. The objective of the patent system is to promote the progress of science and technology for public benefit. It achieves this objective by granting exclusive rights to inventors. Through grant of exclusive rights, the patent system provides the incentives to invent, invest, design around and disclose, which encourages creation of inventions and their utilization for public benefit.

1.3 Evolution of the patent system

The concept of patent is not of recent origin but has developed over a period of time. In the year 1323, a German engineer was granted the first known privilege for the construction of a model grain mill, which could cater the storage needs of entire Venice. In the early 14th century, certain special privileges were requested by a section of water millers who had a unique set for the purpose of using it before mining. The grant of those special privileges to those water millers can be taken as marking the birth of the patent system. The first patent law in the sense of a promise of exclusive rights to inventors was enacted in 1474 by the Republic of Venice. Such enactment was supposedly the consequence of a long war between Venice and the Turks where Venice lost most of its trading empire in the eastern Mediterranean and as a result, had to refocus on manufacture than trade. Further, when the trade relations between Venice and East weakened, Venice adopted a number of measures to establish and maintain a preeminence in manufacture including law prohibiting emigration of skilled artisans and the export of certain material, while at the same time encouraging the immigration of skilled workers from other countries, for example by a tax holiday for two years after their arrival in Venice.² The development of the Venetian system later influenced the development of the British and the French system.

During the reign of Elizabeth, England, which was then industrially less advanced, followed the footsteps of Venice by starting to encourage skilled artisans to migrate and develop new industries and trades in England. The encouragement was given in the guise of awarding patents, which were considered as a permission to practice new technology or trades, to such skilled artisans for having brought their new technology into England. Usually, such permissions were granted by local groups who were controlled by the crown and who held monopolies over particular industries. As England marched towards an industrially advanced territory, patents emerged as an instrument of industrial regulation. Patents came to be largely used as revenue generating means and tools for bestowing personal favors. Further, patents were extended to cover industries and trades already well established.

In 16th century the parliament of England enacted Statute of Monopolies. The Statute of monopolies excluded monopolies per se unless they came within the exception of Section 6. Section 6 of this statute can be regarded as laying the foundation of modern patent law. According to Section 6, the granting power of monopoly to inventions by the Crown was restricted to a period of 14 years. The statute laid down the condition that monopoly can be granted only for "any manners of new manufacture" to the "the true and first inventor".

¹ Author: Sorn Shekar Ramakrishna - soshekar@brainleague.com

² <http://www.india.com/Patents/USPatentHistory.html>, visited on August 28, 2010

Patent Law Fundamentals

Peter D. Rosenberg



Patent Law Fundamentals:

Patent Law Fundamentals Peter D. Rosenberg, 1975 This two volume looseleaf treatise offers procedural guidance to the Patent Act the U S Patent and Trademark Office Rules and the Manual of Patent Examining Procedure The work provides substantive analysis of the Semiconductor Chip Protection Act new patent interference rules and the differences between U S and foreign patent law Patent Law Fundamentals Peter D. Rosenberg, Patent Law Daniel Brean, Ned

Snow, 2024-01-31 The second edition of *Patent Law Fundamentals of Doctrine and Policy* provides a remarkably accessible yet robust introduction to patent law and its practical application Written in a straightforward style the authors focus on providing a deep understanding of doctrine and policy without hiding the ball in ways that can hinder student comprehension The book will appeal to students who have scientific and technical backgrounds or prior patent experience as well as students who simply have an interest in technology and innovation and seek a well rounded legal education The book teaches all the core patent statutes and doctrines in the United States patent system The authors employ several pedagogical methods to ensure students mastery of each topic At the outset of each chapter and section are detailed explanations of the black letter law When new concepts are introduced the text provides examples and explanations along with diagrams and illustrations Case law is edited to emphasize legal principles and avoid excessive technological complexities Updates to the second edition include Dozens of new case discussions to bring the legal content up to date Revamped presentation of novelty to further emphasize AIA law over pre AIA law Added examples explanations and practice questions to reinforce understanding Increased internal cross referencing to highlight relationships between discussions across the text Reordering of topic coverage to enhance comprehension and Further editing and editorializing of cases to focus on salient points of law

Intellectual Property Law Fundamentals Michael E. Jones, Walter Toomey, M. Nancy Aiken, Michelle Bazin, 2014

Fundamentals of United States Intellectual Property Law Copyright, Patent, and Trademark Amanda Reid, Sean Tu, Kenneth L. Port, 2018-08-10 Completely revised and updated this sixth edition of a well received desk reference offers in one volume a comprehensive review of United States US copyright patent and trademark laws Like its previous editions the book s thorough and sophisticated treatment of this complex material escapes the cumbersome overelaboration of a multivolume treatise on the one hand and a superficial nutshell on the other Maintaining the systematic structure that makes it easy for users to zero in on any particular matter the new edition incorporates the changes that have entered into force since the fifth edition and expertly examines their effects The three major categories of copyright patent and trademark are covered in turn along with a fourth section on chip protection with detailed but concise examination and analysis of such issues and topics as the following and much more subject matter of protection conditions of protection registration procedures scope of exclusive rights transfer of interests fair use rights in unregistered marks protection of computer software code and databases remedies and defenses and procedural issues in infringement actions The authors examine

significant case law updated for this edition in the course of their analysis With its detailed citations and readily accessible and complete subject coverage this latest edition is sure to retain its usefulness as a quick reference or desk book for intellectual property practitioners in house counsel patent agents academics and librarians as well as for anyone interested in understanding US intellectual property law Fundamentals of Patenting and Licensing for Scientists and Engineers Matthew Y. Ma, 2015 This comprehensive book is the first of its kind to take scientists and engineers beyond simply getting a patent granted Through the author's extensive technical background and experience in intellectual property licensing it ties the many technical legal and business aspects of patent enforcement to the innovation and patenting stage in the patent value chain with the objective of helping inventors to create valuable patents that can be capitalized In easy to understand language this book covers various aspects including basic concepts of patent laws and rules innovation protection patenting patents post granting and patent licensing With over 40 tables 70 figures nearly 100 cases and examples and a comprehensive index table it serves as a practical handbook for inventors and patent practitioners This second edition incorporates the latest changes in the America Invents Act AIA with additional case studies and illustrations throughout the book For inventors who want to file patents by themselves this new edition provides guidelines and step by step instructions on preparing and filing a US provisional patent application while avoiding the pitfalls that commonly occur in do it yourself patenting *Patent Fundamentals for Scientists and Engineers* Thomas T. Gordon, Arthur S. Cookfair, 2000-03-15 International in scope Patent Fundamentals for Scientists and Engineers Second Edition provides a clear explanation of the patent system and patent principles Designed for non lawyers this book includes information on the patenting process obtaining patent protection and how to recognize patentable inventions and avoid legal problems of infringement New in the Second Edition Techniques for searching the Internet Internet addresses for patent information and references A new chapter providing the forms required to file a patent Expanded coverage of international patents The nontechnical style of this book makes it easy to read and understand By providing a basic working knowledge of patents Patent Fundamentals for Scientists and Engineers Second Edition enables non specialists to make well informed decisions affecting new and patentable products It is an ideal book for anyone without prior legal knowledge who needs to understand the patent system including scientists engineers inventors researchers business managers entrepreneurs and patent liaison workers **Patent Law Fundamentals** John Gladstone Mills, Robert Clare Highley, Donald Cress Reiley, 2002 *Patent Law Fundamentals* John Gladstone Mills, Robert Clare Highley, Donald Cress Reiley, 2002 *Patents for Chemicals, Pharmaceuticals and Biotechnology* Philip W. Grubb, 2004 Previous editions 1st and 2nd published under titles 1st 1982 Patents for chemists 2nd 1986 Patents in chemistry and biotechnology 3rd edition published in 1999 **Patent Law Fundamentals** John Gladstone Mills, 2002 **Cases and Materials on Patent Law** Martin J. Adelman, 2003 The authors feel that students considering patent law for the first time should look forward to learning legal tenets as venerable as the Constitution itself yet as current

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