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## THE PURPOSE OF PATENT LAW

### 1}INTRODUCTION

A form of intellectual property, right, which is granted by the government to an inventor or assignee for a limited period, typically, for 20 years from filing the date of application is called a patent. A patent gives an exclusive right to its owner to make, use, sell, or reproduce his product. this exclusive right also gives the patent holder and authority to stop the illegal use of his product.1] A patent is generally granted for a period of 20 years from the date of its application and in this years, no one except the patent can have rights over his product. However, a patent can authorize a person to use his product.

### 2}Patent law

Patent law is a branch of intellectual property that deals with the protection of inventions with the help of legal methods. Many countries like the US, India, et cetera, patents to the inventors for a limited period. In return for this protection, the government agencies want public disclosure of the inventions. but there are also some conditions like foreign intervention to be eligible for patent protection, it must be non-obvious and the invention must also be described and enabled in the patent application.2] If the invention is not novel, it would not be fit for patent protection. The patent, which should be protected should also have some utility. there are several kinds of patents, such as utility, patents, machines, patents, articles, design, patents, plant, patents, et cetera. The law of patent enforces, the patent is to use their exclusive right to their benefit. They also protect the patent from others who infringe on these rights. A patent holder can file a lawsuit in a court of law, where he seeks damages and injunction against the infringing party. The law of patent protection comes into the picture when there is an infringement of the patent. For example, if a person uses cells or imposes a patent invention without the discretion of the patent holder, the patent has the right to sue him. Patents are protected not only on a country-to-country basis, but some mechanisms enable, patent protection in multiple countries through one application like agreements such as patent cooperation, treaties, and the European patent convention. patent law enables the protection of

innovation by providing exclusive rights to inventions.<sup>3]</sup>Only one general treaty has provisions containing exceptions that affect research: TRIPS.<sup>4]</sup>

### 3} The purpose of patent protection

Patent protection in today's world has several perspectives, but the main ones are technological advancement and boosting innovation. Besides this, the key elements of patent protection are:

#### 1. Incentives for innovation

Patent protection grants its owner an exclusive right for the use of his product, in the course of which he is the sole owner of this right and invention, and he can use this right in whichever way he wants. This exclusivity works as a method for incentivizing the innovation of the owner. Industries determine the profit potentiality of the inventions and this encourages the innovation in various industries to generate incentives.

#### 2. Public disclosure:

government agencies in exchange for granting these rights. Expect the patent holder or inventors to disclose their inventions publicly. This disclosure of inventions not only acts as a knowledgeable bridge to society but also allows others to learn from it and develop new technologies. The patents which are publicly disclosed, disseminate knowledge, which results in technological progress.

#### 3. Commercialisation:

the intellectual property rights of the inventor and investors are safeguarded by patent protection. This protection acts as a catalyst that increases the value of the ideas and inventions, and this in turn helps the investors and the companies to acquire new technologies. The patent rights which are strong in nature also work as a fundraiser for research and development. This helps to boost the commercialization of new products and also paves the way for economic growth.

#### 4. Competition development:

As the patent is given a temporary monopoly for their inventions for a term of 20 years after the term ends, the invention enters the public domain. Once the invention enters the public domain others could use it freely, improve, and compete with it. This helps in developing competition in society and also leads to continuous improvements in technology.

#### 4} Conclusion:

Overall, the main purpose of patent production is to encourage innovations, disclosure of inventions, boost, commercialization and promote competition, which would benefit society patent protection serves as a critical mechanism that paves the way for maintaining balance in the interest of the investors and public and economic growth and development. One cannot deny the increasing use of patent protection in today's world. it works as an essential mechanism for the protection of patents.

#### 5}CITATIONS

1] <https://www.wipo.int/patents/en/#>

2]V.K AHUJA, LAWS RELATING TO INTELLECTUAL PROPERTY RIGHTS, PAGE NUMBER:7,2017

3]G.KRISHNA TULSI RAM AND B.SUBBA RAO, A DETAILED STUDY OF PATENT PROTECTION OF INVENTIONS,70{5}, IJPS,547,2007

4]RICHARD GOLD AND YANN JOLY, THE PATENT SYSTEM AND RESEARCH FREEDOM: A COMPARATIVE STUDY,PAGE:26 ,2010