



Patent

*A new high-end
career Destination
of professionals in
India*



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Patent - A new and high end career Destination of technology professionals in India

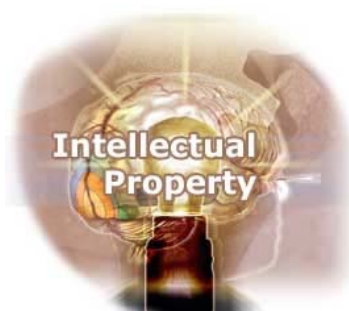


With India all set to become the hub for **Knowledge Process Outsourcing (KPO)**, professionals from diverse fields are finding interesting career options in this sector. Patent is a fascinating, profitable career field for many engineers and scientists looking for something other than the traditional career pathway. Being a part of this field will not only secure you a front row position on the cutting edge of science and technology but also it will have consulting part.

From genetic engineering to computer software to light bulbs and even new engine components, people will always invent new things. Even more so, these inventions will always be labeled and traded as Intellectual Property (IP).

A culture of research and innovation is sweeping across India. As such most engineers, Biotech, Pharma Professionals and scientists are already employed at companies or institutes where they are involved in research and development.

Intellectual Property Rights (IPR)



IPR is a general term that encompasses within its ambit all aspects and areas of Intellectual Property and broadly includes patents, trademarks, copyrights etc. Jobs in patenting services often require a strong scientific background, with an engineering background more suited for the job.

Patent is an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.

A patent gives an inventor the right for a limited period to stop others from making, using or selling an invention without the permission of the inventor. It is a deal between an inventor and the state in which the inventor is allowed a short term monopoly in return for allowing the invention to be made public.

Patents are about functional and technical aspects of products and processes. Most patents are for incremental improvements in known technology - evolution rather than revolution. The technology does not have to be complex.

Education

Intellectual property (IP) education is gaining prominence with high profile educational institutions like IITs and science universities including IP courses as part of their curriculum. The Mumbai based Institute of Intellectual Property Studies (IIPS) was the first among private sector institutions to offer IP education for management students and working professionals. Today there is a huge demand of IP professionals. IP studies give an overview of basic principles relating to Indian Patent Act, prior art searching, drafting, filing, opposition, infringement principles etc. There are many Law schools that are providing specialized courses in IPR.

India's Legal Process Outsourcing Business



As per the Market Intelligence Service of NASSCOM Research Group the legal services segment is a relatively newer segment that has witnessed recent interest and is believed to hold significant market potential. Market trends indicate that several MNCs (in-house legal departments), international law firms, legal publishing companies and legal research firms are now sourcing legal services from India.

India is set to achieve significant growth from its current share of 3-4 per cent to 6-7 per cent in the 250 billion dollar global market of Legal Process Outsourcing, by 2010.

Key legal services currently being sourced from India may be broadly categorized into paralegal support, legal support and patenting services. Patenting services include the following:

- Patent research and analysis: Landscape studies, patent appraisals and valuation studies, infringement analysis and prior art searching.
- Patent application drafting: The various stages of filing a patent application (prior art searches, patentability assessment, patent landscaping, drafting specifications, drawings, etc) may be outsourced to an Indian party.
- Patent prosecution: Indian companies are helping US attorneys in the patent prosecution process, from providing a technical assessment of the prior art cited by a patent examiner to drafting responses to the examiner's objections.

Microsoft has outsourced patent work to attorneys in Bangalore, while the in-house legal department at American Express has also teamed up with Indian lawyers. Morgan Stanley has outsourced some of its legal operations like checking of documents for compliance with various requirements, such as netting [a technique used in aggregating financial settlements, to India. DuPont is already well known to outsource legal work.

Career Destination



For any invention to get patented thorough research and drafting is required. Technology professionals do the research for the invention and then along with patent attorney they draft and file the patents.

IP consulting is another area where many organizations are hiring IP consulting firms. R&D departments of the organizations needs to be aware of Patent policies and should have in-depth understanding of IPR. IP consulting firms have professionals from technology and IP background who consult these R&D team for their invention and IPR issues.

The electronics industry for example is filing patents in a big way. Sources from the Technology Information, Forecasting and Assessment Council (TIFAC) say that every year the industry files at least 600 applications. Further more major pharmaceutical and automobile companies with a research bias, are laying emphasis on creating strong IP departments both in-house and consultancy basis.

Indian firm's especially small and medium enterprises desperately need more and better agents, qualified in the sciences, to make the most of their research. They prefer patent agents especially those qualified in the sciences. Lawyers with a conventional law background cannot service the demand for IP

experts. Thus a new breed of IP agents is emerging. They are very different from the old style patent lawyers, understanding the sciences as much as they understand IP laws. They use their knowledge of the sciences to draft applications and convince the patent office to publish them. They have created a new business model to help companies that need constant information on patent services.

A lawyer may not be able to understand the inventions as clearly as a patent agent with a science background. Enterprises need patent agents who can understand their invention and explain it in the language that the patent office understands. Furthermore someone who understands the invention quickly will be able to prepare a patent application more efficiently than someone who requires much study. Therefore it is very important that the patent practitioner be someone who understands the technology of the invention.

What is a Career as a Patent Agent/Attorney Like?

To be a patent attorney, a candidate needs to have a degree in science, technology or engineering stream, plus a degree in law. If the candidate does not have a degree in law, he or she can also write a qualifying exam that is conducted at the patents office in Kolkata or its branch offices in Mumbai, Chennai and Delhi.

The qualifying exam includes two papers of 100 marks each. While Paper I covers Patents Act and Rules, Paper II covers Drafting and Interpretation of the Patent Specifications and other Documents. The qualifying examination is followed by a viva voce examination of 100 marks.

With patent filings are expected to grow manifold under the new regime, analysts say there would be a pressing need for patent attorneys to cater to the needs of the whole spectrum -- business, educational and research.

A Patent Agent or a Patent Attorney will help inventors gain patents on their inventions. Inventors may be in the form of corporations, small businesses, scientists or even the lone inventor working from his or her house. The patent agent or attorney will advise inventors as to whether or not their invention is patentable by performing a patent search.

As a patent agent or attorney, one must rely on one's technical expertise to draft the patent application. That means one will need to understand the invention and communicate it to others in the patent application.

So to briefly summarize, a career as a patent agent or attorney will involve a great deal of writing and correspondence between an inventor and the Patent and Trademark Office.

Patent Law is the perfect field for many creative and talented individuals. They should have a people-oriented side to patent law since patent agents and attorneys work so closely with inventors. They must also have excellent writing skills. Drafting a quality patent application is tedious work that requires the best in written communication. In addition, a strong background in either science or technology is a must which will help in understanding exactly what has been invented in order to write a patent application.

Employment opportunities for Patent Agents/Attorneys

Most engineers, biotechnologists and scientists are already employed at companies or institutes where they are involved in research and development. The end goal in mind at a company or institute is to find a unique way to solve a problem, gain the intellectual property rights to that solution and then market it.

A large number of organizations out source their legal service requirements from centers in India. Technology Professionals can seek employment in either captive centers or third party units.

Captive Centers

An emerging trend in the industry has been the off shoring of legal services by foreign law firms establishing units also known as captive units in India. Captive units are the preferred mode of out sourcing for organizations out sourcing high- end critical work. Most foreign law firms in India operate through this structure, for want of greater control on areas related to their core competence and business. Issues relating to client confidentiality and risks of unauthorized practice of law are also some of the key reasons for operating through the Captive units.

Examples for Captive centers include legal departments of GE, Sun, Microsoft, Cisco etc.

Third Party Units:

These service-providers are law firms either domestic or foreign providing offshore legal services. Third party units have advantages of greater flexibility as well as greater expertise in the field. Third party units include pure-play offshore legal service providers such as IP-Pro, Intellevate, BPO third parties who also provide legal services such as Evalueserve, Office Tiger etc.

Market Need\ Future

The BPO Council of the Associated Chambers of Commerce and Industry (ASSOCHAM) says that India is already known for its large and increasing pool of quality engineering graduates, many of who are being attracted to the patent services segment of legal BPO. Estimates report that by early 2006, there were over 400 professionals engaged in providing patent services such as literature searches, prior-art searches, technology & patentability assessment,

patent claim mapping, etc, from India. India is facing an acute shortage of patent agents and does not have many qualified in sciences. The field of patent law is wide open to biologists, chemists, engineers, computer scientists and many other science and technology professionals. Today there are only 928 patent agents in India of which only 250 are said to be practicing actively.

This is too small a number to cater to India's increasing investments in research. There is a need for more than 3000 patent agents today. About one-third of these 900 professionals currently provide patent services to European and American end clients, and this number is likely to double to 1,800-2,000 by 2010. Last year 27,846 patents were published in India it is estimated that in the last three years over 50000 patent applications were filed and the number is rising.

A patent usually takes about 18 months to be published. And at most a patent agent can draft only two applications a month.

Patent agents require both intelligence and rigor. Indian patent agents need to co-ordinate with patent examiners from the US, Europe and China. Thus patent agents from science and technology background who are well versed in technology will be able to deal with foreign examiners. These patent agents also help innovator companies shape an IP strategy. This involves observing their internal documentation procedures, training their people, advising them on creating intellectual property that would create entry barriers for their competitors etc. Soon IP consulting will turn out to be a big business opportunity.

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