



Ferid Allani Vs. Assistant Controller of Patents and Designs

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The Ferid Allani patent application in relation to software related inventions in particular Section 3(k) of the Indian Patents Act has had a long history. Finally, we saw light at the end of the tunnel when Hon'ble Justice Manmohan Singh passed a landmark decision on Section 3(k) of the Indian Patents Act and held that the invention of Ferid Allani had a significant technical contribution to the state of art and possess **critical** technical effect. Hon'ble Justice set aside the order of the Patent Office that rejected a patent application of Ferid Allani for "Method and Device for Accessing Information Sources and Services on the web" and granted a patent. The Patent Office despite the decision of Hon'ble Justice Pratibha Singh misread and misapplied the order of the High Court in relation to technical effect and technical contribution in relation to patenting of software related inventions.

The Hon'ble Chairman for the first time defined technical effect and held that the Computer Related Inventions, 2013 (CRI Guidelines, 2013) issued by the Patent Office "provide coherent guidance in terms of the indicators of technical effect", which include higher speed; more economic use of memory and more efficient data base strategy. The IPAB also held that the mere fact that a computer program is used for effectuating a part of the invention does not provide a bar to patentability and that an invention must be examined as a whole taking into consideration its technical effect and technical contribution.

Behind this achievement were [Pravin Anand](#), [Archana Shanker](#), [Shrawan Chopra](#), Sandeep K Bhola, Vibhav Mithal and Bobby Jain

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