Section 8: a guide to foreign filing in India

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Archana Shanker and Drishi Kaur discuss the often ambiguous requirements of section 8 of the Indian Patents Act. The disclosure of foreign filing to the Indian Patent Office is a perpetual thorn, which inevitably pricks the bubble of patent enforcement in India. Challenging the validity of a patent on grounds such as section 8 of the Indian Patents Act may have seemed amateurish, but recent judgments have proved otherwise. The authorities' interpretations have certainly established section 8 as the convenient defence to dodge indictment in almost every contentious patent matter. *This article was published in IP Focus 2013.* Read more

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