



Exclusions under Section 3 of the Patents Act and its Applications

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We are pleased to share that [Ritika Ahuja](#) from our Patents team was successful in getting a patent allowed by the Indian Patent Office, following an objection under Section 3(k) and 3(m) under the Patents Act, by effectively establishing the Indian Patent Act Section 3(k) technical effect through detailed hearing submissions. The relevance of the hearing submission as filed by Ritika is summarized but not limited to the following:

- On reviewing our hearing submissions, where we explained how the invention actually worked, various technical advantages, and technical effect associated with it, and by referring to the applicant's website link to represent that the machine tool system being claimed is Hurco companies' product and practically works, the Controller reversed his statement and finally allowed the case under section 3 (k) of the Patents Law.
- It was submitted that the invention as recited in the revised claims related to a method and apparatus for controlling the movement of a machine tool system to machine a part.
- It was further submitted that invention exhibits a technical effect and cannot fall within the purview of computer program per se.

The Asst. Controller of Patents & Designs vide an order dated 26 June 2019 decided to proceed for grant of a patent for the application. Given the importance and the complexity of Section 3 under the Patents Act in Intellectual Property, we hope that orders such as these add value to our practice and expertise.



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