

Explain the patents act ,1970 and discuss the patent protection for computer programmes.

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The Patents Act, 1970 is an important piece of legislation that governs patent law in India. The Act provides for the grant of patents for new and useful inventions that are capable of industrial application.

One of the controversial issues surrounding the patent law in India is the protection of computer programs. In India, the patent protection for computer programs is governed by Section 3(k) of the Patents Act, which states that "a mathematical or business method or a computer programme per se or algorithms are not patentable."

This provision has been a subject of debate and controversy in India, as it has been argued that it creates ambiguity and uncertainty regarding the patentability of software-related inventions. However, the provision also allows for patent protection for software-related inventions if they demonstrate a technical advancement or are capable of being used in an industrial application.

In 2017, the Indian Patent Office issued guidelines for the examination of computer-related inventions to clarify the patentability of software-related inventions. The guidelines state that computer programs in themselves are

not patentable, but inventions that involve the use of software and demonstrate a technical advancement or industrial application may be eligible for patent protection.

The guidelines also provide examples of inventions that may be patentable, such as software used in medical devices or software that improves the efficiency of a computer system. However, the guidelines also caution that mere automation of known processes or algorithms without any technical advancement may not be eligible for patent protection.

In summary, the Patents Act, 1970 provides for the grant of patents for new and useful inventions that are capable of industrial application. The provision regarding the patentability of computer programs has been a subject of controversy, but recent guidelines issued by the Indian Patent Office provide clarity on the patentability of software-related inventions.