

Navigating Nanotechnology Patents: Need for Global Attention

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Abstract: *Nanotechnology, the control and manipulation of matter at the nanoscale, is revolutionizing industries such as medicine, electronics, and energy. However, it presents unique challenges to the existing intellectual property rights (IPR) frameworks globally, particularly within patent law. This paper discusses some specific examples of the complexity that surfaces in the patenting of nanotechnology on issues such as novelty, overclaiming, and very broad patent claims. These problems are compounded by the applications spanning across multiple industries of nanotechnology and the problems of complete searches of prior arts. Other problems of enforcement presented by nanotechnology patents, particularly selection inventions, arise due to cross-industry applications and the high cost of detection. The challenges for obtaining nanotechnology patents are further heightened by the constraints of Section 3(d) of the Indian Patent Act, which imposes limitations on the patentability of derivative inventions. In this paper, the patenting of nanotechnology issues are examined in the context of IPR and reforms are proposed to strengthen the patent regime to support innovation and address unique needs in nanotechnology.*

Keywords: Nanotechnology, Novelty, Patenting, Patent thickets and Prior Art.