

Meeting 4: In-Person Discussion on Draft Guidelines for Examination of Computer Related Inventions (CRIs), 2025

Date: May 28, 2025

Venue: IPO, Chennai

Chairperson: Prof.(Dr.) Unnat P. Pandit (CGPDTM)

Participants

a) Offline:

S.No.	Name	IN/PA and Office Details
1.	Shri D. Nagarajan	K & S Partners
2.	Shri S. Herald Daniel	DE Penning & DE Penning
3.	Shri M. Gowthman	DE Penning & DE Penning
4.	Shri A.B Rajasekaran	SV & R Partners
5.	Shri C Manoharan	Regd IP Analyst
6.	Shri K T Varughese	ConClavit IP Bangalore
7.	Smt D Sai Meera	Surana & Surana International Attorneys
8.	Smt Jameema Reshmi Shamini	Surana & Surana International Attorneys
9.	Shri N. Vignesh Kumaran	Vishnu Prasad Research Centre
10.	Shri R Bharathwaj	Spicy IP

IP Officials present in-person:

S.No.	Name	Designation/Office
1.	Prof.(Dr.) Unnat P. Pandit	Controller General of Patents, Designs and Trade Marks
2.	Shri Santosh Kumar Gupta	Assistant Controller of Patents and Designs
3.	Shri Vishal Shukla	Assistant Controller of Patents and Designs
4.	Shri Anuyog Chauhan	Examiner of Patents and Designs
5.	Shri Narender Singh Yadav	Examiner of Patents and Designs
6.	Shri Divek Jangir	Examiner of Patents and Designs
7.	Smt Reshma Chittibabu	Examiner of Patents and Designs
8.	Shri Prem T S	Examiner of Patents and Designs
9.	Shri Hari Balaji K S	Examiner of Patents and Designs
10.	Smt Divya Lakshmi P	Examiner of Patents and Designs
11.	Shri Boddu Chaitanya Kumar	Examiner of Patents and Designs
12.	Shri Subash V	Examiner of Patents and Designs

b) Online

S.No.	Name	Designation
1.	Shri Rahul Gahlan	Assistant Controller of Patents and Designs
2.	Shri Chandan Kumar Jha	Assistant Controller of Patents and Designs
3.	Shri Hitender Dalal	Examiner of Patents and Designs
4.	Shri Kishan Kumar Singh	Examiner of Patents and Designs
5.	Shri Prashant Kumar Dixit	Examiner of Patents and Designs
6.	Shri Abhishek Kumar	Examiner of Patents and Designs
7.	Shri Chetan Mann	Examiner of Patents and Designs
8.	Shri Diwakar Shukla	Examiner of Patents and Designs
9.	Shri Shubham Kumar Shukla	Examiner of Patents and Designs
10.	Smt Smriti	Examiner of Patents and Designs
11.	Shri Udit Pathak	Examiner of Patents and Designs
12.	Shri Vivek Kumar	Examiner of Patents and Designs
13.	Shri Mayank Sikarwal	Examiner of Patents and Designs
14.	Shri Vivek Kumar Giri	Examiner of Patents and Designs
15.	Shri Ashish Ratnawat	Examiner of Patents and Designs
16.	Shri Ambuj Verma	Examiner of Patents and Designs
17.	Shri Dheeraj Kumar Daksh	Examiner of Patents and Designs
18.	Shri Nihal Kumar	Examiner of Patents and Designs
19.	Shri Shubhank Srivastava	Examiner of Patents and Designs
20.	Smt Sushila Kumari	Examiner of Patents and Designs
21.	Shri Tej Prakash Mittal	Examiner of Patents and Designs
22.	Smt Minal Mohar	Examiner of Patents and Designs
23.	Shri Aditya Gedam	Examiner of Patents and Designs
24.	Shri Vishal Raj	Examiner of Patents and Designs
25.	Shri Amit Singh	Examiner of Patents and Designs
26.	Shri Abhishekh	Examiner of Patents and Designs
27.	Shri Aashish Kumar Kapil	Examiner of Patents and Designs
28.	Shri Varun Khokher	Examiner of Patents and Designs
29.	Smt Neha Shihra	Examiner of Patents and Designs
30.	Shri Shikhar Singh	Examiner of Patents and Designs
31.	Shri Siddharth Chavan	Examiner of Patents and Designs
32.	Shri Shashank Shekhar	Examiner of Patents and Designs
33.	Shri Gyan Vishal	Examiner of Patents and Designs
34.	Shri Ankit Kumar	Examiner of Patents and Designs
35.	Shri Prince Kumar Mittal	Examiner of Patents and Designs

1. Opening Remarks

- Prof.(Dr.) Unnat P. Pandit (CGPDTM) welcomed all participants and shared a brief overview of prior discussions held at three other locations. Emphasized the need for updated CRI (Computer Related Inventions) guidelines considering technological

advancements, particularly AI. Shri Santosh Kumar Gupta recapped points from earlier meetings and presented the current agenda.

2. Stakeholder comments and official responses:

S.No.	Stakeholder	Comments	Response
1.	Shri A.B Rajasekaran	<ul style="list-style-type: none"> - Anomaly in decisions of Controllers - Need more clarity on whether AI related inventions are patentable in India. - There may be different interpretations/inferences of case laws. Thus, Patent office needs to provide its own interpretation. For instance, terms such as “innovative programme” or “technical effect” need specific interpretation from patent office. - Non-patentable example has been included as patentable. 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Asserted that AI as an inventor not recognised in India. AI is not a legal entity. - For AI assisted and AI supplemented invention, more clarity is needed. - Our objective is not to create a dictionary of definitions. Rather, any such definition must come from the applicant. - Examples for AI related inventions are in the pipeline. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - The goal of CRI guidelines is to mitigate such variations in the decisions of Controllers - As executives, we cannot comment on fragmented jurisprudence.
2.	Shri K T Varughese	<ul style="list-style-type: none"> - There should be 4 separate chapters on four limbs of Section 3(k) - There must be in-house discussion on the decisions given by the Controllers - Patent application number can be given along with the example for more clarity and understanding of the case - Manual should contain standard procedure for novelty and inventive step 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Asserted that providing application number may make the interpretation case specific. Instead, concept can be taken from the example. - Insisted that for more elaboration, examples can be a much better way. - Reiterated that more examples are to be added in annexure which can be updated periodically. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Examples in CRI represent hypothetical scenarios and are not

			<p>meant to post-mortem any specific application.</p> <ul style="list-style-type: none"> - Four limbs of Section 3(k) is not just limited to having 4 separate chapters but must also include jurisprudence.
3.	Shri N. Vignesh Kumaran	<ul style="list-style-type: none"> - Suggested to include a test for describing technical effect. 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Reiterated that whatever is being claimed must be described in the specification along with the technical effect as per the view of the applicant.
4.	Smt Jameema Reshmi Shamini	<ul style="list-style-type: none"> - Suggested to have more clarity on technical effect in case of AI related inventions - Some sort of inconsistency is being observed in examples 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Asserted that the goal of CRI guidelines is to remove any inconsistency and bring clarity on AI related inventions. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Agreed to enhance Technical Effect part in CRI guidelines for more clarity
5.	Shri R Bharathwaj	<ul style="list-style-type: none"> - Pointed out that fragmented jurisprudence has resulted in multiple interpretations of the case laws. - Need to map the court judgements with the decisions of the controllers - Need more elaboration on “business method” related inventions. If an invention shows technical effect in business related areas, will it be considered patentable or non-patentable? - Where will the artificial neural network be included? Algorithm or computer programme per se? - Need more clarity on means plus function claims for computer related inventions 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Highlighted that court judgements are case to case basis and not fragmented - Mapping of judgements has already been done. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - There is a complete bar on a business method and if the invention is related to underlying technical process, then it may be considered for patentability. - Clarified that for means plus function kind of claims, all means must be supported by way of disclosure in the complete specification.
6.	Shri C Manoharan	<ul style="list-style-type: none"> - Suggested to include topics like cyber security, data science etc. in CRI 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p>

		<p>guidelines.</p> <ul style="list-style-type: none"> - Recommended adding more definitions in CRI guidelines. 	<ul style="list-style-type: none"> - The intent of CRI guidelines is not to serve as a dictionary of definitions. - On a case-to-case basis applicants can define terms or they can provide references of these terms in the specification. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Definitions differ across NITI AAYOG, MEITY, IT ACT etc. - Including definitions in the guidelines may restrict the scope of applications.
7.	Shri S. Herald Daniel	<ul style="list-style-type: none"> - Use of mathematical parameters used does not mean it comes under 3(k) mathematical methods. - Method claims are included in patentable examples while system claims are included in non-patentable examples. - Suggested inclusion of analysis in examples. 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Agreed that using mathematical parameters alone does not make an invention a mathematical method under Section 3(k). - Both method and system claims are included in both patentable and non-patentable examples. - Such claims are allowable if adequately supported by the specification and examples. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Agreed on including analysis of examples.
8.	Shri M. Gowthman	<ul style="list-style-type: none"> - Having more system claims under non-patentable examples could give the impression that system claims are generally not patentable. - Most PCT cases get rejected. 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - Guidelines will bring harmony and strengthening of IP will happen. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Emphasized the importance of substance over form. - Agreed to add one-two liner for system and method claims. - Agreed to strengthen 3k limbs.
9.	Shri D. Nagarajan	<ul style="list-style-type: none"> - Controllers often interpret “per se” as applying only to computer 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p>

		<p>programs and not to mathematical methods, business methods, or algorithms.</p> <ul style="list-style-type: none"> - Requested inclusion of additional case laws that support applicants, as current judgments cited seem unfavourable. - Sufficiency of Disclosure related to input and output of AI related inventions is too strict. 	<ul style="list-style-type: none"> - While assessing non-patentability under Section 3(k), the focus should be on whether a technical solution is provided for a technical problem. - The claims should be in such a way, that in its substance it is related to an underlying technical process so that it is not considered as a business method. - Specification must meet Sufficiency of Disclosure requirements. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Suggested to check whether a business method is a business method or has some technical characteristics. - PSITA should be able to reproduce without undue experimentation.
10.	Smt D Sai Meera	<ul style="list-style-type: none"> - Raised concerns about inconsistency in granting system and method claims. Large applicants tend to receive grants due to their legal resources, whereas smaller applicants face difficulties. - Mentioned that the provided examples are limited. 	<p>Prof.(Dr.) Unnat P. Pandit (CGPDTM):</p> <ul style="list-style-type: none"> - New examiners undergo 16 weeks of training and participate in guideline discussions. Their role is to minimize ambiguity during examination. <p>Shri Santosh Kumar Gupta:</p> <ul style="list-style-type: none"> - Agreed to include more examples to ensure the list is non-exhaustive.

3. Conclusion

- Prof.(Dr.) Unnat P. Pandit (CGPDTM) concluded the meeting by emphasizing:
 - The IP Office remains open to diverse stakeholder perspectives.
 - A collaborative approach is essential to build effective and future-ready CRI guidelines.