

**Patent Drafting for Beginners**  
**Prof. Feroz Ali**  
**Department of Humanities and Social Sciences**  
**Indian Institute of Technology, Madras**

**Lecture – 27**  
**Some Exceptions to Patentability**

We have just seen the provisions that relate to patent claim drafting. Patent claim drafting can also be limited by the subject matter of what you are claiming. In other words, if the subject matter is something which you cannot claim, then that is something that you need to bear in mind, because you cannot have an invention; that is, that can be patented.

Now, there are some subject matter that is excluded from the scope of an invention under the act. So, needless to say you cannot be drafting a claim on those subject matters. Now, let us just look at some of the exceptions to patentability; Types of claim that are not allowed.

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Types of claims that are not allowed

Claims contrary to well established natural laws

Scientific principle or abstract theory

Method of agriculture

Plants and animals



Now, claims contrary to well established natural laws will not be allowed. This comes under section 3. There are a host of exceptions in section 3. Claims pertaining to scientific principle or abstract theory; again will not be allowed. Method of agriculture is something that will not be allowed. And claims covering plants and animals will not be allowed.

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## Types of claims that are not allowed

Business method, mathematical method, algorithm

Method of performing a mental task, method of playing  
a game

Presentation of information

Atomic energy



Claims for business method, a mathematical method or an algorithm will not be allowed. Claims for a method of performing a mental task, method of playing a game will likewise not be allowed. And claim for presenting of information, for representation of information like a ppt, or what you are seeing right now cannot be a subject matter of a claim.

Atomic energy is also excluded from the definition of an invention by way of section 4 of the patents act. Inventions relating to atomic energy will not be granted a patent. So, you have to be wary of claims covering atomic energy.