

The Patents Act, 1970

Qualifying Examination under section 126 of the Patents Act, 1970

(As amended and updated)

PATENTS ACTS AND RULES

(All questions are to be answered)

(Marks of each question are indicated at the end of the question)

NOVEMBER, 2001

PAPER – I

Time – 2 ½ Hours.

Total Marks – 100

Q.1. Write short notes on any 5(five) of the following, keeping in view of the Provisions under Patents Act and Rules. (Each carries equal marks).

- a. Term of Patent of Addition.
- b. Contents of specification.
- c. Date of Patent
- d. Grant and sealing of Patent
- e. Food.
- f. Opposition to grant of patent.
- g. Invention.

(20)

Q.2 State True or False (Answer all questions, each carries equal marks, where it is false, give the reason/correct answer).

- a. The Complete Specification is amended to the satisfaction of the controller.
- b. Invention relating to Atomic Energy is not patentable.
- c. It is possible to obtain a world patent.
- d. An applicant after filing a complete specification cannot convert his complete specification into a provisional specification.
- e. There is no provision under the Patents Act, 1970 to extend the term of a patent.
- f. Research institutes or organizations can use patents for research purpose without any liability for infringement.
- g. The Register of Patents is kept at the Patent Office, Kolkata only.
- h. European Patent Office as international search authority provides reduction in search fee by 75% when applicant(s) is a natural person or legal entity.
- i. The National Phase applications for patent under PCT may be filed at the Patent Office, Kolkata or at its branch offices at Mumbai, Chennai and New Delhi.
- j. For Nationals (natural persons and legal entity) of India the basic and designation fees are reduced by 75% payable to IB of WIPO.

(15)

Q.3 Fill in the blanks (answer all questions, each carries equal marks)

- a. Each demand for international preliminary examination shall be subject to the payment of _____ fee for IPEA and _____ fee for IB of WIPO.

- b. Any person interested in opposing the grant of a patent may give notice of opposition under Section _____ within _____ months from the date of advertisement of the acceptance of the complete specification in the official Gazette.
- c. An international application for patent under PCT, may be filed with the Patent Office as Receiving Office (RO/IN), either in _____ or in _____ language.
- d. Exclusive Marketing Right is granted for 5 years from the _____.
- e. OAPI stands for _____.
- f. Exclusive Marketing Rights shall be granted in Form _____.
- g. The qualifying marks for each written paper and for the viva voce examination for Patent Agent shall be _____ % and _____ % respectively, and a candidate shall be declared to have passed the examination only if he/she obtains an aggregate of _____ % of total marks.
- h. For registration of a person as a Patent Agent under rule 94 or 97, he/she is required to pay a fee of Rs. _____, and for continuance of the name in the register of Patent Agent, a fee of Rs _____.
- i. The maximum number of designation fees payable under PCT is _____.
- j. Application for the grant of product patent in drug can be filed under Section _____ of the Patents Act, 1970.

(15)

Q.4 Answer any 4(four) questions of the following keeping in view the provisions of the Patents Act and Rules. (Each carries equal marks).

- a. When a Patent of Addition is filed?
- b. Name the PCT fees with the amount an Indian applicant is required to pay for filing an international application for Patent under PCT at the Patent Office as receiving Office (RO/IN).
- c. Difference between License of Right and Compulsory License?
- d. A note on inventions not patentable.
- e. What do you understand by the term "Power of Controller" as per the Act?
- f. A note on Rights of Patent Agents.

(20)

Q.5. State the period (including extension if available) under the Patents Act, 1970 and/or under the Patents Rules, 1972 for performing the following acts. Quote relevant sections and/or rules and number of the prescribed form if any with fees. [Any 4(four) each carries equal marks]

- a. For producing certified copy (copies) of the priority document(s) in case of convention application for patent.
- b. For filing opposition to the grant of a patent after acceptance of the complete specification has been notified in the Official Gazette.
- c. For continuance of the name of a person as a Patent Agent in the Register of Patent Agents.
- d. For statement of undertaking regarding foreign applications.
- e. For putting a specification in order for acceptance after issuance of the first examination report.
- f. For post dating the application for patent.
- g. For request for postponement of acceptance of complete specifications.

Q.6. Fill in the blanks. (Answer all, each carries equal marks)

- a. Two phases of the PCT are _____ phase and _____ phase.
- b. For application for patent on Form 1, the amount of fees in rupees for individual(s) _____ and for legal entity other than individual(s) _____.
- c. The fees for filing complete specification after provisional specification is Rs. _____.
- d. The Basic Fee for filing international application for patent under PCT is USD _____.
- e. Full form of IB of WIPO _____.

(10)

(TOTAL PAGES – 3)

[End]