

The Patents Act, 1970
Qualifying Examination under section 126 of the Patents Act
(As amended & updated)

PAPER-1 (PROVISIONS OF PATENTS ACT & RULES)

DECEMBER, 2008

Time:- 2 ½ Hrs

Total pages-2

Total Marks-100

Instruction: 1. All questions are compulsory

2. Marks of each question are indicated at the end of the question.

3. Answers should be precise and to the point supported by relevant provisions of the Act and Rules.

Q.1 Define following terms (Attempt any five)

(1X5=5)

- a. "New invention"
- b. "Person interested"
- c. "International application"
- d. "Pharmaceutical substance"
- e. "Legal representative"
- f. "Invention"
- g. "Capable of industrial application"

Q. 2 Fill in the blanks

(1 x 5 = 5)

- (a) Every appeal to Appellate Board shall be made within _____ months from the date of decision of the Controller.
- (b) India joined Paris Convention on _____.
- (c) The Patents Act, 1970 has been amended _____ times .
- (d) National Phase application under PCT shall be filed before _____ months from the priority date.
- (e) Reference to the deposit of the biological material in the specification shall be made within _____ months from the date of filing of the application.

Q.3 Amount of fee on the following activities [for 'other than the natural person']

(1 x 5 = 5)

- (a) Filling a request for examination under section 11 B.
- (b) Petition for making change in address of service under section 57.
- (c) Filling post grant opposition under section 25(3).
- (d) Filing divisional application of 30 pages with 10 claims.
- (e) Application for permission for applying patents outside India under section 39

-2-

Q.4 Give a good word (s) for the following

(1X10=10)

- a. The person who is a joint inventor
- b. A licence to exclude all other person including the patentee
- c. An article in respect of which a patent is enforce
- d. An application for patent made under Patent Cooperation Treaty
- e. Specification which describes the nature of the invention
- f. Part of the specification which defines the scope of the inventions
- g. Part of the application which provide technical information on the invention
- h. Applications received under section 5(2)
- i. The person who grants the patents
- j. The licence granted by the Controller

Q.5 Write short notes (Attempt any five)

(5X5=25)

- a. IPAB
- b. Divisional application
- c. Unity of invention
- d. Rights of the Patent Agent
- e. Rights of the co- owners of patent
- f. Non patentable inventions

Q. 6 Discuss in detail (Any Five)

(10X5=50)

- (a) Enumerate the provisions relating to the Compulsory licence for export of patented pharmaceutical products.
- (b) State and explain any five grounds of Post-grant opposition. Who can give notice of the Post-grant opposition to the Controller and when?
- (c) 'Grant of patent is subject to certain conditions' Explain? What are the acts which are not considered as infringement?
- (d) Whether it is necessary for patentee to work his invention in the territory of India. Who can make an application for grant of compulsory licence and when? Explain the situations when the reasonable requirement of the public is deemed not to have been satisfied.
- (e) Your client failed to pay the renewal within the prescribed time. Advise him about the remedies available under the act. What is the procedure for the restoration of lapsed patent? What are the rights of patentee of lapsed patent on its restoration?
- (f) Explain the procedure (from filing to disposal) relating to pre-grant opposition.

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