

**The Patents Act, 1970**  
**Qualifying Examination under section 126 of the Patent Act**  
**(As amended & updated)**  
**PAPER-1 (PROVISIONS OF PATENTS ACT & RULES)**  
**November-2007**

**Time-2 ½ Hrs.**

**Total pages-3**

**Instructions: 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- Fill in the blanks: -**

- (a) The Address for service in an application for Patent made by a legal entity may be amended before grant of a Patent by making a request on Form \_\_\_\_\_ and paying fees of Rs. \_\_\_\_\_ .
- (b) The period within which proof of right under section 7 (2) to make an application shall be furnished within \_\_\_\_\_ months from the date of \_\_\_\_\_ .
- (c) An applicant from Delhi may file an application for Patent under PCT in Patent office \_\_\_\_\_ and \_\_\_\_\_ .
- (d) Except in certain circumstances, every application for Patent have to be published U/S \_\_\_\_\_ of the Patent Act after \_\_\_\_\_ months from the date of priority.
- (e) An application for restoration of a lapsed Patent shall be made within \_\_\_\_\_ months on form \_\_\_\_\_ from the date of cessation of the Patent.
- (f) The total number of pages in complete specification are \_\_\_\_\_ and claims are \_\_\_\_\_ for which no additional charges are to be paid at the time of filing of patent application.
- (g) An application for compulsory license for export of Patented pharmaceutical products in certain exceptional circumstances U/S 92(A) may be filed on form \_\_\_\_\_ and on payment of a fees of Rs. \_\_\_\_\_ for a legal entity.
- (h) The information regarding working of Patent are furnished on form \_\_\_\_\_ failing which a fine upto Rs. \_\_\_\_\_ may be imposed on Patentee.
- (i) A request for examination U/S 11(B) shall be made in Form \_\_\_\_\_ within \_\_\_\_\_ months from the date of priority or from the date of filing of the application, whichever is \_\_\_\_\_ .
- (j) The term of Patent is \_\_\_\_\_ Years from the date of \_\_\_\_\_ .

(1 x 10=10)

**Q 2- State the purpose and the fees to be paid by a legal entity (or individual wherever no legal entity is involved) in respect of the following forms :**

- |             |             |             |
|-------------|-------------|-------------|
| (a) Form 25 | (b) Form 3  | (c) Form 6  |
| (d) Form 7  | (e) Form 22 | (f) Form 23 |
| (g) Form 26 | (h) Form 24 | (i) Form 9  |
| (j) Form 5  |             |             |

(1 x 10=10)

**Q 3- State the maximum time limits for following activities: -**

- For filing a PCT National phase application in India.
- For putting an application in order for grant.
- For filing a notice of post grant opposition.
- For filing a complete specification after provisional specification.
- For filing an information regarding foreign filing by the applicant.
- For withdrawing the application in order to avoid the publication U/S 11(A).
- For filing representation by way of opposition U/S 25(1)
- For filing a reply statement and evidence U/R-58 in an opposition processing U/S 25(2).
- For filing an opposition to the restoration of a patent U/S-61.
- For payment of renewal fees for continuance of a Patent.

(1 x 10=10)

**Q 4- Mention the Patentability of the following inventions: -**

- A method of treatment of a human being.
- A method of treatment of plants.
- A polymorph of a known molecule of pharmaceutical substance proven to have improved efficacy for the treatment of human being.
- A mixture of chemical substances with sum total of the properties of each Ingredients.
- A mere computer programe.
- A new combination of devices with independent functioning of each component device.
- A novel property of the known substance.
- A combination of the traditionally known components having a very surprising novel effects.
- A DNA sequence isolated from plant cell.
- A method of horticulture.

(1 x 10=10)

**Q 5- Answer any five of the following questions: -**

- (a) Calculate the approximate fees to be paid for the use of R.O. India and International Authorities including IB by a legal entity for filing a PCT application containing 30 pages and 10 claims. The ISA selected is EPO. Assume that no soft copy of the document in PCT easy or safe has been filed.
- (b) Mention any five grounds for filing an opposition to the grant of a Patent U/S 25(2).
- (c) Calculate a fees in INR to be paid by a legal entity for filing an ordinary application with 30 pages and 10 claims. Assuming that request for examination and early publication is being filed together with the application.
- (d) State the Acts that are not considered as an infringement as stipulated U/S 107(A).
- (e) Mention any five section of the Patents Act for which an appeal shall lie to appellate board for any decision/order of the Controller.
- (f) State the Penalty provisions mentioned in the Patent Act in Chapter-XX for the following activities.
  - (i) Contravention of Sec 35 and Sec 39 of the Patent Act.
  - (ii) Wrongful use of the word Patent office.
  - (iii) Practice by non registered Patent Agent.
- (g) What is a convention application for a Patent? What are the documents required to be filed along with a convention application? What are the major requirements (any two) to claim priorities of basic application filed in convention country?

(7 x 5=35)

**Q 6- Write short notes on any 5 of following: -**

- (1) Inventive step
- (2) Date of Patent
- (3) Patent of Addition
- (4) IPAB (for patent)
- (5) Rights of Patentee
- (6) Patentability of pharmaceutical substances
- (7) Surrender of patents
- (8) Disqualification for registration as Patent agent.

(5 x 5=25)

**End of Document**