

The Patents Act, 1970
Qualifying Examination under section 126 of the Patents Act, 1970
(As amended along with The Patents Rules, 2003)
PATENTS ACT AND RULES
(All questions are to be answered)
(Marks of each question are indicated at the end of the question)
NOVEMBER, 2003

PAPER – 1

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 1970 (as amended) and The Patents Rules, 2003. (Each carries equal marks).
- a. Invention.
 - b. Request for examination.
 - c. Provisional specification.
 - d. Term of patent.
 - e. Patent agents.
 - f. Inter-governmental organization.
 - g. International application under PCT.
- (15)
- Q.2 State True or False (Answer all questions, each carries equal marks, where it is false, give the reason/correct answer).
- a. Every application for patent shall be for one invention only.
 - b. There is a provision under the Patents Act, 1970 (as amended) to extend the term of a patent beyond 20 years.
 - c. Application for grant of exclusive marketing rights can be filed at the head office of the patent office or at the branch office.
 - d. It is possible to obtain a world patent.
 - e. Research institutes or organizations can use patents for research purpose without any liability for infringement.
 - f. The register of patent agents is kept at the Patent Office, Kolkata only.
 - g. Invention relating to Atomic Energy is not patentable
 - h. Every application for patent whether provisional or complete, shall be made in form 2.
 - i. For Nationals (natural persons) of India the basic and designation fees are reduced by 75% payable to IB of WIPO.
 - j. No drawing or sketch, which would require a special illustration of the inventions, shall appear in the text of the specification itself.
- (20)
- Q.3 Fill in the blanks (answer all questions, each carries equal marks)
- a. 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.
 - b. The patent agent should pay the continuance fee every year on or before _____ in each year.

- c. Application for grant of exclusive marketing right should be filed at the _____ in form _____.
- d. PEA under PCT stands for _____.
- e. Application for the grant of product patent for drug can be filed under Section _____ of the Patents Act, 1970 (as amended).
- f. The date of every patent shall be the date of the filing of the _____.
- g. _____ fees shall be payable in respect of a patent of addition.
- h. The maximum number of designation fees payable under PCT is _____.
- i. The basic fee is USD _____, if the international application contain not more than _____ sheets.
- j. The request for examination of application for patent under section 11B and rule 24(1) should be filed on form _____.

(20)

Q.4 Answer any 5 (five) questions of the following (Each carries equal marks).

- a. What is Register of Patents ?
- 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. What is an official Gazette ?
- d. A note on the time for putting an application in order of acceptance.
- e. What do you understand by the term "Exclusive Marketing Rights" as per the Act?
- f. A note on the advantage of the PCT.

(15)

Q.5. State the period (including extension if available) under the Patents Act, 1970 (as amended) and/or under the Patents Rules, 2003 for performing the following acts. Quote relevant sections and/or rules and number of the prescribed form if any with fees. [Answer any 5 (five), each carries equal marks]

- a. For filing a request for examination of an application for patent.
- b. For a request for termination of compulsory licence.
- c. For filing an opposition to the grant of a patent after acceptance of the complete specification notified in the Official Gazette.
- d. For an application for the restoration of a patent.
- e. For declaration as to inventorship of the invention.
- f. For a request for sealing a patent.

(15)

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

- a. The fee for filing a complete specification after provisional specification is Rs. _____. (750 / No fee / 3,000)
- b. For application for registration as a patent agent under rule 109 or 112 is Rs. _____. (1,000 / 200 / 500)
- c. For transmittal fee for the international application for patent under PCT, the amount of fees in rupees for natural person(s) is Rs. _____. (750 / 1,000 / 1,500)

- d. For application for permission for applying a patent outside India for other than natural person(s) is Rs. ----- . (1,000 / 1,500 / 3,000)
- e. Full form of EPO is _____.
- f. Full form of ISA under PCT is _____.
- g. For filing an extension of time for one month for filing a complete specification under sec 9(1) by a natural person is Rs..... (250 / 500 / 1,000)
- h. The fees for filing a declaration as to inventorship under rule 13(6) is Rs. ----- . (750 / No fee / 3,000)
- i. The fees for filing a statement and undertaking under section 8 is Rs. ----- . (750 / No fee / 3,000)
- j. The term of every patent granted after the commencement of the Patents (Amendment) , Act 2002 shall be ----- years. (7 / 14 / 20)

(15)

(TOTAL PAGES -3)
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