

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, 2002

PAPER – I

Time – 2 ½ Hours

Total Marks – 100

- Q1. 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. Patent agents.
 - b. Secrecy directions.
 - c. International application under PCT.
 - d. Medicine or drug.
 - e. Invention as per the Patents (Amendment) Act, 2002.
 - f. Convention country.
 - g. Register of patents.
- (20)

- Q2. State True or False (Answer all questions, each carries equal marks, where it is false, give the reason/correct answer).**
- a. An application for patent for an invention may be made by any person claiming to be the true and first inventor of the invention.
 - b. A patentee can not surrender his patent.
 - c. It is possible to obtain a world patent.
 - d. The applicant shall not be entitled to institute any proceedings for infringement until the patent has been sealed.
 - e. There is a 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 patent agents is kept at the Patent Office, Kolkata only.
 - h. Invention relating to Atomic Energy is not patentable
 - i. The National Phase applications for patent under PCT may be filed at the Patent Office, Kolkata only.
 - j. All orders of the Controller are appealable at the high court.
 - k. Under Patents (Amendment) Act, 2002 provision regarding request for examination has been introduced.
 - l. Under Patents (Amendment) Act, 2002 provision regarding possibility of Register of Patents in electronic form has been introduced.

(15)

- Q3. 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. The patent agent should pay the continuance fee every year on or before --- in each year.
- d. Application for grant of exclusive marketing right should be filed at the _____ in form _____.
- e. IB of WIPO stands for _____.
- f. Exclusive Marketing Rights shall be granted in Form _____.
- g. The date of every patent shall be the date of the filing of the _____.
- h. No _____ fees shall be payable in respect of a patent of addition.
- 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.
- k. Under Patents (Amendment) Act, 2002 the term of the patent shall be --- years from the date of filing of the application for the patent.
- l. Under Patents (Amendment) Act, 2002 there is a provision for publication of the application for the patent after --- months, even before acceptance.

(15)

Q4. 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 divisional application for patent 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 provisional and complete specifications.
- d. A note on revocation of patents.
- e. What do you understand by the term "Rights of patentees" as per the Act?
- f. A note on the advantage of the PCT.

(20)

Q5. 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 putting a specification in order for acceptance after issuance of the first examination report.
- b. For a request for the sealing of a patent.
- c. For filing opposition to the grant of a patent after acceptance of the complete specification has been 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 filing an application for compulsory licence.
- g. For request for postponement of acceptance of complete specifications.

(20)

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

- a. The fees for filing complete specification after provisional specification is Rs. _____.
- b. For application for grant of EMR in Form 27, the amount of fees in rupees for individual(s) _____ and for legal entity other than individual(s) _____.
- c. For transmittal fee for the international application for patent under PCT, the amount of fees in rupees for individual(s) _____ and for legal entity other than individual(s) _____.
- d. The Basic Fee for filing international application for patent under PCT is USD _____.
- e. Full form of EPO is _____.

(10)

(TOTAL PAGES -3)

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