

The Patents Act, 1970  
Qualifying examination under sections 126  
Paper - I : Patents Act & Rules  
September, 2000

(All questions are to be answered)

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

Time : 2½ hours

Total Marks - 100

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

- a) Invention
- b) Complete specification
- c) Term of Patent.
- d) Restoration of Patent.
- e) Medicine or Drug.
- f) Patent Agent.
- g) Exclusive Marketing Right. (Marks-20)

Q. 2. Fill in the blanks (any five(5), each carries equal marks).

- a) Exclusive Marketing Right is granted for 5 years from the \_\_\_\_\_.
- b) The maximum number of designation fees payable under PCT is \_\_\_\_\_.
- c) Application for grant of product patent in Drug can be filed under section \_\_\_\_\_ of the Act.
- d) The basic fee is USD \_\_\_\_\_ if the international application contain not more than \_\_\_\_\_ sheets.
- e) Each demand for international preliminary examination shall be subject to the payment of \_\_\_\_\_ fee for IPEA and \_\_\_\_\_ fee for IB of WIPO.

Contd. P2.....

(f) India became bound by the Paris convention for the protection of Industrial Property on \_\_\_\_\_.

(g) ARIPO stands for \_\_\_\_\_.

(Marks- 15)

Q. 3. Answer any four(4) 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) What is the Official Gazette?
- (c) Can an applicant convert his complete specification to provisional specification? If so, how?
- (d) What is the difference between Licence of Right and Compulsory Licence?
- (e) What is the effect of acceptance of complete specification?
- (f) What is Register of Patents ?

(Marks- 20)

Q. 4. State True or False (each statement carries equal marks).

- a) PCT, the Agreement is open only states Party to Paris conventions for protection of Industrial Property.
- (b) Compulsory licence on Exclusive Marketing Right can be granted after 3 years from the grant of the said right.
- (c) For Nationals (natural and legal persons) of India the basic and designations fees are reduced by 75% payable to IB of WIPO.
- (d) Government can not sell the confiscated smuggled goods, as it is infringing the right of the Patentee when the said goods are protected by patents in India.
- (e) The filing date of an application for Patent and its complete specifications processed by the Patent Office as designated office shall be the international filing date accorded under the PCT.
- (f) The annual renewal fee in respect of a Patent specification for two or more years can not be paid in advance.

Contd.P.3....

- (g) The Register of Patents shall be kept at the Head Office of the Patent Office and shall be open for public inspection during office hours free of charges.
- (h) Every person desiring to be registered as a Patent agent shall make an application in Form 23 in duplicate, which shall be filed at the Patent Office, Calcutta or its branch Offices at New Delhi, Chennai and Mumbai.
- (i) The continuance of a person's name in the register of Patent agents shall be subject to payment of the fees specified therefor in the First Schedule.
- (j) The mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way are not an inventions under the Patents Act, 1970.

(Marks-20)

5. State the period (including extensions 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 (any five(5), each carries equal marks).

- (a) For filing complete specification after an application for patent accompanied with provisional specification has been filed.
- (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 filing <sup>a declaration as to inventorship</sup> statement of inventionship.
- (d) For filing request for sealing after an opposition to the grant of the Patent on an application has been dismissed.
- (e) For filing an application for restoration of a lapsed Patent.
- (f) For putting a specification in order for acceptance after issuance of the first examination report.
- (g) For filing request for continuance of a person's name in the Register of Patent agents.

(Marks- 25)