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: -

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

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(1 x 10=10)

Q 4- Mention the Patentablity of the following inventions: -

(a) A method of treatment of a human being.
(b) A method of treatment of plants.
(c) A polymorph of a known molecule of pharmaceutical substance proven to have improved efficacy for the treatment of human being.
(d) A mixture of chemical substances with sum total of the properties of each Ingredients.
(e) A mere computer programe.
(f) A new combination of devices with independent functioning of each component device.
(g) A novel property of the known substance.
(h) A combination of the traditionally known components having a very surprising novel effects.
(i) A DNA sequence isolated from plant cell.
(j) 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) Patentablity of pharmaceutical substances
(7) Surrender of patents
(8) Disqualification for registration as Patent agent.

(5 x 5=25)

End of Document