

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.

(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.

- (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 ^{a declaration as to inventorship} 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)