

The Patents Act, 1970
Qualifying Examination under section 126 of the Patents Act
(As amended & updated)
PAPER-1 (PROVISIONS OF PATENTS ACT & RULES)
APRIL, 2007

Time:- 2 ½ Hrs.

Total pages - 2

Total Marks-100

- 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) Request for examination of the application for a patent may be filed within _____ months from the priority date.
- (b) IB of World Intellectual Property Organisation stands for _____.
- (c) An opposition board shall consist of _____ members.
- (d) India became a member of the Paris Convention for the Protection of Industrial Property on _____.
- (e) An application for restoration of a lapsed patent shall be made within _____ months from the date of cessation.

(1 x 5 = 5)

Q. 2. State True or False

- (a) A national of South Africa cannot file a patent application with the Indian Patent Office.
- (b) A computer program per se is patentable in India.
- (c) A pre-grant representation by way of opposition can be filed by any person.
- (d) There is no provision in the act for filing request for early publication of application.
- (e) A PCT National Phase application shall be filed within 31 months from its priority date.

(1 x 5 = 5)

Q. 3. Mention the fees required to be paid by natural persons for the following activities:-

- (a) On filing a statement and undertaking under section 8.
- (b) On notice of opposition to grant of patent under section 25(3).
- (c) On request for publication under section 11A(2).
- (d) On application for restoration of a patent under section 60.
- (e) On application for permission for applying patent outside India under section 39.

(1 x 5 = 5)

Q. 4. State the time limits

- (a) For filing complete specification after provisional specification.
- (b) For putting application in order for grant u/s 21.
- (c) For filing notice of post-grant opposition.
- (d) For filing PCT National Phase application in India.
- (e) For filing request for examination.

(1 x 5 = 5)

Q. 5. Answer the following:

- (a) Define invention.
- (b) Who is termed as 'person interested'?
- (c) Who can file an application for patent ?
- (d) What is date of patent ?
- (e) State any two grounds for grant of compulsory licence u/s 84.
- (f) State any two grounds of opposition.
- (g) What is the educational qualification necessary for a person to become a patent agent?
- (h) What is a convention country ?
- (i) Who can file a request for examination of application for patent ?
- (j) When is the Patent Office Journal published ?

(1 x 10 = 10)

Q. 6. Write short notes on any four of the following:

- (a) Early publication
- (b) Rights of the patentee
- (c) IPAB
- (d) Non-patentable inventions
- (e) Patent of addition

(5 x 4 = 20)

Q. 7. Answer any five of the following:

- (a) Process of obtaining a patent.
- (b) Pre-grant representation by way of opposition.
- (c) Discuss the provisions of Anticipation.
- (d) 'Grant of a patent' is subject to certain conditions; discuss. What are Rights of Patentees including that of co-owners of patents ?
- (e) Discuss the provisions for secrecy relating to certain inventions.
- (f) Restoration of lapsed patents.
- (g) Briefly discuss about the compulsory licensing provisions.

(10 x 5 = 50)

[END OF THE DOCUMENT]