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, 2001

PAPER – I
Time – 2 ½ Hours. Total Marks – 100

Q.1. 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).

b. Contents of specification.
c. Date of Patent
d. Grant and scaling of Patent
e. Food.
f. Opposition to grant of patent.
g. Invention.  
(20)

Q.2 State True or False (Answer all questions, each carries equal marks,
where it is false, give the reason/correct answer).

a. The Complete Specification is amended to the satisfaction of the controller.
b. Invention relating to Atomic Energy is not patentable.
c. It is possible to obtain a world patent.
d. An applicant after filing a complete specification cannot convert his 
complete specification into a provisional specification.
e. There is no 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 Patents is kept at the Patent Office, Kolkata only.
h. European Patent Office as international search authority provides 
reduction in search fee by 75% when applicant(s) is a natural person or 
legal entity.
i. The National Phase applications for patent under PCT may be filed at the 
Patent Office, Kolkata or at its branch offices at Mumbai, Chennai and 
New Delhi.
j. For Nationals (natural persons and legal entity) of India the basic and 
designation fees are reduced by 75% payable to IB of WIPO.  
(15)

Q.3 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. An international application for patent under PCT, may be filed with the Patent Office as Receiving Office (RO/IN), either in ____________ or in ____________ language.

d. Exclusive Marketing Right is granted for 5 years from the ____________.

e. OAPI stands for ____________.

f. Exclusive Marketing Rights shall be granted in Form ____________.

g. The qualifying marks for each written paper and for the viva voce examination for Patent Agent shall be _____ % and _____ % respectively, and a candidate shall be declared to have passed the examination only if he/she obtains an aggregate of _____ % of total marks.

h. For registration of a person as a Patent Agent under rule 94 or 97, he/she is required to pay a fee of Rs. ____________, and for continuance of the name in the register of Patent Agent, a fee of Rs. ____________.

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.

Q.4 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 Patent of Addition 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 License of Right and Compulsory License?

d. A note on inventions not patentable.

e. What do you understand by the term “Power of Controller” as per the Act?


Q.5. 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 producing certified copy (copies) of the priority document(s) in case of convention application for patent.

b. For filing opposition to the grant of a patent after acceptance of the complete specification has been notified in the Official Gazette.


d. For statement of undertaking regarding foreign applications.

e. For putting a specification in order for acceptance after issuance of the first examination report.

f. For post dating the application for patent.

g. For request for postponement of acceptance of complete specifications.
Q.6. Fill in the blanks. (Answer all, each carries equal marks)

a. Two phases of the PCT are ___________ phase and ___________ phase.

b. For application for patent on Form 1, the amount of fees in rupees for individual(s) ___________ and for legal entity other than individual(s) ___________.

c. The fees for filing complete specification after provisional specification is Rs. ___________.

d. The Basic Fee for filing international application for patent under PCT is USD ___________.

e. Full form of IB of WIPO ____________________________.

(10)

(TOTAL PAGES – 3 )

[End]