

The Patents Act
Qualifying Examination under section 126 of the Patents Act
(As amended and updated)
PAPER-1 (PROVISIONS OF PATENTS ACT & RULES)
APRIL, 2008

Time: 2½ Hours
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 by relevant provisions of the Act and Rules.

Q.1 Answer the following (any 5) (10X5=50)

- a) What is i) non-obviousness and ii) patentability of an invention?
- b) What are the grounds of post grant opposition U/s 25(2) and who can file it ?
- c) What is PCT? Discuss its benefits
- d) What is (i) ISA (ii) IPEA? Write about their functions.
- e) What are the conditions subject to which a patent is granted in India?
- f) State the grounds for grant of compulsory license. What is section 92-A of the Patent Act 1970 as amended?

Q.2 Write short notes on any 4 of the following: (5X4=20)

- (a) Amendments under the Patent Act.
- (b) convention application.
- (c) Multiple priority
- (d) Revocation of a Patent
- (e) Claims

Q.3 Answer the following (2X10=20)

- a) Why patent system is required?

- b) What is a (i) provisional (ii) complete specification?
- c) What is a divisional Application?
- (d) What is a (i) designated (ii) elected state?
- (e) What is Buda-pest treaty?
- (f) When is a patent application examined?
- (g) When can a pre-grant opposition be filed and by whom?
- (h) Who is (i) an assignee (ii) legal representative?
- (i) What is unity of invention?
- (j) What are the rights of a Patent Agent?

Q.4 Write in full the following:

(1X5=5)

- a) WIPO -----
- b) IB -----
- c) IPAB -----
- d) TRIPS -----
- e) ARIPO -----

Q.5 State True or False:

(1X5=5)

- a) Natural person and a legal entity both have to give the same filing fee.
- b) Any number of pages and claims can be filed without corresponding increase in fee.
- c) Sequence listing should be filed in computer readable form.
- d) There is a reduction in fee if a patent application is filed electronically in India.
- e) The term of all patents is 20 years in India.

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