

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Question 1

Part A

Your UK-based client, NC Ltd, employs 50 people and is about to file a new US patent application, US1, claiming priority from a GB patent application, GB0. US1 is not subject to any licensing.

- a) Explain whether your client qualifies for 'small entity status' in the US.
2 marks
- b) Define 'micro entity status' according to US law.
3 marks
- c) How do the USPTO official fees for micro and small entities compare with those for large entities? (Do not provide fee amounts.)
2 marks

Part B

GB0 received a combined search and examination report from the UKIPO. This report cites a GB patent application, a US patent application, a European patent application in French, and a Chinese utility model.

- a) What is the purpose of filing an Information Disclosure Statement (IDS) at the USPTO?
1 mark
- b) What documents should accompany the IDS filed in support of US1?
4 marks
- c) By when should NC Ltd file an IDS in support of US1 if NC Ltd wishes the IDS to be considered by the USPTO?
1 mark

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part C

In addition to US1, NC Ltd also files counterpart national patent applications in Japan (JP1) and China (CN1). During subsequent prosecution, the following events occur:

New prior art is cited by the Chinese Examiner against CN1 after US1 received its first Office Action from the USPTO.

New prior art is cited by the Japanese Examiner against JP1 just after US1 received a Notice of Allowance.

- a) Give one reason for filing an IDS in the US in response to the events in China and Japan.**

1 mark

- b) In order to have the IDS considered by the USPTO, what are the requirements (including fees and deadlines) for filing the IDS in response to the events in:**

- i) China?**

3 marks

- ii) Japan?**

3 marks

Total: 20 marks

FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017

Answer

Part A

- a) Yes (0.5 mark), since NC Ltd employs less than 500 employees (0.5 marks) and has not licensed, assigned or agreed to assign US1 to a large entity (1 mark). **2 marks**
- b) Micro entity, is an entity which qualifies as a small entity (0.5 marks); for each named applicant and inventor (0.5 marks), there are not more than four previously filed US applications (0.5 marks); has gross income less than three times the median household income in the US in the preceding year (0.5 marks); not under an obligation to assign, grant, or convey a license or other ownership to another entity that does not meet the same income requirements (0.5 marks); or, applicants who are employed by an institute of higher education (i.e. a university) and have assigned, or are obligated to assign, ownership to that institute of higher education (0.5 marks). **3 marks**
- c) Small entity fees (this applies to many of the official fees) are discounted at a rate of 50% over the large entity fee amounts (1 mark). Certain fees are discounted at a rate of 75% for micro-entities over the large entity amounts (1 mark). **2 marks**

Part B

- a) To disclose all information relevant to the patentability of the invention of which the applicant is aware (1 mark). **1 mark**
- b) (Max of 4 marks from following):
- IDS will need to contain
- copy of GB patent application (1 mark);
 - copy of EP patent application publication with an English translation of at least its abstract or a copy of an English equivalent (1 mark);
 - copy of Chinese utility model publication together with translation of at least its abstract or a copy of an English equivalent (1 mark);
 - US document number, no copy necessary (1 mark);
- Generally good practice to include copy of examination report (1 bonus mark). **4 marks**
- c) Within three months from filing (0.5 marks) or before the issuance of the first Office Action (0.5 marks). **1 mark**

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part C

- a) Any reasonable comment, e.g.:

Because duty of candour is ongoing and only lifted by grant of patent OR
If invention is the same as it is usually the case with foreign counterpart applications,
then there is a strong presumption that the information will be relevant.

1 mark

- b) China:

File IDS within three months from issuance of Chinese search results (1 mark)
without having to pay the fee (0.5 marks),
or later, but before the issue fee is paid (1 mark),
and pay the IDS fee (0.5 marks).

3 marks

Japan:

File IDS within three months from issuance of the Japanese OA (1 mark).
Will need to pay fee (1 mark) and
file IDS with statement to the effect that new information has only been known for
less than three months (1mark).

3 marks

Total: 20 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Question 2

Part A

With respect to accelerated examination of patent applications at the EPO as part of the European PACE programme:

- a) When can examination be accelerated?
1 mark
- b) How must accelerated examination be requested?
1 mark
- c) How does the EPO accelerate examination?
2 marks
- d) What are the consequences of requesting an extension of time to a deadline set in a communication issued by the EPO during accelerated examination?
2 marks

Part B

A Euro-PCT application was searched in the international phase by the EPO acting as the International Searching Authority. No amendments to the Euro-PCT application were filed when entering the European regional phase. The EPO communication under Rules 161(1) and 162 EPC inviting the applicant to file amendments has recently issued.

- a) What would you recommend filing in response to the EPO communication and why?
3 marks
- b) What is the deadline for filing a response to the EPO communication, and can the deadline be extended?
2 marks
- c) How could the applicant have accelerated processing of the Euro-PCT application on entry into the European regional phase, including preventing the issue of the EPO communication under Rules 161(1) and 162 EPC?
2 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part C

European patent application EP1 claims two distinct inventions. During prosecution, only the first invention was searched and examined and EP1 was limited to the first invention. The Rule 71(3) communication has just been issued with a single independent claim.

The applicant contacts you today to inform you that he wishes to file a divisional application based on EP1 and directed to the second invention.

- a) **What is the deadline for filing a divisional application of EP1?**
1 mark
- b) **Describe the structure of the filing fee payable for first- and subsequent-generation divisional applications at the EPO (fee amounts are not required).**
2 mark
- c) **What other official fees must be paid to the EPO before the publication of the divisional application?**
3 marks
- d) **Why would any such fees be at least partially refunded?**
1 mark

Total: 20 marksAnswer

Part A

- a) Only when the examining division has taken responsibility for the application (1 mark).
1 mark
- b) Through the filing of the requisite form (Form 1005) – not possible to simply request accelerated examination in a letter (1 mark).
1 mark
- c) The EPO will issue the first or subsequent communication (whether under Article 94(4) or Rule 71(3)) within three months (1 mark), and will continue to react within three months until grant or refusal of the application following any responses filed by the applicant (1 mark).
2 marks
- d) The application will (re)enter the standard examination queue (1 mark), and accelerated processing can no longer be requested (1 mark).
2 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part B

- a) The response should include amendments or arguments to address any objections raised by the EPO in the international phase (1 mark) and may include voluntary amendments to the claims in preparation for examination (1 mark).
In addition, any excess claim fees should be paid if there are 16 or more claims (1 mark).

3 marks

- b) The applicable time limit is six months from notification of the communication (0.5 marks) plus ten days (0.5 marks), and cannot be extended other than by way of further processing (1 mark).

2 marks

- c) The communication can be waived by the applicant (1 mark) at the time of entering the application into the European phase in order to expedite examination. Note that in order to effectively expedite examination, if objections have been raised in the International phase, it will then be advisable to enter the application in Europe with amended claims and/or comments on the patentability of the claims as appropriate, otherwise the EPO will simply repeat the objections (1 mark).

2 marks

Part C

- a) The day before the date of grant of EP1, i.e. the date that the EPO bulletin mentions the grant of EP1 (1 mark).

1 mark

- b) An additional fee is payable as part of the filing fee for divisional applications of second or subsequent generations (0.5 marks). First-generation divisional applications are not subject to the additional fee (0.5 marks). From the second to the fifth generation the amount of the fee grows progressively (0.5 marks). For the fifth and subsequent generations it becomes a flat fee (0.5 marks).

2 marks

- c) Search fee (0.5 marks) and any excess claim and/or page fees (0.5 marks) but not examination fee (0.5 marks) and designation fee (0.5 marks) (because not payable until 6mths from publication of the divisional search report). Backdated renewal fees (0.5 marks) are also payable in respect of the third and further years of the application (0.5 marks).

3 marks

- d) Part of the search fee may be refunded if the EPO can at least partially use the search carried out on the parent case (1 mark).

1 mark

Total: 20 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Question 3

A new client calls you today to inform you that last year he filed a German patent application himself, DE0.

- a) What are the minimum requirements for obtaining a filing date at the German Patent Office?**

2 marks

DE0 was filed in your client's own name. He is Luxembourgish, and owns a German company with a single place of business in Germany. He wants you to file a new PCT application in the name of his company, claiming priority from DE0.

- b) What problem could arise from the proposed priority claim and what can be done to rectify the problem?**

2 marks

- c) Name two competent receiving Offices for the new PCT application and explain why the PCT application may be filed at these Offices.**

2 marks

- d) What is the competent International Search Authority (ISA)?**

1 mark

You notice that DE0 has a filing date of 26 September 2016.

The client tells you that he disclosed the invention to the public the day after filing DE0. He says his patent rights are very important to him.

- e) Explain the requirements which must be met for the new PCT application to claim priority from DE0.**

4 marks

- f) Explain whether valid protection for your client's invention based on the PCT application can be obtained in:**

- i) USA; and**
- ii) China.**

2 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

The invention concerns a software-implemented business method.

- g) Identify three PCT contracting states where software-related inventions are potentially patentable as such.**

3 marks

- h) Identify three PCT contracting states which are different to those identified in g) and in which business-method inventions are potentially patentable as such.**

3 marks

- i) Explain whether the European Patent Office acting as ISA searches claims to software-implemented business methods.**

1 mark

Total: 20 marks

Answer

- a) Name of applicant (0.5), a request for the grant of a patent (0.5) containing a brief and precise indication of the invention (0.5), and a description of the invention (0.5).

2 marks

- b) Applicant of PCT application not same as applicant of DE0, from which priority is claimed (1 mark). Priority claim likely to be invalid in at least some jurisdictions (0.5 marks). Assign the priority application to the German company (0.5 marks).

2 marks

- c) (Max of two from:

Based on the nationality/place of business of the applicant the EPO is the competent receiving office (0.5 marks) since Germany is a contracting state to the EPC (0.5 marks) or

Based on the nationality/place of business of the applicant, the German patent office is a competent receiving office (1 mark).

Alternatively, may file direct with IB (0.5 marks) because all PCT applications may be filed with IB (0.5 marks).

2 marks

- d) The EPO is the only competent ISA (1).

1 mark

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

- e) We are outside the 12-month priority period for claiming priority from DE0 as of right (0.5 marks), which expired on 26 September 2017 (0.5 marks).

Need to file a request for restoration of the priority right which may be granted if

- the International filing date is within 2 months (0.5 marks) from the date on which the priority period expired, i.e. by 26 November 2017 (0.5 marks);
- request for restoration is made by 26 November 2017 (0.5 marks);
- pay fee for restoration (not extendable) (0.5 marks);
- provide a statement explaining the reasons or failure to file in priority period (0.5 marks)
- together with evidence where possible or requested (0.5 marks)

4 marks

- f) Yes in the USA (0.5 marks) and the criterion for assessment of requests is 'unintentional' which is coherent with the facts (0.5 marks).
No in China (0.5 marks) since China as designated office does not accept requests for restoration of priority right (0.5 marks).

2 marks

- g) Any correct answers, e.g.
Australia (1 mark), Japan (1 mark), Singapore (1 mark) or US (1 mark), and

3 marks

- h) Any three correct answers which are different from above, e.g.
Canada (1 mark), New Zealand (1 mark), South Korea (1 mark) or US (1 mark).

3 marks

- i) The EPO might not search the invention since the invention appears to be related to unpatentable subject matter under the EPC (0.5 for software-related invention and 0.5 marks for business-related invention).

1 mark

Total: 20 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Question 4

Part A

- a) Identify six countries whose national law provides a grace period that allows applicants to obtain valid patent protection for an invention after their own disclosure of the invention, and, where appropriate, note any restrictions on the type or purpose of the disclosure for the grace period to apply.

6 marks

- b) Identify three countries having a grace period which does not last 12 months (or one year) and give the term for each grace period.

3 marks

Part B

For each of the following independent scenarios, explain whether your client's inventions would be patentable at:

- i) the EPO; and
- ii) the USPTO.

Assume there is no other relevant prior art and there are no other patentability issues.

- a) **Your client disclosed the invention two weeks ago at a local trade fair.**

2 marks

- b) **Your client disclosed the invention a few months ago at an international exhibition.**

2 marks

- c) **Your client talked in confidence about the invention to his employees about five months ago and was disappointed to find out this morning that one of his employees has posted the invention on social media.**

2 marks

- d) **The invention was disclosed in a magazine article which was written about 15 months ago.**

2 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

- e) The invention was described in a specialist printed publication 11 months ago. The article was authored by one of your client's peers, to whom your client had disclosed the invention in absolute confidence. Your client cannot recall whether the printed publication disclosed only your client's invention or an improvement which was developed by your client's peer and which included the invention.

3 marks

Total: 20 marks

Answer

Part A

- a) Any six correct answers, e.g. six from:
Argentina (0.5 marks), no restrictions (0.5 marks)
Australia (0.5 marks), no restrictions (0.5 marks)
Brazil (0.5 marks), no restrictions (0.5 marks)
Canada (0.5 marks), no restrictions (0.5 marks)
India (0.5 marks), only for public workings for the purpose of reasonable trial (0.5 marks),
Japan (0.5 marks), only for anything except disclosures in patent journals (0.5 marks),
Mexico (0.5 marks), no restrictions (0.5 marks)
New Zealand (0.5 marks), only for appropriate and necessary experiments (0.5 marks),
South Africa (0.5 marks), in relation to trial or experiment in South Africa (0.5 marks),
Taiwan (0.5 marks), for experimental purpose or in any printed publication (0.5 marks),
USA (0.5 marks), no restrictions (0.5 marks).

6 marks

- (b) Any three correct answers, e.g. three from:
Japan (0.5 marks) - 6 months (0.5 marks),
New Zealand (0.5 marks) no time limit (0.5 marks),
South Africa (0.5 marks) no time limit (0.5 marks), and
Taiwan (0.5 marks) - 6 months (0.5 marks).

3 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part B

NB Article number is provided for reference and it is not necessary to recite Article number to get the marks.

- a) The invention was disclosed at a trade fair only two weeks ago.
- EPO applies absolute novelty. Such a publication does not qualify as a non-prejudicial disclosure under Article 55 EPC, therefore the invention not patentable in Europe (1 mark).
 - Can rely on US grace period of 1 year because disclosure made by inventor (0.5 marks), so patentable in the US (0.5 marks).
- 2 marks**
- b) The invention was disclosed a few months ago at an International exhibition.
- Under Article 55 EPC, this may qualify as non-prejudicial disclosure (0.5 marks), but must be within 6 months from date of filing of European application and International exhibition must be one of few to which Article 55 is applicable (0.5 marks).
 - Can rely on US grace period of 1 year because disclosure made by inventor (0.5 marks), so patentable in the US (0.5 marks).
- 2 marks**
- c) The invention was disclosed by employee
- Under Article 55 EPC, this would appear to qualify as a non-prejudicial disclosure because employee acted in breach of confidence (0.5 marks) but will need to file application so that disclosure falls within 6 months from filing date (0.5 marks).
 - Under US law, usual grace period applies (0.5 marks) even if disclosure made by someone who derived the invention from the inventor (0.5 marks).
- 2 marks**
- d) The invention was disclosed in an article on a magazine.
- Unpatentable under the EPC, since absolute novelty required and the publication of the article will not qualify as a non prejudicial disclosure under Article 55 EPC (1 mark).
 - May be patentable in the US but will need to check whether publication date is in the one-year grace period (1 mark). Article was written 15 months ago but it is not clear when the article was published. Note that disclosure probably considered as made by publisher rather than client, but publisher obtained subject matter directly from inventor – so these considerations do not affect outcome. Mark awarded for a reasoned argument either way.
- 2 marks**
- e) The invention was disclosed in a specialist publication
- Unpatentable in Europe for same reasons explained in (d) (1 mark).
 - Publication was within the 1 year grace period, and the subject matter appears to have been conveyed from the inventor to the publisher – so if only

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

the client's invention was disclosed, the invention would seem to be patentable in the US (1 mark). However note that peer's own disclosure of his own development involving the client's invention may count as prior art and this may render the client's invention unpatentable in the US (1 mark).

3 marks

Total: 20 marks

Question 5

Part A

a) Briefly outline the search procedure and the substantive examination procedure for:

i) A German national patent application.

4 marks

ii) An Italian national patent application.

2 marks

b) How can patent protection be obtained via the PCT in:

i) Germany?

ii) Italy?

2 marks

c) When is the first renewal fee payable for:

i) A German national patent application?

1 mark

ii) An Italian national patent application?

1 mark

d) What is the initial term and the maximum duration of a utility model registration in:

i) Germany?

1 mark

ii) Italy?

1 mark

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

e) What is the deadline for filing an opposition in Germany?

1 mark

f) Give two grounds of opposition in Germany.

1 mark

Part B

You receive instructions from a US attorney to file a European regional phase application from a PCT application. The application has 55 claims, including an independent product claim, an independent apparatus claim, an independent method claim, and an independent use claim.

a) Assuming the number of claims is not reduced, detail the excess claims fees payable to the EPO (fee amounts are not required).

2 marks

b) Explain whether all four independent claims can be pursued in the European application.

4 marks

Total: 20 marks

Answer

Part A

a) Germany

i. Maximum of four marks from:

Provision for an optional search and/or examination (1 mark) which may be requested by the applicant (0.5 marks) or a third party (0.5 marks).

Third party does not become party to the procedure (0.5 marks)

If search is requested, the examination fee is subsequently reduced (0.5 marks).

The application is otherwise only examined for formalities (0.5 marks).

The deadline for requesting examination is 7 years from date of filing of the application (1 mark).

Substantive examination consists of Office Actions issued by the German PTO to which the applicant must respond (1 mark).

Oral hearing must be granted if requested (0.5 marks).

4 marks

FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017

Italy)

- i. Maximum of two marks from:
Search/examination is carried out only on first filings i.e. applications not claiming priority (1 mark);
Search is carried out by EPO (0.5 marks); applicant therefore needs to provide an English translation of claims (0.5 marks) or this is done ex-officio but no quality guarantee (0.5 marks);
Substantive examination is only to the extent confirming that no direct evidence of lack of patentability has been found (1 mark).

2 marks

b) PCT route:

- i. Germany – patent protection can be obtained via a national application since Germany has not precluded the national route from the PCT (0.5 marks) or via a Euro-PCT application (0.5 marks);
- ii. Italy- Italy has precluded the national route from the PCT (0.5 marks) therefore applicant must pass through a Euro-PCT application (0.5 marks).

2 marks

c) (Both in Germany and Italy, renewal fees are already payable on pending patent applications.)

- i. For Germany, starting from the third year of the application, in advance (0.5 marks), within two months from the anniversary of the last day of the month in which the application was filed (0.5 marks).
- ii. For Italy, in practice (since the first four annuities are included in the filing fee), the first annuity is paid in advance on or before the last day of the month (0.5 marks) in which the fourth anniversary of the filing date of the application falls (0.5 marks).

2 marks

d) Term:

- i. Germany: initial term – 3 years from date of filing (0.5 marks) and maximum duration - 10 years from date of filing (0.5 marks)
- ii. Italy: initial term – 5 years from date of filing (0.5 marks) and maximum duration - 10 years from the date of filing of the application (0.5 marks)

2 marks

e) From the date of grant of the patent (0.5 marks) up to nine months from grant (0.5 marks).

1 Mark

f) Any two correct answers (0.5 marks each), e.g.

Novelty,
Inventive step
Sufficiency,
Added matter and
Entitlement.

1 mark

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Part B

- a) 40 claims fees would be payable, based on claims 16 to 55 (1 mark). Lower tier cost for claims 16 to 50 (0.5 marks); higher tier cost for 51 to 55 (0.5 marks).

2 marks

- b) One independent claim in each category is allowed (0.5 marks), if the claims are unified (0.5 marks), i.e. relate to the same invention.
Multiple independent claims in the same/similar category (i.e. product and apparatus) are allowed only if the claims relate to
- i. a plurality of interrelated products (1 mark);
 - ii. different uses of a product or apparatus (1 mark);
 - iii. alternative solutions to a particular problem, where it is not appropriate to cover these alternatives in a single claim (1).

In practice it requires very careful, specular wording between the claims as these requirements are interpreted narrowly by the EPO.

4 marks

Total: 20 marks

Question 6

Part A

Your client has asked you to file an International (PCT) application.

- a) **What fees must be paid on filing for a PCT application and which part of the organisation benefits from each fee (fee amounts are not required)?**

3 marks

- b) **What is the deadline for payment of the fees mentioned in a) and how can the deadline be extended?**

2 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

An International Search Report (ISR) has issued and cites relevant prior art. Objections have been raised in a Written Opinion accompanying the ISR.

- c) What is the deadline for responding to the ISR?**
1 mark
- d) Outline the International Preliminary Examination (IPE) procedure. Provide any applicable deadlines and any output from this procedure.**
3 marks
- e) What is the effect of the output from the IPE on the elected offices?**
1 mark

Part B

You filed a new PCT application on 29 September 2017, claiming priority from an earlier UK application dated 28 October 2016. Your client is seeking patent protection in Argentina, Australia, Brazil, Canada, China and the EPO.

- a) Which of the above countries are designated in the PCT application?**
1 mark
- b) Advise how to get protection in any countries which are not designated in the PCT application.**
1 mark
- c) In each applicable country, what is the deadline for filing a national phase application based on the PCT application and which deadlines are extendable as of right?**
4 marks
- d) Where appropriate, explain how the deadline can be extended. Give details of any relevant procedures and the extended deadline.**
4 marks

Total: 20 marks

**FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017**

Answer

Part A

- a) International filing fee (0.5 marks);
Transmittal fee (0.5 marks); and
International search fee (0.5 marks).
The filing fee is for the benefit of the IB (0.5 marks),
the search fee for the benefit of the ISA (0.5 marks) and
the transmittal fee for the rO (0.5 marks).
3 marks
- b) Within a month from filing (0.5 marks), or
Within a month from the issuance of a notification that fees have not been paid (0.5 marks)
If paid within this deadline, a surcharge (0.5 marks) which is 50% of the missed fee (0.5 marks) must also be paid.
2 marks
- c) 16 months from earliest priority date (0.5) or, if later, 2 months from the mailing date of the ISR (0.5).
1 mark
- d) A Demand for International Preliminary Examination (0.5 marks) together with the fee (0.5 marks) must be paid.
The deadline is the later of 22 months from the priority date (0.5 marks) or three months from receipt of the Written Opinion (0.5 marks).
The demand is usually filed with amendments and/or any arguments in support of the patentability of the claims (0.5 marks).

The conclusion of this procedure (which may provide the applicant with an opportunity to respond to a second written opinion) is the establishment of an International Preliminary Report on Patentability (0.5 marks).
3 marks
- e) It is not binding on the elected offices (0.5 marks) but it may be used for accelerated prosecution (PPH) in national/regional offices if positive (0.5 marks).
1 mark

Part B

- a) Australia, Brazil, Canada, China and the EPO are all parties to the PCT and are automatically designated in the PCT application
(0.5 marks if only 4 countries identified correctly and 0 marks if 3 or fewer correctly identified)
1 mark

FC3 (P5) – International Patent Law 2
FINAL Mark Scheme 2017

- b) Will need to file a national patent application in Argentina (0.5 marks). National application can claim priority (0.5 marks).

1 mark

- c) Australia 31 months from earliest priority date or 28 May 2019 (0.5 marks).
Brazil 30 months from earliest priority date or 28 April 2019 (0.5 marks),
Canada 30 months from earliest priority date or 28 April 2019 (0.5 marks),
China 30 months from earliest priority date or 28 April 2019 (0.5 marks),
EPO 31 months from priority date or 28 May 2019 (0.5 marks).

Extensions are available as of right in Canada (0.5 marks), China (0.5 marks) and the EPO (0.5 marks).

4 marks

- d) In Canada, payment of a relatively modest fee (0.5 marks) gives a 12 month extension (0.5 marks).
In China, payment of a fee (0.5 marks) results in a two month extension (0.5 marks).
At the EPO, extension is available by requesting FP (0.5 marks) and payment of penalty fees of 50% (0.5 marks). FP must be requested within 2 months from notification of loss of rights (0.5 marks) so deadline not precisely calculable but expected to be around three months from 28 May 2019, i.e. after about end of August 2019 (0.5 marks)

4 marks

Total: 20 marks