

Question 1: Please refer to the mark scheme

MARKS AWARDED 12/13

Question 2

The UKIPO will forward the application to the International Bureau to be dealt with because it isn't in the language of the Receiving Office. It will keep the filing date by when it was filed at the UKIPO. It will be processed by the IB.

MARKS AWARDED 3/3

Question 3

a) The US national phase application must be filed within 30 months from the earliest priority date.

Priority date = 26 January 2015 + 30 months = 26 July 2017. Therefore latest date for filing the US national phase application is 26 July 2017.

b) The UK national phase application must be filed within 31 months from the earliest priority date.

Priority date = 26 January 2015 + 31 months = 26 August 2017 (Saturday). Therefore latest date for filing the UK national phase application is the next working day (Monday 28 August 2017 is a Public Holiday in the UK) which will be 29 August 2017 (Tuesday).

MARKS AWARDED 5/5

Question 4: Please refer to the mark scheme

MARKS AWARDED 13/13

Question 5

a) The patent application must be in order for grant by 4½ years from the filing date or 12 months from the first examination report whichever is later.

Filing date = 4 July 2012 + 4½ years = 4 January 2017.

First examination report dated 12 July 2015 + 12 months = 12 July 2016.

Therefore the patent application must be in order for grant by 4 January 2017.

b) The deadline can be extended by filing a form 52 and paying a fee. This will extend the period by 2 months.

4 January 2017 + 2 months = 4 March 2017 (Saturday) so it will be extended to the next working day, which will be 6 March 2017 (Monday).

MARKS AWARDED 3/5

Question 6

A request for examination is due 6 months from publication. This deadline can be extended by 2 months by filing a form 52 to request the extension and paying a fee.

MARKS AWARDED 2/2

Question 7

a) A two month extension can be requested retrospectively by making the request in writing within the two month period.

Date for reply = 7 March 2017 + 2 months = 7 May 2017 (Saturday) so the latest date for requesting the extension will be the next working day which is 8 May 2017 (Monday).

b) You must also file a response to the examination report by the date given in part a) above i.e. 8 May 2017.

MARKS AWARDED 4/4

Question 8: Please refer to the mark scheme

MARKS AWARDED 11/12

Question 9

a) Within 6 months of publication of the search report you must pay any outstanding examination fees, any outstanding designation fees, any extension/validation fees and file a response to the objections in the written opinion.

b) A3 publication is the search report only.

A3 publication date = 7 December 2016.

10 day rule doesn't apply because the application isn't a Euro ex-PCT.

7 December 2016 + 6 months = 7 June 2017.

Therefore the actions listed in part a) must be taken by 7 June 2017.

MARKS AWARDED 5/5

Question 10

a) The Notice of Appeal must be filed within two months of the decision to refuse. The 10 day rule applies.

Decision to refuse dated 12 December 2016 + 10 days = 22 December 2016 + 2 months = 22 February 2017. The Notice of Appeal (+ appeal fee) must be filed by 22 February 2017.

b) The Grounds of Appeal must be filed within 4 months of the decision to refuse. The 10 day rule applies.

Decision to refuse dated 12 December 2016 + 10 days = 22 December 2016 + 4 months = 22 April 2017 (Saturday) so the Grounds of Appeal must be filed by the next working day which will be 24 April 2017 (Monday).

MARKS AWARDED 4/4

Question 11

The response time is 4 months + 10 days (as the 10 day rule applies) from the date of the office action.

Office action dated 7 December 2016 + 10 days = 17 December 2016 + 4 months = 17 April 2017 (Monday but also an EPO holiday).

Therefore the response is due on the next working day which will be 18 April 2017 (Tuesday)

MARKS AWARDED 3/3

Question 12

a) Whilst a European patent application is pending the renewal fees need to be paid to the EPO. They are due on 2nd anniversary of the filing date (3rd year renewal) but payable at the end of the month in which the anniversary falls.

b) Once the European patent application has been granted, the renewal fees will be paid to each patent office in the countries of validation (whichever countries the application is validated in).

MARKS AWARDED 2/2

Question 13

a) The specification must be translated into one of the official languages of the EPO so can be translated into English, French or German.

b) The translation must be filed within 2 months from the filing date.

Filing date: 26 October 2016 + 2 months = 26 December 2016 (EPO holiday). Although I don't have a list of EPO holidays for 2016 they usually have a holiday on 26 December so it will be due on the next working day (after the bridging days they have at Christmas).

MARKS AWARDED 4/4

Question 14

An application for a Community Registered Design can be filed at the EPO (EUIPO) or at the UKIPO.

MARKS AWARDED 1/2

Question 15

Two criteria used by the patent office to determine patentability are: clarity and sufficiency.

MARKS AWARDED 2/2