

Patent Administrators Certificate Exam 21 Apr 2005
Marking Schedule

	Section Marks	Question Marks	Cumulative Total
1. The attorney for whom you work Richard Smart, has asked you to fill out a PCT Request Form PCT/RO/101 and the fee sheet using the information set out in Annexes 1 and 1a. Please pay ALL FEES using UK Deposit Account No. D01234. For the purposes of this question, please ignore Box No. VIII. <u>1a. see completed PCT/RO/101 Form</u>	20	20	20
2(a) In respect of the PCT Application of Question 1, where could this new PCT application be sent as Receiving Office? 2a. <i>half a mark for each of UKPO, EPO and International Bureau (IB) WIPO</i>	1.5		
2(b) Name three functions of the UK Patent Office as a Receiving Office. 2b. <u>half a mark each for any of the following:</u> <i>Receives new application</i> <i>Checks basic filing requirements and formal aspects</i> <i>Assigns filing date and number (PCT/RO/105)</i> <i>Sends copy of application to the IB (record copy)</i> <i>Sends copy of application to the ISA (search copy)</i> <i>Transmits a certified copy of the priority document to the IB (if appropriate and requested)</i>	1.5	3	23
3. For a PCT Application filed after 1 January 2004 who issues the first written opinion on patentability and when? 3 <i>The International Searching Authority</i> <i>at the same time as the International Search Report is issued. (Rule 43 bis1PCT)</i>	2	1 1	25

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4. You filed a PCT application on behalf of your client. Your client decides not to file a Demand. What will happen next?			
4 <i>IB establishes International Preliminary Report on Patentability IPRP(Chapter I) on the basis of the written opinion issued by the ISA.</i>	0.5		
	0.5		
	1		
		1	26
5. You have the following information for one of your client's PCT applications: Priority Date: 30th July 2003 PCT Filing Date: 26th July 2004 ISR & Written Opinion Dated 22nd October 2004 Publication Date: 14th February 2005 Your client wishes to postpone the time limit for entering the national phase in the USA and Japan. What options are open to your client? What are the deadlines? <u>Half Mark for each of the following:</u> <i>As both countries time limit is 30mths under both Chapter I and II, the client can either:-</i> <i>File a Demand before 30th May 2005 – 22mths from pty</i> <i>(being later of 22mths from priority and 3mths from the ISR & Written Opinion)</i> <i>if the client would like to get into dialogue with the Examiner; or</i> <i>Not file a Demand,</i> <i>IB establishes International Preliminary Report on Patentability – IPRP (Chap 1)</i> <i>on the basis of the written opinion by the ISA</i> <i>and enter the national phase in US & JP</i> <i>(due 30mth from priority date i.e. 30th January 2006.</i>	0.5		
	0.5		
	0.5		
	0.5		
	0.5		
	0.5		
	0.5		
	0.5		
	0.5		
	5		
		5	31

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6. Today, 21 Apr 2005, your client has just got back to you after repeated reminders regarding their PCT Application with the following details: Priority Date: 15th September 2003 PCT Filing Date: 10th September 2004 They would like to postpone entry into the national phase in Switzerland, Luxembourg and Sweden.			
6(a) Explain what you will/would have need(ed) to do in order to postpone entry into the national phase?			
6(a) As these three countries do not yet apply the 30mth time limit for entering the national phase, Demand should have been filed by 19mths, i.e. by 15 Apr 2005.	0.5 0.5		
	1		
6(b) What option(s) are now open to the client in order to secure protection in Switzerland, Luxembourg and Sweden & by when?			
6(b) As the date for filing the Demand has now passed the client can either:- enter the national phase in CH, LU & SE before the 20mth deadline i.e. by Sun 15th May 2005 (20mths from priority date) 15th May 2005 is a Sunday so final date is 16th May 2005 (Monday) OR File a European patent application (as this covers CH,LU & SE) Due 31 months from priority date i.e. by Sat15th April 2006 this is a Saturday so by Monday 17th April 2006	0.5 0.5 0.5 1 1 0.5 1		
	5		
		6	37
MDB Note. If candidates do not realise that the date for filing the Demand has now passed, they will miss most of the marks for this question.			
7. What do the following Abbreviations stand for? IPEA, IPRP, IPER, IB 7 <u>Half Mark for each of the following:</u> International Preliminary Examining Authority International Preliminary Report on Patentability International Preliminary Examination Report International Bureau			
	2		
		2	39

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8. A PCT Application was filed on 11 February 2004 claiming priority of 10 February 2003. What is the last date for entry into the European Regional Phase without a surcharge? How do you calculate the date.			
8 31 Months from the priority date		1	
10-Sep-05		1	
Which is a Saturday when the EPO is closed		1	
Time extended to Monday 12 September 2005		1	
	4		
		4	43

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9. A European patent application has the following details: Application date: 13th May 2003 A2 publication date: 15th December 2004 A3 publication date: 2nd March 2005			
9(a). When is the first renewal fee due? 9(a) 31st May 2005	1		
9(b). How is the first renewal date calculated? 9(b). <i>Second anniversary of Application Date - May 2005</i> <i>And then the end of that month</i>		1 1	
	2		
9(c). When does the grace period for late payment of the Renewal Fee expire and how is this calculated? 9(c). <i>30th November 2005</i> <i>Six months after due date</i> MDB Note: 0.5 mark total for section 9(c) if date is calculated as 13 May 2005 1 mark if wrong month results from wrong answer to 9a/b but otherwise correct		0.5 0.5	
	1		
9(d). When is the examination fee due to be paid? 9(d). <i>2nd September 2005</i>	1		
9(e). By when must the designation fees be paid? 9(e). <i>2nd September 2005</i>	1		
9(f). By when must extension fees, if any, be paid? 9(f) <i>2nd September 2005</i>	1		
		7	50

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10. You have received a communication under Rule 51(4) EPC (Application order for grant) dated 28th February 2005 with a four month response deadline: Before any extension, when is the latest date by which a response can be made and how is this date calculated?			
<i>10 Mon 11th July 2005 - first working day after due date.</i>		1	
<i>28 Feb plus 10 days is 10 Mar 2005</i>		1	
<i>4 months is Sunday 10 July 2005</i>		1	
	3		
		3	53
11. You have received a decision to refuse a European patent application following failure to respond to a communication from an examiner, inviting the applicant to request further processing of the application.			
11(a). What is the usual time limit for requesting further processing?			
<i>11(a). Two months from notification of the communication</i>	1		
11(b). What needs to be done within this time to have the refusal retracted?			
<i>11(b). Request further processing</i>		1	
<i>pay fee</i>		1	
<i>respond in full to examiner's communication</i>		1	
	3		
		4	57
12. The Decision to Grant a European Patent is dated 20th December 2004. Mention of Grant was published on 1st February 2005. Your client wishes to file an opposition to the patent.			
By what date must the notice of opposition be filed in the European Patent Office? Explain how you calculated this date.			
<i>12 Wed 2 Nov 2005</i>		1	
<i>9 months after the date of grant, NOT intention to grant = Tue 1 Nov 2005</i>		1	
<i>Holiday in Munich - All Saints' Day</i>		1	
	3		
		3	60

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13. You have received notification (EPO form 2006, Decision to Grant) from the EPO. The Specification is in English. To validate in Austria and Switzerland you must supply translations of the Druckexemplar. What languages should the translation be in for each of these two countries?			
13 <i>Austria = German.</i>		0.5	
<i>Switzerland = German, French or Italian. (0.5 mark for each language)</i>		1.5	
	2		
		2	62
14. On the last day of the priority term, you receive a courier package from your Korean associates, instructing you to file a UK convention application. The package contains a filing information sheet with all the necessary details of the applicant and full filing details of the first-filed (and only) Korean application. However, it contains no description and claims, nor a copy of the Korean application. You are unable to contact the Korean agents. What steps can you take to secure a filing date and the priority claim at the UK Patent Office, and by when?			
14 <i>File PF 1/77 [or indicate patent is sought, giving sufficient details to enable the applicant to be contacted</i>		1	
<i>relying on the description in the Korean application, referring to it by country, number and filing date [in section 9 of PF 1/77]</i>		3	
<i>also making a priority claim to the Korean application</i>		1	
<i>all this on the day of receipt of the courier package [so as not to incur fees for the priority claim/run risk of losing the priority claim]</i>		1	
	6		
		6	68

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15. In respect of the UK patent application of Question 14, you have requested Search and Substantive Examination, designated the inventors and paid all fees. What additional actions must you take, and within what time limits, to prevent the Application from being treated as withdrawn?			
<i>File: i) description [in English] and any drawings referred to in the description</i>	2		
<i>i) 2 months from filing</i>	1		
<i>ii) claims [in English]</i>	1		
<i>ii) 2 months from filing</i>	1		
<i>iii) abstract [in English]</i>	1		
<i>iii) 2 months from filing</i>	1		
<i>iv) cert. copy of KR app.</i>	1		
<i>iv) 4 months from filing</i>	1		
<i>v) accompanied by a verified English translation of KR app. OR a declaration that the description is a complete and accurate translation of the description contained in the KR app.</i>	1		
<i>v) 4 months from filing</i>	1		
	12		
		12	80
16(a). In respect of a UK patent application, what process is performed by the Patent Office once the applicant pays the application fee?			
<i>16(a) Preliminary examination</i>	0.5		
16(b). What are the time limits for paying the application fee:			
<i>i) for applications with no priority claim</i>			
<i>i) 0-12 months from filing</i>		0.5	
<i>ii) for applications claiming priority?</i>			
<i>ii) the last to expire of 0-12 months from priority or 0-2 months from filing</i>		0.5	
	1.5		
		2	82

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17. A UK patent is endorsed Licences of Right. Name two affects this will have on the patent.			
17 <i>Government renewal fees will be halved</i>		1	
<i>Anyone may take out a licence on the patent</i>		1	
	2		
		2	84
18. Today, 21 April 2005, you filed a new UK Patent Application naming three inventors and claiming a UK priority date of 22 April 2004.			
18(a) Ignoring any excluded days or extensions, when is the last date for the Application to comply with the Patents Act and Rules?			
18(a) 22 October 2008	1		
18(b) How do you calculate this date?			
18(b) <i>4 years, six months after earliest priority date (Rule 34)</i>	1		
18 (c). When is PF7/77 (Declaration of Inventorship) due?			
18(c) <i>22 August 2005</i>	1		
18(d) How do you calculate this date?			
18(d) <i>16 months after earliest priority date (Rule 15)</i>	1		
18(e) How many copies of PF7/77 are required?			
18(e) 4	1		
		5	89

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19. You are preparing a bill for a UK client in respect of a recently filed PCT Application. The bill contains the following items:			
A Professional time £1,800			
B Typing, photocopying etc. £200			
C PCT Fees £1,300			
D Other UK Patent Office Fees £25			
19(a) On which of these items should value added tax be charged?			
19(a) A Professional time		1	
B Typing, photocopying etc.		1	
	2		
19(b). Calculate the VAT			
19(b). £350	1		
		3	92
20(a). In Section 1B of the Registered Designs Act 1949, what two characteristics should a design have to be registerable?			
20(a) <i>New, Individual Character</i>	2		
20(b). What three things comprise the minimum requirements for a valid application for a UK Design registration?			
20(b) <i>Application Form (Form (Designs) 2A),</i>		1	
<i>Fees,</i>		1	
<i>Representation of the design</i>		1	
	3		
20(c). What is the the definition of a trade mark?			
20(c) <u>0.5 mark each for:</u>			
<i>any sign or symbol</i>			
<i>represented graphically</i>			
<i>differentiating/capable of distinguishing</i>			
<i>goods or services</i>			
<i>of one proprietor/undertaking</i>			
<i>from goods or services of another</i>	3		
		8	100