

Answers

[2013 and 2014 calendars, + list of EPO closed days needed]

A1. See sample forms.

A2. 4½ years from [earliest] priority [CSER is likely to issue with comfortably more than 1 year of the “ordinary” acceptance period left to run] (1 mark)

1st February 2012 + 4½ years = 1st August 2016 [a Monday]. (1 mark)

(total of 2 marks for this question)

A3. 1 year from the [earliest] priority date (1 mark)

10th February 2012 + 1 year = 10th February 2013 (1 mark)

a Sunday, so filing deadline is Monday 11th February 2013. (1 mark)

(total of 3 marks for this question)

A4. (a) 16 months from the [earliest] priority date (1 mark)

10th February 2012 + 16M = 10th June 2013 [a Monday] (1 mark)

(b) also 16 months from priority [= 10th June 2013] (1 mark)

(total of 3 marks for this question)

A5. 6 months from publication of the search report [included in the “A” publication] (1 mark)

26th June 2013 + 6M = 26th December 2013 (1 mark)

Boxing Day bank holiday, so due date is Friday, 27th December 2013 (1 mark)

(total of 3 marks for this question)

A6. (a)Y (b)N (c)Y (d)N (e)N (1 mark each)

(total of 5 marks for this question)

A7. Deadline for national validation in non-London Agreement countries would be:

3M from date of mention of grant in EPB (1 mark)

=06/02/2013 + 3M = 06/05/2013 (DE, FR) (1 mark)

A UK Bank Holiday, so Tuesday 07/05/2013 (GB) (1 mark)

Divisional must be filed while parent is pending (1 mark)

So existing deadline is shortened to 05/02/2013 (1 mark)

(total of 5 marks for this question)

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A8. A1 – Application [as filed] published with search report (1 mark)

A2 – Application [as filed] published without search report (1 mark)

A3 – Search report published separately from application (1 mark)

B1 – Granted patent [no post-grant amendments] (1 mark)

(total of 4 marks for this question)

A9. (a) Add 10 days to mailing date (1 mark)

21/08/2012 + 10 days = 31/08/2012 (1 mark)

Add the 6M response term (1 mark)

31/08/2012 + 6M = 28/02/2013 (1 mark)

(Because there is no 29th, 30th or 31st February 2013) (1 mark)

(b) No. [6M is the maximum under r. 132(2)] (1 mark)

(total of 6 marks for this question)

A10. Answer the objections in the WO-ISA [IPRP] (1 mark)

Pay the claims fees for any claims after the 15th (1 mark)

which still exist after filing the response [voluntary amendment is possible] (1 mark)

(total of 3 marks for this question)

A11. EP-Y GB-N PCT-N (1 mark each correct answer)

(total of 3 marks for this question)

A12. (a) Anybody (1 mark)

(b) Anybody (1 mark)

(c) At least one applicant (1 mark)

must be a national or resident of a PCT contracting state (1 mark)

(total of 4 marks for this question)

A13. 3M from issuance of ISR (1 mark)

17/01/2013 + 3M = 17/04/2013 [a Wednesday] (1 mark)

or 22M from earliest priority (1 mark)

19/09/2011 + 22M = 19/07/2013 [a Friday] (1 mark)

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Latest of these dates, so time limit is 19/07/2013 (1 mark)

(total of 5 marks for this question)

A14. (a) File a [completed] Demand form (1 mark)

File a response to the Written Opinion of the ISA (1 mark)

Pay the [international preliminary examination and handling] fees (1 mark)

(b) at the ISA [=IPEA] (1 mark)

(total of 4 marks for this question)

A15. Supplementary International Searching Authority (1 mark)

International Bureau [of WIPO] (1 mark)

World Intellectual Property Organisation (1 mark)

International Preliminary Report on Patentability (1 mark)

(total of 4 marks for this question)

A16. (a) DE, EN, FR (1 mark each)

(b) Arabic, CN, EN, FR, DE, JP, KR, PT, RU, ES (0.5 marks each)

(total of 8 marks for this question)

A17. Time limit is 31M from earliest priority (1 mark)

30/09/2010 + 31M = 30/04/2013 (1 mark)

Which is Queen's Day in the Netherlands. 1st May is Labour Day, so next day all EPO receiving offices are open is 2nd May 2013 [a Thursday]. (1 mark)

(total of 3 marks for this question)

A18. The application year in which grant took place will end on 03/03/2013. (1 mark)

[Renewal fee for that patent year has already been paid to the EPO.] So the obligation to pay renewal fees to the EPO has ceased, i.e. the next renewal fee is payable to the UK IPO. (1 mark)

Add 3M to grant date to get due date
02/03/2013 +3M = 02/06/2013 (1 mark)

Renewal window extends from grant date to the end of the calendar month containing the due date (1 mark)

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which is 02/03/2013 to 30/06/2013 (1 mark)

A Sunday, so final date for timely payment is Monday, 1st July 2013 (1 mark)

(total of 6 marks for this question)

19. The UKIPO sends a letter to the address for service, advising that the renewal fee is unpaid.

(1 mark)

The fee can be paid up to 6M late [31/12/2013] (1 mark)

with additional fees for each month or part month late (1 mark)

except that the first month is free (1 mark)

(total of 4 marks for this question)

20. Any correct answers accepted, 1 mark each, to a maximum of 5. E.g.:

Patents

Utility models

Supplementary protection certificates

Trade marks

Passing-off

Registered designs

Unregistered designs

Copyright

Database right

Semiconductor topography right

Plant varieties