PATENT ADMINISTRATORS COURSE 2014/15 FINAL EXAMINATION

Thursday 21st May 2015

Exam Starts: 2.00 pm

Reading Time: 2.00 pm – 2.15 pm Writing Time: 2.15 pm – 5.15 pm

- 1. This is a three-hour Paper with an additional 15 minutes for reading only. This paper is 'open book' therefore you are permitted to use notes and printed reference material during the examination.
- 2. You should attempt all questions.
- 3. The number of marks allotted to each question is indicated on the paper.
- 4. Please write clearly, as it is difficult to award marks to illegible answers.
- 5. Please begin each question on a new sheet of paper. Write on one side of the paper only.
- 6. Please ensure that your candidate number is written on each page of your answers, including any Annexes submitted.
 - Please do NOT write your name on the answer sheets.
- 7. The Paper consists of 5 pages of questions plus Annexes A, B, C and D.
- 8. In addition, you are provided with:
 - A UK 2014 calendar
 - A UK 2015 calendar
 - EPO Holiday Dates 2015
- 9. At the end of the exam please ensure that your answers are arranged in question number order. Put all your answer papers in the brown envelope with only your candidate number on and seal it. Any part of your answers which you take out of the examination room cannot be marked.

Patent Administrators Course 2014/15

Final Examination 21st May 2015

Question 1

You work for the respected patent attorney firm of Ace IP, LLP, 100 Royal Mile, Edinburgh EH8 9YL, Lothian, United Kingdom, tel. 0131 766 5500, email mail@aceip.co.uk, patents ADP No. 12890001.

You receive a message on your work answerphone, a transcript of which is provided in Annex A. You have searched the UK IPO online Patents Journal and have obtained a printout from the UK IPO Ipsum database, as shown in Annex B. This contains details of the earlier UK application referred to in the answerphone message. You are to pay the application fee, so as to obtain a preliminary examination report. Your firm has a UK IPO deposit account no. D54321.

Use this information to complete the screen shots shown in Annex C, which is to be handed in at the end of the exam as part of your answers. The contact person for the application is your attorney, John Peter Knowitall and the case reference is P7762. (15 marks)

Question 2

Excluding official forms, and ignoring any extensions of time that may be available, which application document(s) must be filed, and by which date(s), in order to maintain the UK application of question 1? Show your calculations. (5 marks)

Question 3

If the application fee had not been paid on filing the application in the preceding questions, how and by when must it be paid? What will eventually happen if it remains unpaid? (3 marks)

Question 4

What options (filing methods) are available for filing the application described in Question 1 so as to receive today's date as its date of filing? (3marks)

You filed a new UK patent application on 4th February 2015. The client has just emailed you today (21st May 2015) to say that he forgot to mention that he filed a US application with an identical description on 6th February 2014 and asks if it is now possible to claim priority of that US application in the UK application.

Please advise if this is possible and if so, what action you would need to take and by when. Show any calculations you need to make. (4 marks)

Question 6

A2 publication of a European patent application took place on 26th November 2014. A3 publication took place on 14th January 2015.

- (a) What fees will become due and by what date? Show your calculations. (3 marks)
- (b) What other action must be taken by this date? (2 marks)

Question 7

Your office has received a communication from the EPO as shown in Annex D. What is the last date by which a response may be filed within the existing term? Show your calculations. (3 marks)

Question 8

Your patent attorney tells you that she will be unable to prepare the response before the due date referred to in question 7. What action should you take? (3 marks)

Question 9

For the application of questions 7 and 8, if no action is taken, what will happen next, and how can the situation be rectified? (6 marks)

Question 10

- (a) Who can file a European divisional application? (1 mark)
- (b) Where and when can you file a European divisional application? (3 marks)
- (c) What fees must be paid to file a European divisional application and when will they be due?

 (4 marks)

A European patent application was filed on 1st November 2012, claiming a priority of 1st December 2011.

(a) On what date was the first renewal fee due?

(4 marks)

(b) On what date does the grace period for late payment of this fee expire?

(3 marks)

In each case, show your calculations.

Question 12

A European application was filed on 6th September 2011, claiming a priority of 6th September 2010. A notification has been received that mention of grant will be published in the European Patent Bulletin on 27th May 2015. The client wishes to validate in the UK only. When is the next renewal fee due without extension, and to which office must it be paid? Please show your calculations.

(4 marks)

Question 13

What fees must be paid on filing an International Application and by when? (There is no need to state fee amounts in your answer).

Is any extension of time possible?

(5 marks)

Question 14

- (a) What are the competent receiving offices for a UK citizen who wishes to file a PCT Application? (3 marks)
- (b) What happens if the application is filed at an office of a PCT contracting state which is not competent to receive it? (2 marks)

You are handling a PCT application with the following details:

PCT application filed 21st November 2013, claiming priority from a Korean patent application dated 21st November 2012. The International Application was filed at the Korean Patent Office as Receiving Office, in Korean.

You have now received instructions from the Korean attorney to enter the national phase in the US and the regional phase in the EPO.

- (a) What are the due dates by which you must enter the European regional and US national phases respectively? Give your reasons. (4 marks)
- (b) What is the due date by which you must file a translation of the specification and any amendments at the EPO? (1 mark)

Question 16

(a) What does IPRP stand for ? (1 mark)

(b) Who issues the following:

(i) IPRP Chapter I
(ii) IPRP Chapter II ?
(1 mark)
(1 mark)

Question 17

What is the definition of a trade mark? (3 marks)

Question 18

You have paid the 7th year's renewal fee for a UK patent and are now preparing a debit note for your client. The normal due date was 31st January 2015 but the fee was not paid into the UK IPO until 18th May 2015. The relevant sums from your firm's tariff of charges are:

Official fee for 7 th year's renewal	£110.00
Official fee for first month or part month of late payment	Nil
Official fee for each subsequent month or part month of late payment	£24.00
Your firm's service charge for the renewal	£60.00
Your firm's service charge for late payment	£30.00
The current rate of V.A.T. is 20%.	

What is the total amount to be charged, explaining your calculations, if:

(a) the bill is to be sent to a UK client (5 marks)
(b) the bill is to be sent to a US client? (1 mark)

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(a) When is the first renewal fee due on a UK Registered Design? (1 mark)

(b) What is the length of the priority term for UK Registered Designs? (1 mark)

Question 20

Your client, Second Chance Limited, tells you that it has just purchased a pending European patent application and a UK granted patent from First-time Limited and sends you a copy of the assignment document. If it is not possible to contact the Assignor, First-time Limited, what are the procedures and requirements for recording the new ownership details:

(a) at the UK IPO and (3 marks)

(b) at the EPO? (2 marks)

Annex A

Hello. This is Jim Bradshaw of Northern Territory Patent Agency here. We've had a spot of trouble with a fire which has wiped out our offices. We are all OK, but our email server and fax machine have melted and it will take a few days for our IT people to get the record systems up and running again from the offsite backup.

Meanwhile I have noticed from my personal diary that we have a Convention application to file in the UK by tomorrow, 21^{st} May. The client is Downunder Agricultural Equipment Pty Ltd. We filed a previous unrelated application for them in the UK last September, though this might not have been through your firm. Anyway, I would like you to handle this new case for us. The Australian case details are application number 2014012543, filed 21^{st} May 2014. The invention title is "Sheep Dip Gate".

We can't get hold of the specification or DAS code yet, but I understand that you don't need these for filing. I'll send you the follow up documents as soon as I can. I understand that you can't request a search, nor will it be possible for the UKIPO to carry out the examination, on the basis of the current info. But at least we should be able to get a UK filing date. The inventor is the same as on the earlier UK case and is employed by the applicant.

Please acknowledge these instructions to my personal email, <u>jbradshaw7102@gmail.com</u>. Many thanks.

Annex B

5/21/2015

Intellectual Property Office - Patent document and information service (Ipsum)



Ipsum

- Online Patent Information and Document Inspection Service

GB2518508 - Sheep Shearing Apparatus

Case Details

Application Number GB1415585.8

Application Source Form 1

Publication Number GB2518508

Status Application Published
Filing Date 08 September 2014
Publication Date 11 March 2015

Priority Claimed 09 September 2013 in Australia - Document: 2013904350

Application Title Sheep Shearing Apparatus

Compliance Date (Section 20 Date)

09 March 2018

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[ADP Number 11328085001]

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[ADP Number 11283280001]

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- Intellectual Property Office is an operating name of the Patent Office

Annex D



European Patent Office Postbus 5818 2280 HV Rijswijk NETHERLANDS Tel: +31 70 340 2040 Fax: +31 70 340 3016



Ace IP LLP 100 Royal Mile Edinburgh Lothian EH8 9YL UNITED KINGDOM Formalities Officer Name: Becker, Michael Tel: +31 70 340 - 8436 or call +31 (0)70 340 45 00

Substantive Examiner Name: Menier, Renan Tel: +31 70 340 - 4405

RECEIVED 20 - JAN - 2015 ACE IP LLP

Application No 13.01.2015 08123456 .2 - 1655 POS-03-EP

Point of Sale Solutions Ltd

Communication pursuant to Article 94(3) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

4 months of

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC. One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

If filing amendments, you must identify them and indicate the basis for them in the application as filed. Failure to meet either requirement may lead to a communication from the Examining Division requesting that you correct this deficiency (R. 137(4) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).



Menier, Renan Primary Examiner

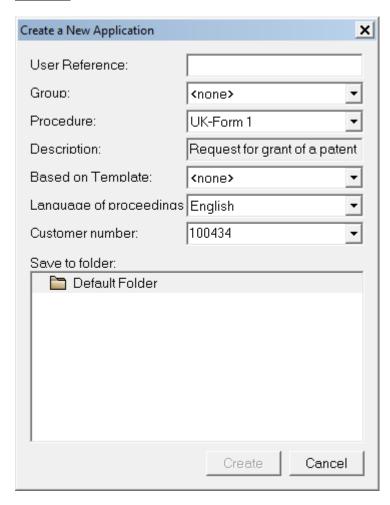
For the Examining Division

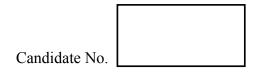
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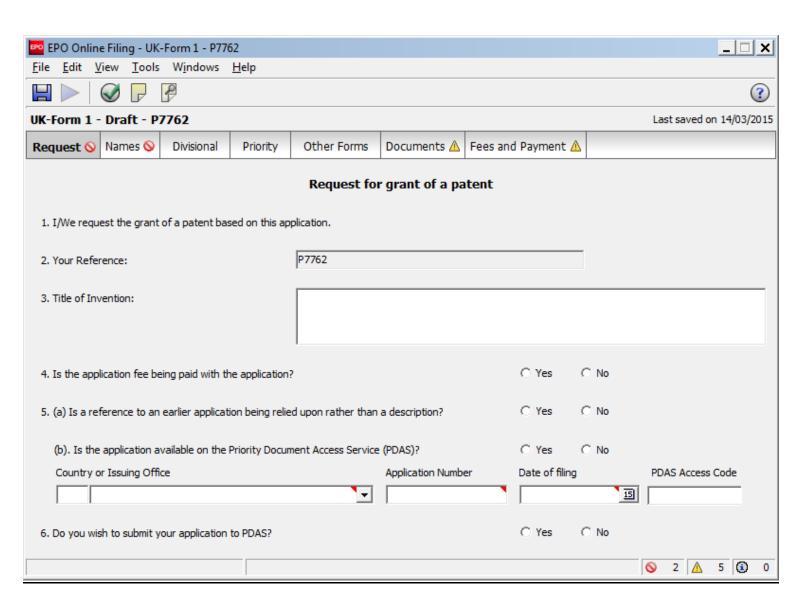
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EPO Form 2001 12.10CSX

Annex C

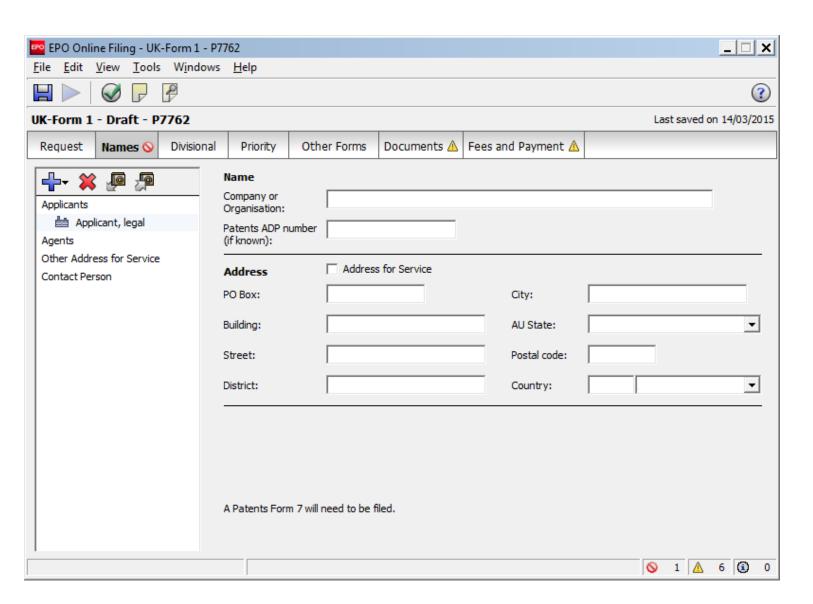






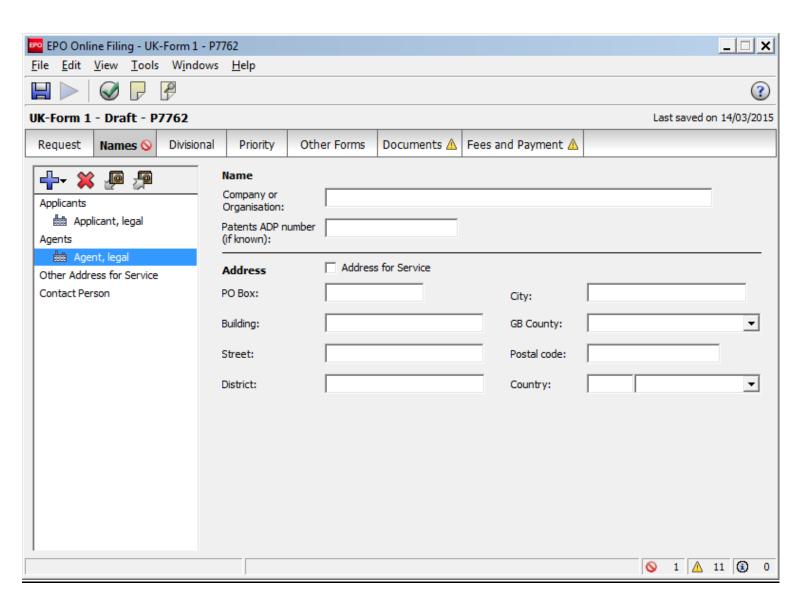
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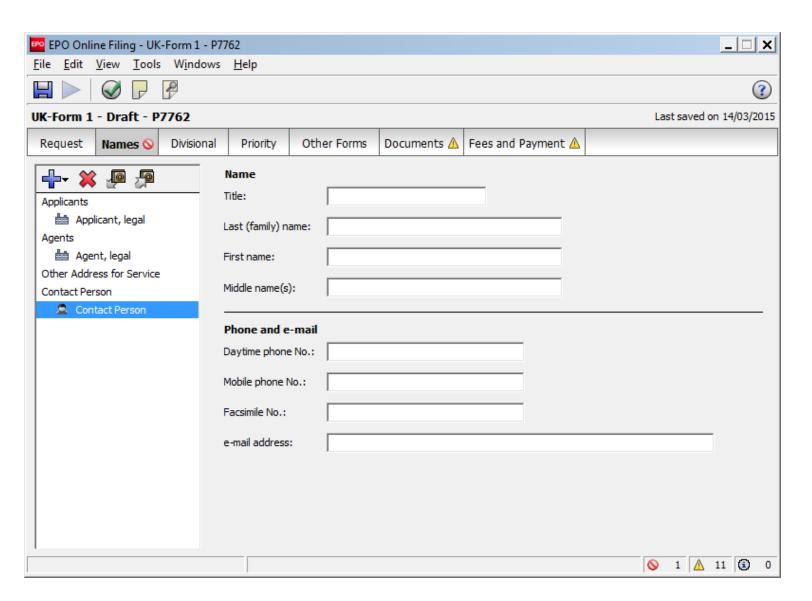
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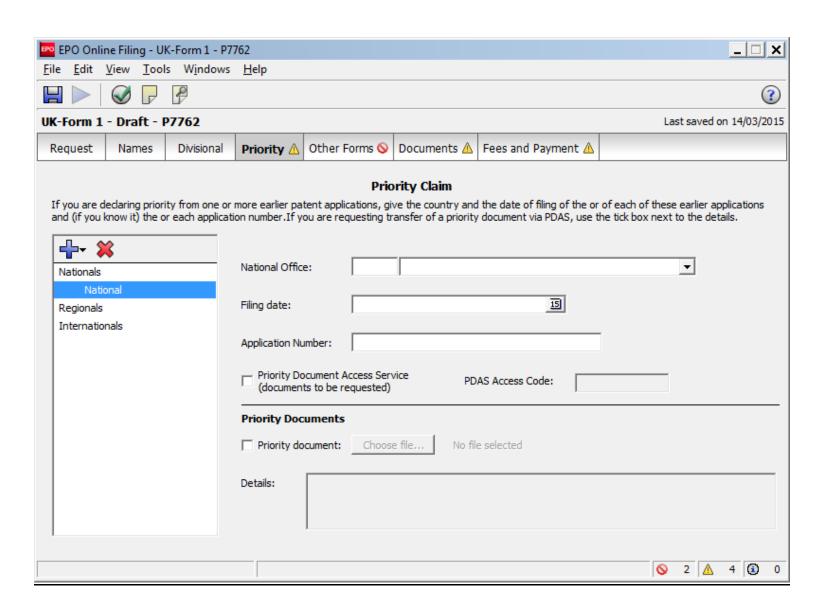


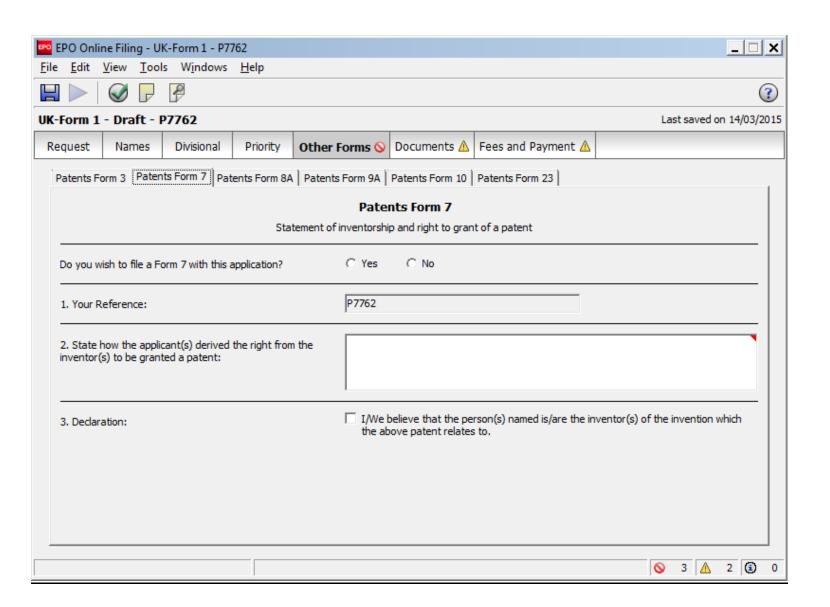
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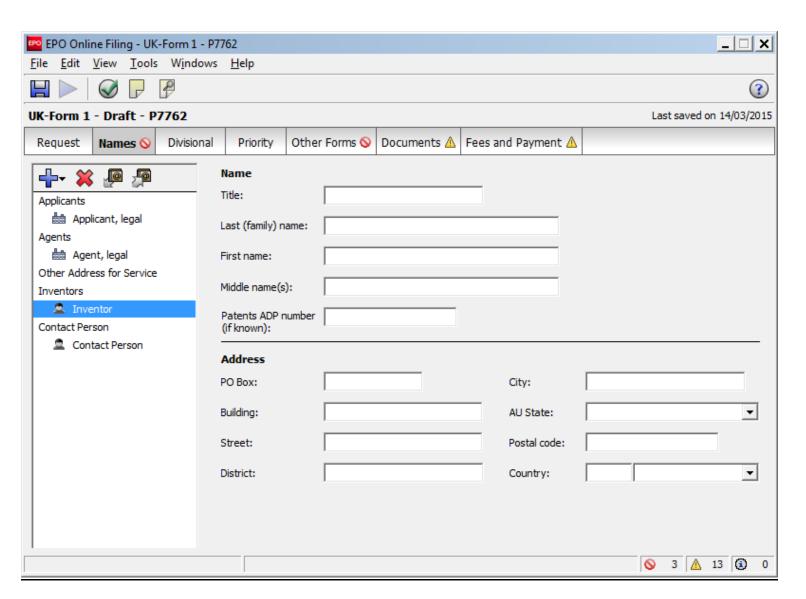
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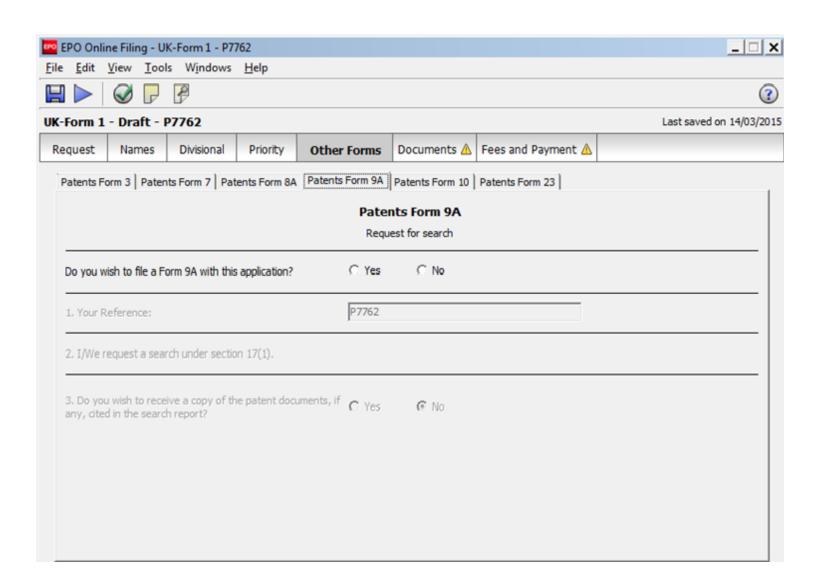


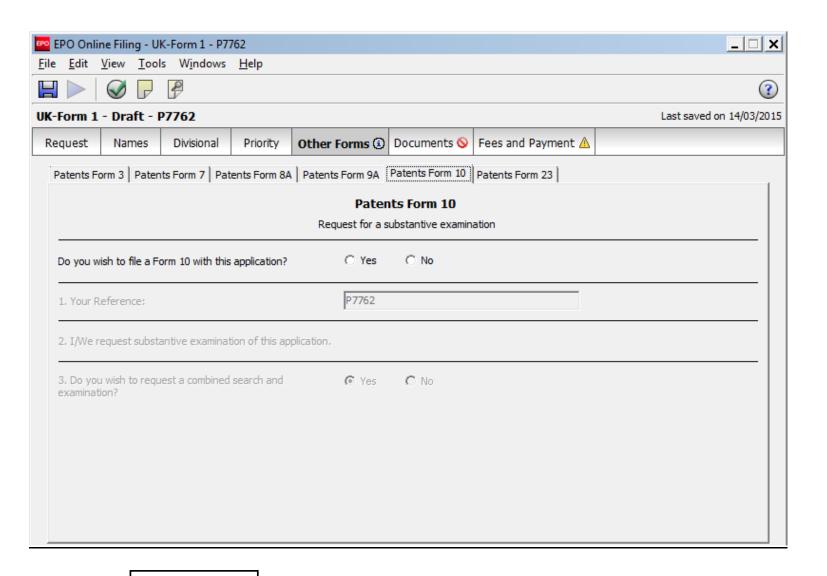
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