

# 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](mailto: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)**

### Question 5

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 26<sup>th</sup> November 2014. A3 publication took place on 14<sup>th</sup> 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)**

### Question 11

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 6<sup>th</sup> September 2011, claiming a priority of 6<sup>th</sup> September 2010. A notification has been received that mention of grant will be published in the European Patent Bulletin on 27<sup>th</sup> 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)**

### Question 15

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 **(1 mark)**

(ii) IPRP Chapter II? **(1 mark)**

### Question 17

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

### Question 18

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

Official fee for 7 <sup>th</sup> 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)**

Question 19

(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)**

[Question 1]

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<sup>st</sup> 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<sup>st</sup> 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, [jbradshaw7102@gmail.com](mailto:jbradshaw7102@gmail.com). Many thanks.

Annex B

5/21/2015

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



Intellectual Property Office

**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
Address for Service	DRAFT & HUGFEE 7 Stable Yard Buildings Holborn Bars London WC1V 1XX United Kingdom [ADP Number 11328085001]
Applicant / Proprietor	DOWNUNDER AGRICULTURAL EQUIPMENT PTY LTD 12 Leichhardt Terrace Alice Springs Northern Territory 0801 Australia [ADP Number 12138820001]
Inventor	BRUCE WALLAMALOO 103 Cavenagh Street Darwin Northern Territory 0800 Australia [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

**RECEIVED**  
**20 - JAN - 2015**  
**ACE IP LLP**

**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

Application No. 08 123456 .2 - 1655	Ref. POS-03-EP	Date 13.01.2015
Applicant 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

**of 4 months**

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**

Enclosure(s): 4 page/s reasons (Form 2906)

**Registered letter**  
EPO Form 2001 12.10CSX

Annex C

Create a New Application

User Reference:

Group:

Procedure:

Description:

Based on Template:

Language of proceedings:

Customer number:

Save to folder:

- Default Folder

Candidate No.

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority Other Forms Documents Fees and Payment

### Request for grant of a patent

1. I/We request the grant of a patent based on this application.

2. Your Reference:

3. Title of Invention:

4. Is the application fee being paid with the application?  Yes  No

5. (a) Is a reference to an earlier application being relied upon rather than a description?  Yes  No

(b). Is the application available on the Priority Document Access Service (PDAS)?  Yes  No

Country or Issuing Office  Application Number  Date of filing  PDAS Access Code

6. Do you wish to submit your application to PDAS?  Yes  No

2 5 0

Candidate No.

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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

**Name**

Company or Organisation:

Patents ADP number (if known):

**Address**  Address for Service

PO Box:  City:

Building:  AU State:

Street:  Postal code:

District:  Country:

A Patents Form 7 will need to be filed.

1 6 0

Candidate No.

EPO Online Filing - UK-Form 1 - P7762

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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

**Name**

Company or Organisation:

Patents ADP number (if known):

**Address**  Address for Service

PO Box:  City:

Building:  GB County:

Street:  Postal code:

District:  Country:

Applicants

- Applicant, legal

Agents

- Agent, legal

Other Address for Service

Contact Person

1 11 0

Candidate No.

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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

Applicants

- Applicant, legal
- Agents
- Agent, legal
- Other Address for Service
- Contact Person
- Contact Person**

**Name**

Title:

Last (family) name:

First name:

Middle name(s):

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**Phone and e-mail**

Daytime phone No.:

Mobile phone No.:

Facsimile No.:

e-mail address:

1 11 0

Candidate No.

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File Edit View Tools Windows Help

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Request	Names	Divisional	<b>Priority</b> ⚠	Other Forms ⛔	Documents ⚠	Fees and Payment ⚠
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### Priority Claim

If you are declaring priority from one or more earlier patent applications, give the country and the date of filing of the or of each of these earlier applications and (if you know it) the or each application number. If you are requesting transfer of a priority document via PDAS, use the tick box next to the details.

+ -

Nationals

**National**

Regionals

Internationals

National Office:

Filing date:

Application Number:

Priority Document Access Service (documents to be requested) PDAS Access Code:

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**Priority Documents**

Priority document:  No file selected

Details:

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EPO Online Filing - UK-Form 1 - P7762

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Request Names Divisional Priority **Other Forms** Documents Fees and Payment

Patents Form 3 **Patents Form 7** Patents Form 8A Patents Form 9A Patents Form 10 Patents Form 23

### Patents Form 7

Statement of inventorship and right to grant of a patent

Do you wish to file a Form 7 with this application?  Yes  No

1. Your Reference:

2. State how the applicant(s) derived the right from the inventor(s) to be granted a patent:

3. Declaration:  I/We believe that the person(s) named is/are the inventor(s) of the invention which the above patent relates to.

3 2 0

Candidate No.



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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request **Names** Divisional Priority Other Forms Documents Fees and Payment

**Name**

Title:

Last (family) name:

First name:

Middle name(s):

Patents ADP number (if known):

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**Address**

PO Box:  City:

Building:  AU State:

Street:  Postal code:

District:  Country:

Applicants  
 Applicant, legal  
 Agents  
 Agent, legal  
 Other Address for Service  
 Inventors  
**Inventor**  
 Contact Person  
 Contact Person

3 13 0

Candidate No.

EPO Online Filing - UK-Form 1 - P7762

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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request	Names	Divisional	Priority	<b>Other Forms</b>	Documents ⚠	Fees and Payment ⚠
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Patents Form 3 | Patents Form 7 | Patents Form 8A | **Patents Form 9A** | Patents Form 10 | Patents Form 23

**Patents Form 9A**  
Request for search

Do you wish to file a Form 9A with this application?  Yes  No

1. Your Reference:

2. I/We request a search under section 17(1).

3. Do you wish to receive a copy of the patent documents, if any, cited in the search report?  Yes  No

Candidate No.

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UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority **Other Forms** Documents Fees and Payment

Patents Form 3 Patents Form 7 Patents Form 8A Patents Form 9A **Patents Form 10** Patents Form 23

**Patents Form 10**  
Request for a substantive examination

Do you wish to file a Form 10 with this application?  Yes  No

1. Your Reference:

2. I/We request substantive examination of this application.

3. Do you wish to request a combined search and examination?  Yes  No

Candidate No.

EPO Online Filing - UK-Form 1 - P7762

File Edit View Tools Windows Help

UK-Form 1 - Draft - P7762 Last saved on 14/03/2015

Request Names Divisional Priority Other Forms Documents ⚠ Fees and Payment ❌

Fees Payment

Mode of Payment: Charge Deposit Account ▼

The Office is hereby authorised to charge the deposit account with the Office with the fees due on this case.

Amount: 20.00

Deposit account number:

Your reference: P7762

❌ 1 ⚠ 2 ⓘ 0

Candidate No.