

## **PATENT ADMINISTRATORS - MOCK EXAMINATION**

**16 January 2002**

1. This is a three-hour Paper
2. You should attempt all questions
3. The number of marks allotted to each question is placed in brackets at the end of the question
4. Please write clearly, as it is difficult to award marks to illegible answers
5. A UK diary and list of UK bank holiday dates in 2002 and 2003 is provided, together with a European Patent Office diary with dates on which the branch offices are closed
6. The Paper contains 6 sheets plus Annex A
7. Additional blank forms for Question 1 are available from the invigilators

1. Annex A is a faxed letter of instruction from a Brazilian Associate for you to file the UK Patent Application on behalf of their client. The priority application is in Portuguese. Please complete the UK Patent Application Form (1/77) provided.

Please note:

- a. you are in charge of formalities for D U Samba & Associates Patent Attorneys;
  - b. the invention is in the field of food processing. *(7 Marks)*
2. In general, for a new UK patent application which claims priority from an earlier Brazilian patent application filed in Portuguese, in addition to the application form (Form 1/77), what must be filed by when to ensure that the UK application is published about 18 months after its priority date? (Do not discuss possible extensions of time). *(10 Marks)*
3. You are asked to enter the European Regional Phase of a PCT Application relating to building materials filed in Chinese for a new Chinese client. The PCT application request contained the name and address of the sole inventor. The PCT application, which was filed on 24 July 2000, claims priority from a Chinese national application filed on 24 July 1999. The application was subject to International Preliminary examination, the demand having been filed on 23 January 2001.
    - a. What is the last date by which fees for entering the regional phase should be paid to the European Patent Office without incurring a surcharge? Please explain your answer. *(4 Marks)*
    - b. In addition to payment of fees what is the minimum other documentation which must be provided to the European Patent Office to allow the PCT application for this new Chinese client to proceed into the regional phase and by when must it be provided? What happens if the date is not met? *(3 Marks)*
4.
    - a. Write down two features of a Registered Design *(2 Marks)*
    - b. Write down two features of an Unregistered Design Right *(2 Mark)*
    - c. What is an International Filing date *(1 Mark)*
5.
    - a. What are the minimum requirements to establish a filing date for a European patent application, without a priority claim? *(4 Marks)*

- b. What date is the deadline for filing an examination request on a European patent application filed on 26 April 2000 (without priority claim) and published in an A2 document on 28 November 2001. The search report was published (A3 publication) on 3 January 2002? Explain why? (3 Marks)
- c. Assuming the patent application in b. is granted on 3 June 2003 and designates GB, when is the first renewal payable in the UK and how frequently are fees to be paid? (2 Marks)
- d. What is the normal maximum life of a European patent (UK) and when does it start? (2 Marks)
6. A UK patent application was filed on 22 April 2001 with the inventor as applicant. The application consisted of a description and application form (Form 1/77). The inventor wants to continue with the application in UK alone. What further documents must be filed in the next 12 months and by when (without an extension of time)? (5 Marks)
7. A renewal fee was due on 10 January 2002. The fee was sent with Form 12/77 by first class post on 9 January 2002 and you have proof of post accordingly, but did not arrive at the Patent Office until 11 January 2002.
- Would the renewal request have been accepted by the Patent Office? Why? (2 Marks)
8. Rule 34 of the Patent Rules 1995 sets out the period within which a UK Patent Application should comply with the requirements of the Patents Act 1977. UK Patent Application 9810761.6 was filed on 12 January 1998. No priority was claimed. The first official action was received on 16 January 2002.
- What is the final date by which Application 9810761.6 should comply with the Act? Why? (3 Marks)
9. The UK patent office carries out a preliminary examination and search of patent applications after filing Form 9/77. Which two of the following matters, which if not corrected, would cause the formalities examiner to reject the application:
- A Lack of title
- B The specification makes no sense
- C The drawings are on folded sheets of paper
- D The patent application contains two inventions
- E "Particularly" was mis-spelt in the specification (2 Marks)

10. The substantive examination of a patent application is to assess whether a patent application meets the criteria for patentability. Name three of the criteria. (3 Marks)
11. A British applicant wants to file an application in Australia (no application has yet been filed in the UK). What are your options? (5 Marks)
12. An invention, the subject of a UK patent application not claiming priority, was made by 2 inventors:
- a. How many copies of the statement of inventorship (Form 7/77) are required? (1 Mark)
  - b. Why are the copies needed? (2 Marks)
  - c. In addition to the details of the applicant and inventors, and the title of the invention, what other important information is required on the Form 7/77? (2 Marks)
  - d. What is the normal deadline for filing a Form 7/77? (1 Mark)
13. What will happen if:
- a. I discover an omission in a UK patent specification and make the correction by hand just before it is filed. (2 Marks)
  - b. I complete a UK patent application form legibly by hand with a black ball point pen? (1 Mark)
14. A PCT patent application contains 42 sheets and 15 claims. Are any additional fees payable on filing as a result? Why? (2 Marks)
15. In addition to the sequence number 104226, what other information could you derive if you saw the number WO02/104226 with the code A2 on a patent publication? (4 Marks)
16. A client has completely overlooked a UK patent renewal fee due 5 months ago, can you still pay the fee? If so, is there any penalty? (2 Marks)
17. a. An examination report dated 12 September 2001 was received on my European Patent Application. Four months was given for responding. Can I still reply (today)? Why? (2 Marks)
- b. The client has not sent any instructions. Is there anything which can be done to safeguard the position? (3 Marks)
- c. If I do nothing at all, what will happen next. How could I then recover the position? (4 Marks)

18. a. A first written opinion was issued by the EPO as the international preliminary examination authority on 12 November 2001 on my PCT application which was filed on 1 February 2000 (without priority claim). Two months were given to reply. Can I still meet the deadline for replying? Why? *(2 Marks)*
- b. If I do not reply, what will normally happen next and when? *(2 Marks)*
- c. When does the international phase for this case cease? *(1 Mark)*
19. What language should you use in a patent application filed for a client living in Wales, for each of the following cases:
- a. A UK Patent Application to be filed at the UK Patent Office in Newport? *(1 Mark)*
- b. A European Patent Application filed at the International Receiving Office at the UK Patent Office in Newport? *(2 Marks)*
- c. A PCT application made at the International Receiving Office at the UK Patent Office in Newport? *(2 Marks)*
20. You act for a British applicant for a PCT application filed on 9 January 2002 without claiming priority. Precautionary designations have been filed for all PCT countries.
- a. Which Patent Office will act as the International Search Authority (ISA)? *(1 Mark)*
- b. By when should you file the international preliminary examination (IPE) request? Mention why you chose the date. *(3 Marks)*

**ANNEX A**

Rio Patent Agents  
66 Barracuda Road  
Rio de Janeiro  
Brazil

To: Fax +44 117 342 6000

D U Samba and Associates  
2 Redcliffe Street  
Bristol BS1 7HQ  
(Confirm telephone +44 117 342 5000)

Dear Sirs

**BRAZILIAN PATENT APPLICATION 601762 DATED 22 JANUARY 2001**  
**ENTITLED "COFFEE PROCESSOR"**

I should be grateful if you would file a UK patent application claiming appropriate priority based on the following information:

Title:	Coffee Processor
Brazilian Patent Application:	601762 dated 22 January 2001 A certified copy of this application (which was filed in Portuguese) is attached, together with a certified translation into English
Applicant:	Brazilia Coffee Co-operatives Limited P O Box 2026 San Paulo Brazil
Inventor:	Jose Gonzales Calle Siesta 40 2027 San Paulo Brazil

I enclose a single copy in English of the proposed UK application comprising an abstract [1 sheet], specification [10 pages], 5 claims [1 sheet] and one sheet of drawings. The proposed UK application includes some amendments and additions to the original Brazilian Application. Prepare and file all the necessary application papers as soon as possible. Do not request substantive examination at this stage.

Yours faithfully

[Note to candidates - for simplicity the enclosures are not attached, but you should answer question 1 assuming they were present]

**Mitteilung des Präsidenten des Europäischen Patentamts vom 29. August 2001 über die Tage, an denen die Annahmestellen des EPA im Jahr 2002 geschlossen sind**

1. Nach Regel 85 (1) EPÜ erstrecken sich Fristen, die an einem Tag ablaufen, an dem zumindest eine Annahmestelle des EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist (geschlossene Tage), auf den nächstfolgenden Tag, an dem alle Annahmestellen zur Entgegennahme von Schriftstücken geöffnet sind und an dem gewöhnliche Postsendungen zugestellt werden.

2. Die Annahmestellen des EPA in München, Den Haag und Berlin sind an allen Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2002 werden in der nachfolgenden Übersicht bekanntgegeben:

**Notice from the President of the European Patent Office dated 29 August 2001 concerning the days on which EPO filing offices are closed in 2002**

1. Under Rule 85(1) EPC time limits expiring on a day on which at least one of the filing offices of the EPO is not open for receipt of documents (closing days) are extended until the first day thereafter on which all the filing offices are open for receipt of documents and on which ordinary mail is delivered.

2. The EPO's filing offices in Munich, The Hague and Berlin will be closed for the receipt of documents on every Saturday and Sunday. The other closing days in 2002 are listed below.

**Communiqué du Président de l'Office européen des brevets, en date du 29 août 2001, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2002**

1. Conformément à la règle 85(1) CBE, les délais qui expirent un jour où l'un au moins des bureaux de réception de l'OEB n'est pas ouvert pour recevoir le dépôt des pièces (jours de fermeture) sont prorogés jusqu'au premier jour suivant où tous les bureaux de réception sont ouverts pour recevoir ce dépôt et où le courrier normal est distribué.

2. Les bureaux de réception de l'OEB à Munich, à La Haye et à Berlin ne seront ouverts ni le samedi, ni le dimanche, pour recevoir le dépôt des pièces. Les autres jours de fermeture au cours de l'année 2002 sont énumérés dans la liste ci-après.

Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Neujahr – New Year's Day – Nouvel An	01.01.2002	x	x	x
Karfreitag – Good Friday – Vendredi Saint	29.03.2002	x	x	x
Ostermontag – Easter Monday – Lundi de Pâques	01.04.2002	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	30.04.2002		x	
Maifeiertag – May Day – Fête du Travail	01.05.2002	x	x	x
Christi Himmelfahrt – Ascension Day – Ascension	09.05.2002	x	x	x
Pfingstmontag – Whit Monday – Lundi de Pentecôte	20.05.2002	x	x	x
Fronleichnam – Corpus Christi – Fête-Dieu	30.05.2002	x		
Mariä Himmelfahrt – Assumption Day – Assomption	15.08.2002	x		
Tag der Deutschen Einheit – Day of German Unity – Fête Nationale	03.10.2002	x		x
Allerheiligen – All Saints' Day – Toussaint	01.11.2002	x		
Heiliger Abend – Christmas Eve – Veille de Noël	24.12.2002	x	x	x
1. Weihnachtstag – Christmas Day – Noël	25.12.2002	x	x	x
2. Weihnachtstag – Boxing Day – Lendemain de Noël	26.12.2002	x	x	x
Silvester – New Year's Eve – Saint-Sylvestre	31.12.2002	x	x	x

## MITTEILUNGEN DES EURO- PÄISCHEN PATENTAMTS

### Mitteilung des Präsidenten des Europäischen Patentamts vom 18. Oktober 2000 über die Tage, an denen die Annahme- stellen des EPA im Jahr 2001 geschlossen sind

1. Nach Regel 85 (1) EPÜ erstrecken sich Fristen, die an einem Tag ablaufen, an dem zumindest eine Annahmestelle des EPA zur Entgegennahme von Schriftstücken nicht geöffnet ist (geschlossene Tage), auf den nächstfolgenden Tag, an dem alle Annahmestellen zur Entgegennahme von Schriftstücken geöffnet sind und an dem gewöhnliche Postsendungen zugestellt werden.

2. Die Annahmestellen des EPA in München, Den Haag und Berlin sind an allen Samstagen und Sonntagen zur Entgegennahme von Schriftstücken nicht geöffnet. Die weiteren geschlossenen Tage des Jahres 2001 werden in der nachfolgenden Übersicht bekanntgegeben.

## INFORMATION FROM THE EUROPEAN PATENT OFFICE

### Notice from the President of the European Patent Office dated 18 October 2000 concerning the days on which EPO filing offices are closed in 2001

1. Under Rule 85(1) EPC time limits expiring on a day on which at least one of the filing offices of the EPO is not open for receipt of documents (closing days) are extended until the first day thereafter on which all the filing offices are open for receipt of documents and on which ordinary mail is delivered.

2. The EPO's filing offices in Munich, The Hague and Berlin will be closed for the receipt of documents on every Saturday and Sunday. The other closing days in 2001 are listed below.

## COMMUNICATIONS DE L'OFFICE EUROPEEN DES BREVETS

### Communiqué du Président de l'Office européen des brevets, en date du 18 octobre 2000, relatif aux jours de fermeture des bureaux de réception de l'OEB en 2001

1. Conformément à la règle 85(1) CBE, les délais qui expirent un jour où l'un au moins des bureaux de réception de l'OEB n'est pas ouvert pour recevoir le dépôt des pièces (jours de fermeture) sont prorogés jusqu'au premier jour suivant où tous les bureaux de réception sont ouverts pour recevoir ce dépôt et où le courrier normal est distribué.

2. Les bureaux de réception de l'OEB à Munich, à La Haye et à Berlin ne seront ouverts ni le samedi, ni le dimanche, pour recevoir le dépôt des pièces. Les autres jours de fermeture au cours de l'année 2001 sont énumérés dans la liste ci-après.

Tage / Days / Jours		München Munich	Den Haag The Hague La Haye	Berlin
Neujahr – New Year's Day – Nouvel An	01.01.2001	x	x	x
Karfreitag – Good Friday – Vendredi Saint	13.04.2001	x	x	x
Ostermontag – Easter Monday – Lundi de Pâques	16.04.2001	x	x	x
Nationalfeiertag – National Holiday – Fête nationale	30.04.2001		x	
Maifeiertag – May Day – Fête du Travail	01.05.2001	x	x	x
Christi Himmelfahrt – Ascension Day – Ascension	24.05.2001	x	x	x
Pfingstmontag – Whit Monday – Lundi de Pentecôte	04.06.2001	x	x	x
Fronleichnam – Corpus Christi – Fête-Dieu	14.06.2001	x		
Mariä Himmelfahrt – Assumption Day – Assomption	15.08.2001	x		
Tag der Deutschen Einheit – Day of German Unity – Fête Nationale	03.10.2001	x		x
Allerheiligen – All Saints' Day – Toussaint	01.11.2001	x		
Heiliger Abend – Christmas Eve – Veille de Noël	24.12.2001	x	x	x
1. Weihnachtstag – Christmas Day – Noël	25.12.2001	x	x	x
2. Weihnachtstag – Boxing Day – Lendemain de Noël	26.12.2001	x	x	x
Sylvester – New Year's Eve – Saint-Sylvestre	31.12.2001	x	x	x



# 2002 CALENDAR

April

	2	9	16	23	30
	3	10	17	24	
	4	11	18	25	
	5	12	19	26	
	6	13	20	27	
	7	14	21	28	
1	8	15	22	29	
13	14	15	16	17	18

August

	6	13	20	27	
	7	14	21	28	
1	8	15	22	29	
2	9	16	23	30	
3	10	17	24	31	
4	11	18	25		
5	12	19	26		
6	32	33	34	35	

September

	3	10	17	24	31
	4	11	18	25	
	5	12	19	26	
	6	13	20	27	
	7	14	21	28	
1	8	15	22	29	
2	9	16	23	30	
48	49	50	51	52	1

27; December 25, 26.  
16; May 7; June 4;

October

	7	14	21	28	
	8	15	22	29	
2	9	16	23	30	
3	10	17	24	31	
4	11	18	25		
5	12	19	26		
6	13	20	27		
7	14	21	28		
8	15	22	29		
9	16	23	30		
10	17	24	31		

November

	4	11	18	25	
	5	12	19	26	
	6	13	20	27	
	7	14	21	28	
	8	15	22	29	
	9	16	23	30	
1	10	17	24	31	
2	32	33	34	35	

December

	8	15	22	29		
	9	16	23	30		
	10	17	24	31		
1	11	18	25			
2	12	19	26			
3	13	20	27			
4	14	21	28			
5	15	22	29			
6	16	23	30			
7	17	24	31			
8	18	25	32	33	34	35

16; December 25, 26.  
16; May 7; June 2.

January

M		7	14	21	28
T	1	8	15	22	29
W	2	9	16	23	30
T	3	10	17	24	31
F	4	11	18	25	
S	5	12	19	26	
S	6	13	20	27	
Wk	1	2	3	4	5

April

M	1	8	15	22	29
T	2	9	16	23	30
W	3	10	17	24	
T	4	11	18	25	
F	5	12	19	26	
S	6	13	20	27	
S	7	14	21	28	
Wk	14	15	16	17	18

July

M	1	8	15	22	29
T	2	9	16	23	30
W	3	10	17	24	31
T	4	11	18	25	
F	5	12	19	26	
S	6	13	20	27	
S	7	14	21	28	
Wk	27	28	29	30	31

October

M		7	14	21	28
T	1	8	15	22	29
W	2	9	16	23	30
T	3	10	17	24	31
F	4	11	18	25	
S	5	12	19	26	
S	6	13	20	27	
Wk	40	41	42	43	44

England and Wales

New Year	January 1
Good Friday	March 29
Easter Monday	April 1
Bank Holiday	May 6
Golden Jubilee	
Bank Holiday	June 3
Bank Holiday	June 4
Bank Holiday	August 26
Christmas Day	December 25
Boxing Day	December 26

Scotland

New Year	January 1
Holiday	January 2*
Good Friday	March 29
Easter Monday	April 1*
Bank Holiday	May 6
Golden Jubilee	
Bank Holiday	June 3
Bank Holiday	June 4
Bank Holiday	August 5*
Bank Holiday	August 26*
Bank Holiday	December 25
Bank Holiday	December 26
Christmas Day	December 25
Boxing Day	December 26

Northern Ireland

New Year	January 1
St. Patrick's Day	March 17
Bank Holiday	March 29
Good Friday	April 1*
Easter Monday	May 6
Bank Holiday	June 3
Bank Holiday	June 4
Bank Holiday	August 5*
Bank Holiday	August 26*
Bank Holiday	December 25
Bank Holiday	December 26
Christmas Day	December 25
Boxing Day	December 26

Republic of Ireland

New Year	January 1
St. Patrick's Day	March 17
Public Holiday	March 18
Public Holiday	March 29
Good Friday	April 1
Easter Monday	April 1
Public Holiday	May 6
Public Holiday	June 3
Public Holiday	June 4
Public Holiday	July 12
Christmas Day	December 25
St. Stephen's Day	December 26
Public Holiday	December 26

## 2002 Bank and Public Holidays

It should be noted that Bank Holidays in Scotland and Northern Ireland are not necessarily Public Holidays.  
\*Subject to regional and institutional variations

