

Marking Schedule - Final April 2001

Question	Proposed Answer	Mark	
1	(a)		
	Completed form attached [deduct 1 mark for substantial errors, 0.5 marks for minor inconsequential mistakes]	7	
	(b)		
	Form 7/77 (in duplicate) by 11 August 2001	1	
	Form 9/77 by 11 April 2001	1	
	Form 23/77 OR		
	Letter to abandon original case and transfer papers to new file By 11 August 2001	2	11
2	Publication about 11 October 2001 (18 months from priority)	2	
	Examination request 6 months from (a)	2	4
3	(a) Professional time typing and photocopying	1	
	(b) None	1	
	(c) None	1	3
4	Case A:		
	Extension of one month available must file Form 52/77 today	3	
	Case B:		
	No extension of right possible		
	File 52/77 for exercise of discretion provide explanation		
	Further fee payable on grant of extension	3	
	Case C:		
	Acceptance period expired on 14 December 2000 case is refused	2	
	Could try extension of period as in Case B with form but unlikely.	1	9
5	(a)		
	File translation within 3 months of grant 1 July 2001	2	
	File Form 54/77 no fee	1	
	At UK PO	1	
	(b)		
	10 8 October 2001 6th year		
	UK Patent Office	3	

Question	Proposed Answer	Mark	
	(c)		
	10 October 2016		
	20 years from application date	1	0
6	Spelling	1	
	Nationality of Applicant	1	2
7	Both parties should sign a Form 21/77	2	2
8	Within 6 months of	1	
	date of signature	1	2
9	(a)		
	Within 6 months of 13 Mar 2001 (the due date) or		
	13 September 2001	1	
	(b)		
	19 months from due date of 13 March 2001 (or 13 October 2002)	2	3
10	(a)		
	None	1	
	(b)		
	Annually	1	
	from end of 2nd year from filing	1	
	By end of month containing anniversary	1	
	until grant	1	
	(c)		
	None	1	6
11	(a)		
	A designation fee is a fee which must be paid to the EPO for each country designated in a European Patent Application		
	Maximum payable 7	3	
	(b)		
	Within 6 months of the publication of the application and search report (whichever later) (accept with examination fee for 1 mark)	2	
	(c)		
	The EPO will write noting non-payment. Can pay within month of letter		
	with surcharge	3	8

Question	Proposed Answer	Mark	
12	(a)		
	Pay grant and printing fee	1	
	File translations of claim in other two official languages	1	2
	(b)		
	A fee will be payable for each claim in excess of 10, when the grant and printing fee is paid	2	2
13	(a)		
	1 March 2001	1	
	(b)		
	10 day rule takes notional date of receipt to 1 November 2000, 4 months yields 1 March 2001	2	
	(c)		
	Request extension of 2 months		
	in writing before original expiry date (or 1 March 2001)		
	1 May 2001 [but this is holiday]	5	
	therefore 2 May 2001		
	(d)		
	Letter will be received deeming application withdrawn		
	Request further processing and pay fee within		
	2 months		
	Complete omitted action within 2 month period	4	12
14	In each country file certified translation	1	
	Within 3 months of grant	1	
	and pay national fees	1	
	Appoint attorneys in FR, DE, IT	1	4
15	(a)		
	Basic fees plus a fee	1	
	for each of the 10 sheets in excess of 30	1	
	(b)		
	Designation fees (maximum 6)	1	
	(c)		
	Transmittal fee	1	
	(d)		
	Search fee	1	

Question	Proposed Answer	Mark	
	Designation fees by 10 April 2001	1	
	All other 10 May 2001	1	7
16	File IPE request		
	by 31 October 2001	2	
	Pay regional fees for EP		
	by 31 October 2002	2	4
17	(a)		
	A mark or sign connecting		
	goods with a proprietor	2	
	(b)		
	Shape or configuration of article		
	Infringed by copying	2	4
18	A duty of care arises in a relation between an agency and his/her client and in which the agent must take all reasonable care to safeguard the client's interests	2	2
19	File a statement of novelty	1	
	Use a blue marker to distinguish the features for which protection is not sought	1	2
20	(a)		
	At 5 year intervals from registration date (renewal date)	2	
	(b)		
	25 years from registration date	1	3