

ICPA: Introductory Certificate in Patent Administration

Mock Examination 2021–2022 Course

Thursday, 16 December 2021 10 am to 12.30 pm

Examination time: 2 hours 30 minutes plus 15 minutes upload time

The 2 hours 30 minutes is allocated as follows:

- 10 minutes** – Downloading and printing the Question Paper and Resource pack;
- 15 minutes** – Reading time;
- 2 hours** – Answering the questions;
- 5 minutes** – Screen break.

At the end of 2 hours 30 minutes, you MUST immediately stop answering the questions. You then have **15 minutes** in which to upload your Answer document and form(s) to the PEBX system.

You MUST upload your Answer document and form(s) to the PEBX system by 12.45. After 12.45, you will not be able to upload them and your examination will be void.

INSTRUCTIONS TO CANDIDATES

This examination pack comprises:

Instructions to Candidates	1 sheet
Question paper	5 sheets
Resource Pack	11 sheets

1. You have 15 minutes reading time at the start of the examination. During this time, you **must not type in the Answer document or write** on the forms, question paper, calendars or annexes.
2. You should attempt **all** the questions in this question paper.
3. The total number of marks available for this paper is 80.
4. Answers must be submitted in the Answer document and on the form(s) provided.
5. Do not attempt to change the font style, font size, font colour, line spacing or any other preset formatting in the Answer document.
6. Start each question on a new page. To begin a new page, press the Control key and the Enter key simultaneously.
7. When you begin a new question, type in the question number at the top of the page.
8. A **Resource Pack** is provided. The Resource Pack has a contents page and contains calendars, office closure dates, and forms.
9. Select and complete the relevant form(s) when instructed by the question.
10. Write your answers on the form(s) using black pen.
11. Where a question refers to 'today', assume today's date.
12. Do not state your name anywhere in your answers.

This question paper consists of **6 sheets** in total, including this sheet.

AT THE END OF THE EXAMINATION

13. Upload your Answer document to the PEBX system. You should upload it as a Word document. PEBX will automatically convert it to PDF.
14. Save the PDF(s) of your scanned form(s) to PEBX.

Question 1

What is the Convention filing deadline (end of priority period) for a patent application filed on 25 January 2021? Show your calculations.

2 marks

Question 2

A European patent application was filed on 10 June 2021, claiming priority from a UK patent application filed on 12 June 2020. The minimum amount of fees was paid on filing to secure the filing date. The European A2 publication was published on 16 December 2021. The European A3 publication was published on 12 January 2022.

a) What are the next actions to be taken to ensure that the European patent application is not deemed withdrawn?

3 marks

b) By when must these actions be taken? Show your calculations.

2 marks

Total: 5 marks

Question 3

You filed a first (priority founding) GB patent application on 13 April 2020. The application was published on 20 October 2021.

a) By when must examination be requested? Show your calculations.

2 marks

b) What form should be used to request examination?

1 mark

Total: 3 marks

Question 4

A GB patent application was filed on 27 August 2018. The patent was granted on 17 November 2021.

a) By when is the first renewal fee due? Show your calculations.

3 marks

b) What is the last date for late payment? Show your calculations.

2 marks

Total: 5 marks

Question 5

A GB divisional patent application was validly submitted to the UK IPO on 5 January 2022, based on a parent GB patent application with a filing date of 16 August 2021.

What is the filing date of the divisional application? Explain your answer.

1 mark

Question 6

A GB patent application was filed without an abstract on 17 August 2021. The GB patent application claimed priority from a US patent application filed on 22 January 2021.

By when must the abstract be filed? Show your calculations.

7 marks

Question 7

A PCT application was filed on 20 April 2021 claiming priority from a US patent application filed on 13 May 2020. The International Search Report was issued on 9 September 2021. National phase entry will be required in EP and US.

What is the final deadline for filing a Demand? Show your calculations.

6 marks

Question 8

The EPO performed the international search for a PCT application and prepared the associated Written Opinion (which raised objections). The European regional phase of this PCT application was entered in due time, paying all necessary fees. A Rule 161/162 communication was issued dated 29 July 2021. This communication was received in your office on 27 July 2021. Notification of this communication sets a 6-month time limit to file a response to the Written Opinion.

a) By when must the response be filed? Show your calculations.

3 marks

b) If no response is filed by the date calculated in a), what actions can be taken to continue with the application and by when?

3 marks

Total: 6 marks

Question 9

You work as a Paralegal for the attorney Shani Barwick at the firm Ingleby Barwick. The firm's details are:

Ingleby Barwick
52 Ocean View
Ambridge
Surrey KT54 7DD
United Kingdom
Telephone: 0123 456489

You have been asked to prepare a PCT Request for an application in English entitled 'Concrete Surface Retarder' for your client Barn Stomp Limited. Barn Stomp Limited will be the applicant and is a UK company. The reference will be BSL/WO252 and Shani will be the attorney named as agent. All communications for the application are to be exclusively in electronic form to Ingleby Barwick at the main email address: ip@inglebybarwick.com.

Priority is to be claimed from Barn Stomp Limited's GB patent application no. 2101234.5, filed on 1 February 2021. The DAS Access Code to be provided to the IB is FE31.

The inventor is a British citizen: Charles Snell, c/o Barn Stomp Limited, 64 Industrial Way, Ambridge, Surrey, KT54 5BZ.

There are:

25 pages of description,
15 claims on 3 pages,
a 1-page abstract, and
5 drawings on 2 pages.

Figure 2 should accompany the abstract.

The accounts department will prepare the fee calculation sheet to accompany the application.

Prepare the PCT Request form (form PCT RO/101).

10 marks

Question 10

The EPO issued an examination report dated 17 August 2021, setting a 4-month period for response. The examination report was received in your office on 19 August 2021. A 2-month extension of time was obtained.

By when must a response be filed? Show your calculations.

5 marks

Question 11

A UK Design was registered on 7 January 2017. The UK design claimed priority from a US Design application filed on 8 July 2016.

a) By when must the first renewal fee be paid, including any available extensions of time? Show your calculations.

4 marks

b) If all renewal fees are paid, when will this design registration expire? Show your calculations.

2 marks

Total: 6 marks

Question 12

You filed a first (priority founding) GB patent application on 11 January 2022 without a description or a reference to an earlier application. The error was noticed on 14 January 2022, and a description was filed on the same date to complete the application.

What will happen to your application? Explain your answer.

2 marks

Question 13

The UKIPO issued an examination report dated 24 November 2021. The examination report sets a 2-month deadline for filing a response. It will not be possible to file the response by the deadline.

Without relying on any discretionary decisions by the UK IPO, what should be done to ensure the application remains pending and by when? Show your calculations.

4 marks

Question 14

A priority-founding (first filed) GB design application was filed on 21 October 2021.

What is the Convention priority deadline? Show your calculations.

2 marks

Question 15

A communication pursuant to Rule 71(3) EPC dated 7 December 2021 is received in your office on 10 December 2021. The communication informs you of the EPO's intention to grant a patent on a European patent application. The 30-page specification is in English. During prosecution the claims increased in number from 14 to 20.

a) What steps must be taken in response to this communication?

3 marks

b) By when must these steps be taken? Show your calculations.

5 marks

Total: 8 marks

Question 16

A PCT application was filed on 12 January 2021. The PCT application has an earliest priority date of 14 January 2020. The PCT application was published in Japanese. You are now entering the European regional phase of this PCT application.

a) In which language(s) may the translation of the specification be filed?

1 mark

b) By when must the translation be filed without incurring penalty fees? Show your calculations.

3 marks

Total: 4 marks

Question 17

You file an international patent application in Korean, claiming priority from a Korean patent application. The applicant is an English company, which is entitled to file the application. You file the international patent application at the UK Intellectual Property Office.

What will happen? Explain your answer.

4 marks

Total: 80 marks