

Patent
Examination
Board

ICPA: Introductory Certificate in Patent Administration

Thursday 25 January 2024

10.00-12.30 UK Time (GMT)

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 12.30 you MUST immediately stop answering the questions. You then have **15 minutes** in which to upload your Answer document 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	6 sheets
Resource Pack	7 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 forms 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 **7 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

Explain 'Duty of Care'.

3 marks

Question 2

State the three required parts of a patent specification, assuming there are no drawings.

3 marks

Question 3

State three main procedural stages of a GB patent application, after filing.

3 marks

Question 4

A first patent application was filed in South Korea on 8 March 2023. The applicant wishes to file a GB patent application claiming priority from the South Korean patent application.

What is the deadline for filing the GB patent application? Show your calculations.

2 marks

Question 5

A US patent application was filed on 18 April 2023. A GB patent application was filed on 16 January 2024, claiming priority from the US patent application. The application includes 20 pages of description and 10 claims.

No fees were paid on filing the GB application, and no search or examination requests were made.

- a) What is the deadline for paying the application fee for the GB patent application? Show your calculations.

6 marks

- b) What is the deadline for requesting a search on the GB patent application? Show your calculations. What actions must be taken by this date?

2 marks

Total: 8 marks

Question 6

A GB patent application is published on 10 January 2024.

What is the deadline for requesting examination of the application? Show your calculations.

2 marks

Question 7

A GB patent application comprises 45 pages of description; 30 claims, over 6 pages; a 1-page abstract and 12 pages of drawings.

a) A search request is to be filed. For how many excess claims are fees payable?

1 mark

b) An examination request is to be filed. For how many excess pages are fees payable?

1 mark

Total: 2 marks

Question 8

A GB patent application was filed on 28 June 2019. The patent granted on 5 November 2023.

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

5 marks

Question 9

A Decision to Grant communication has been received in your office in respect of a pending European patent application. The Decision to Grant communication gives the expected date of grant as 7 February 2024.

a) **What is the deadline for filing a European divisional patent application?**

Explain your answer.

2 marks

b) **Where must the European divisional patent application be filed?**

1 mark

Total: 3 marks

Question 10

An A2 publication of a pending European patent application was made on 15 November 2023. An A3 publication of the same European patent application was made on 10 January 2024.

What is the deadline for requesting examination of the European patent application? Show your calculations.

3 marks

Question 11

A Decision to Grant communication is received in your office in respect of a pending European patent application. The expected date of grant is 28 February 2024.

The applicant wishes the European patent to have unitary effect (i.e. to apply for a unitary patent).

a) What is the deadline for requesting that the granted European patent has unitary effect? Show your calculations.

2 marks

b) Where must renewal fees be paid in respect of a unitary patent?

1 mark

c) What is the unextended deadline for validating the granted European patent in Spain? Show your calculations.

2 marks

Total: 5 marks

Question 12

State the maximum term of protection for a UK registered design.

1 mark

Question 13

Your office is handling a European application filed in English. The EPO issued a communication under Rule 71(3) EPC (a Notice of Intention to Grant communication) dated 1 December 2023. The communication was received in your office the same day. The allowed text is acceptable to the client.

- a) **What steps must be taken by the applicant for the patent to grant? By when must those steps be taken? Show your calculations.**

5 marks

- b) **No response is made to the communication by the deadline. What will happen to the application? To keep the application pending, what steps can be taken and by when?**

4 marks

Total: 9 marks

Question 14

An examination report is issued by the EPO in respect of a pending European patent application. The examination report is dated 30 November 2023. The examination report is received in your office on 4 December 2023. The examination report sets a four-month period for response.

- a) **What is the deadline for response, without requesting an extension of time? Show your calculations.**

2 marks

The applicant will not be in a position to instruct you in time to meet the unextended deadline for response.

- b) **What is the deadline for requesting an extension of time at the EPO?**

1 mark

- c) **What will the extended deadline be? Show your calculations.**

3 marks

Total: 6 marks

Question 15

A PCT application was filed on 3 June 2022, claiming priority from a GB application filed on 11 June 2021.

- a) **What is the deadline for entering the national phase in the United Kingdom?**

3 marks

- b) **What is the deadline for entering the national phase in the US?**

3 marks

Total: 6 marks

Question 16

You work as a paralegal at Potters Patents LLP and receive the following instruction from one of the attorneys with whom you work.

Our client wants to file a demand for international preliminary examination, relating to our case reference: ENV/P532PC. I'm the representative for the PCT and the details are as given below.

Application No: PCT/EP2022/052131
Application date: 28 January 2022
Priority claim: GB 2101227.1, filed on 29 January 2021
Title of the invention: Energy Cell
Applicant: Environmental Effects LLP
A GB company of:
4 Brown Lane, Fakenham, NR21 0HX, UK

Language of PCT proceedings and PCT text: English

Receiving Office: EPO

Please prepare the PCT demand form. I have emailed you four pages of amended claims, which should be submitted under Article 34 PCT, together with a two-page letter accompanying the amendments. There are no other changes to the text and no postponement of examination is required. As usual, we prefer to receive communications via email only, and please include a copy of our general PoA, with reference PoA-Env1.

Our accounts team have prepared the fee calculation sheet, which will be included with the filing.

Kind regards

Louise Cahill

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Total: 8 marks

Question 17

One of your clients has changed its name. Your client is the applicant for international application number PCT/GB2022/059211. This application was filed on 12 August 2022, claiming priority from GB 10453212.9, which was filed on 16 August 2021.

What is the latest date the change can be recorded at the International Bureau of WIPO?

3 marks

Question 18

A GB registered design application was filed on 8 October 2019 and registered on 10 October 2019. The registered design claims priority from an earlier GB registered design application filed on 8 August 2019.

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

3 marks

b) What is the latest date by which the first renewal fee can be paid without surcharge? Show your calculations.

2 marks

c) What is the latest date by which the first renewal fee can be paid with surcharge? Show your calculations.

2 marks

Total: 7 marks

Question 19

How long is the period in which priority can be claimed for a registered design application?

1 mark

Total: 80 marks