

2024 ICPA Mock Mark Scheme

Question 1

What is the time period allowed for claiming priority when filing an overseas application from:

a) a patent application in the UK?

1 mark

b) a design application in the UK?

1 mark

Total: 2 marks

Answer

[Both parts of the answers below are needed to gain the mark]

a) 12 months from the filing date

1 mark

b) 6 months from the filing date

1 mark

Total: 2 marks

Question 2

What are the minimum requirements for obtaining a filing date for a GB Patent Application?

3 marks

Answer

Indication that a patent is sought

1 mark

Details of the applicant (sufficient for the UKIPO to contact)

1 mark

A description or reference to an earlier filed application

1 mark

Total: 3 marks

Question 3

What do the following abbreviations mean?

a) ISA

(1 mark)

b) IB

(1 mark)

c) SIS

(1 mark)

d) IPRP

(1 mark)

e) PCT

(1 mark)

f) RO

(1 mark)

Total 6 marks

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Answer

- a) International Search/Searching Authority (1 mark)
- b) International Bureau (1 mark)
- c) Supplementary International Search (1 mark)
- d) International Preliminary Report on Patentability (1 mark)
- e) Patent Cooperation Treaty (1 mark)
- f) Receiving Office (1 mark)

Total 6 marks

Question 4

A GB Patent Application was filed without claiming priority on 6 August 2020. The first examination report was issued on 7 August 2024.

What is the compliance date? Show your calculations.

5 marks

Answer

(If no, or incorrect, calculations: award a total of 1 mark where the candidate demonstrates knowledge that the compliance date is the later of 4.5 years from filing/priority and 12 months from the date of the first examination report.)

6 August 2020 (filing date) + 4.5 years

1 mark

= 6 February 2025 (Thursday)

1 mark

7 August 2024 (first exam report) + 12 months

1 mark

= 7 August 2025 (Thursday)

1 mark

(Candidates need to identify the final deadline, or state that the deadline is the later of the two dates, to gain the following mark.)

Deadline is the later of these two, i.e. 7 August 2025

1 mark

Total: 5 marks

Question 5

A European patent application was filed on 24 October 2024 by ABC Corporation without claiming priority. By when must a designation of inventor be filed? Show your calculations.

2 marks

Answer

(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 16 months from earliest priority date (i.e. filing date here))

24 October 2024 + 16 months

1 mark

= 24 February 2026 (Tuesday)

1 mark

Total: 2 marks

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Question 6

You received the memo below from a patent attorney with whom you work. Following the instructions below, complete the required forms to file a UK patent application.

8 marks

URGENT MEMO:

To: Patent Formalities

From: Gary Baldi CPA, EPA

Reference: UmbType03

I have just been advised by our client that they are disclosing their new “Electric Umbrella” invention shortly and so we must proceed with filing today. Please therefore prepare appropriate forms for a filing at the UKIPO today. The client does not want to file a search request or examination request at this stage. I will prepare the abstract after filing and I don’t yet know the identity of the inventors. As usual the fee sheet will be prepared by our Accounts Department and we will pay the application fee on filing.

The specification for filing comprises;

Description:	45 pages
Claims:	20 claims on 8 pages
Drawings:	3 drawings on 2 pages

The applicant details are:

BrightSpark UK Limited
West End Lane
Nottingham
NG13 8TU

Please name me as representative on the form.

Best regards

Gary Baldi

Baldi & Red LLP
14 The Pastures
London
WC1V 1XX
e-mail: gary@baldi.com

Answer

Form PF1

8 marks

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Question 7

A communication under Art 94(3) EPC (an examination report) is dated 15 October 2024. The communication was received in your office the same day. The communication sets a 4 month period from notification for filing a response.

- a) What is the non-extended deadline for filing a response? Show your calculations.

2 marks

The applicant is not in a position to file a response by this deadline.

- b) By when must a request for an extension of time be filed?

1 mark

- c) What will be the extended deadline for filing a response once a request for extension is filed? Show your calculations.

2 marks

Total: 5 marks

Answer

- a) 15 October 2024 + 4 months = 15 February 2025

1 mark

15 February 2025 is Saturday. Next working day 17 February 2025

1 mark

- b) By the non-extended deadline / by 17 February 2025 (*accept the answer given in part a)*)

1 mark

- c) 15 October 2024 + 6 months
= 15 April 2025 (Tuesday)

1 mark

1 mark

Total: 5 marks

Question 8

A PCT application was filed on 25 July 2023 claiming priority from a Japanese patent application filed on 22 August 2022. The PCT application was published in Japanese. You are instructed to enter the regional phase at the EPO. Showing your calculations:

- a) What is the deadline for entering the regional phase?

4 marks

- b) What is the deadline for filing a translation of the specification into an EPO official language?

1 mark

Total: 5 marks

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Answer

- a) *(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 31 months from priority date)*
- | | |
|-------------------------------------|--------|
| 22 August 2022 | 1 mark |
| + 31 months | 1 mark |
| = 22/03/2025 | 1 mark |
| A Saturday, therefore 24 March 2025 | 1 mark |
- b) 24 March 2025 (accept the same date as in part a)) 1 mark
- Total: 5 marks**

Question 9

An A2 publication of a European patent application is dated 7 August 2024. The A3 publication of the European patent application is dated 11 September 2024.

- a) What is the deadline for requesting examination of the application? Show your calculations. **3 marks**
- b) What fees are due by the deadline in part a)? **2marks**
- Total: 5 marks**

Answer

- a) *(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 6 months from the A3 publication.)*
- | | |
|---------------------------|---------------|
| 11 September 2024 | 1 mark |
| + 6 months | 1 mark |
| = 11 March 2025 (Tuesday) | 1 mark |
- b) Examination Fee **1 mark**
- Designation Fee **1 mark**
- Total: 5 marks**

Question 10

A GB Patent Application was filed that contains 20 claims. In the issued search report, the UK examiner objects that there are two inventions in the claims, and raises a lack of unity objection. Only claims 1 to 10 are searched.

- a) What must be done to obtain a search in respect of claims 11 to 20? **2 marks**
- b) Assuming the application remains pending, what is the deadline for taking the action in part a)?
- 2 marks**
- Total: 4 marks**

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Answer

- a) File a further PF9A/request further search 1 mark
and pay a further search fee 1 mark
- b) 3 months before 1 mark
the end of the compliance period / the compliance date 1 mark
- Total: 4 marks**

Question 11

A UK design application is filed on 2 December 2024, and subsequently registered. Your office receives the registration certificate 3 weeks after filing. When is the first renewal fee due? Show your calculations.

2 marks

Answer

(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 5 years from the filing (or registration) date and does not extend to the end of the month.

No second mark to be awarded for the calculated date if it is extended to the end of the month.)

02 December 2024 + 5 years 1 mark
= 02 December 2029 1 mark

Total: 2 marks

Question 12

A notification is received that the grant of a European patent application will be published on 12 February 2025.

What is the deadline for filing a divisional application? Explain your answer

2 marks

Answer

11 February 2025. 1 mark

The divisional application must be filed by the day before grant / While the application is still pending 1 mark

Total: 2 marks

Question 13

A notification is received that the grant of a European patent application will be published on 19 February 2025.

What is the deadline for filing a request for a unitary patent? Show your calculations.

2 marks

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Answer

(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 1 month from publication of grant.)

19 February 2025 + 1 month

1 mark

= 19 March 2025

1 mark

Total: 2 marks

Question 14

Your client wishes to oppose a European patent, with a grant date of 22 January 2025.

What steps must be taken and by what date? Show your calculations.

5 marks

Answer

(If no, or incorrect, calculations: award 1 mark where the candidate demonstrates knowledge that the deadline is 9 months from publication of grant.)

- i) File Notice of Opposition
- ii) File Grounds of Opposition
- iii) Pay opposition fee

1 mark

1 mark

1 mark

22 January 2025 + 9 months

1 mark

= 22 October 2025 (Wednesday)

1 mark

Total 5 marks

Question 15

A communication under Art. 94(3) EPC (an examination report) was issued by the EPO setting a deadline for response. No response was filed by the deadline and no extension of time of this deadline was obtained. The EPO consequently issued a communication dated 9 December 2024 stating that the application is deemed withdrawn. You received the communication the same day.

- a) In order to continue examination of the application, what actions should now be taken?**

2 marks

- b) By what date must these actions be taken? Show your calculations.**

3 marks

Total: 5 marks

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Answer

- a) Pay the Further Processing Fee [1 mark]
[Need not also say "request Further Processing" to gain the mark]
- Respond to the Examination Report/ Complete omitted/missing actions [1 mark]
- b) 9 December 2024 + two months [1 mark]
= 9 February 2025 [1 mark]
a Sunday. Next working day Monday 10 February 2025 [1 mark]
- Total: 5 marks**

Question 16

A PCT application was filed on 14 February 2023. The PCT application claims a priority date of 18 February 2022. The European regional phase was entered on 14 August 2024.

**What is the due date for paying the first renewal fee for the European application?
Show your calculations.**

3 marks

Answer

[1 mark for knowledge that the due date is the last day of the month containing the second anniversary of the filing (PCT filing) date, if no, or incorrect, calculations]

Filing date of EP application is the PCT filing date (14 February 2023)

14 February 2023 + 2 years [1 mark]

= 14 February 2025 [1 mark]

end of month = 28 February 2025 (Friday) [1 mark]

Total 3 marks

Question 17

You filed a first GB Patent Application for XYZ Corporation on 11 October 2024. On 11 December 2024 you filed a GB divisional patent application from that first GB patent application.

- a) **What is the deadline for requesting a search on the divisional patent application? Show your calculations.**

6 marks

- b) **What is the deadline for filing a PF7 on the divisional patent application? Show your calculations.**

3 marks

Total: 9 marks

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Answer

a)

[If candidate shows knowledge of the deadline being the later of 12 months from the priority date or 2 months from the date of filing the divisional application, but shows no (or incorrect) calculations: award a maximum of 1 mark.]

Later of 12 months from (i) priority date or (ii) 2 months from date of filing the divisional application

i) 12 months from priority date

11 October 2024 + 12 months **1 mark**

= 11 October 2025 (Saturday) **1 mark**

Moves to 13 October 2025 (Monday) **1 mark**

ii) 2 months from date of filing the divisional

11 December 2024 + 2 months **1 mark**

= 11 February 2025 (Tuesday) **[1 mark]**

[An identification of the later date, or that the later date is the deadline, must be given for this mark to be awarded.]

Later of these two dates:

13 October 2025

1 mark

b) *[If candidate shows knowledge of the deadline being the later of 16 months from the priority date or 2 months from the date of filing the divisional application, but shows no (or incorrect) calculations: award a maximum of 1 mark.]*

Later of (i) 16 months from priority date or (ii) 2 months from date on which the divisional application is filed

i) 16 months from priority date

11 October 2024 + 16 months **1 mark**

= 11 February 2026 (Wednesday) **1 mark**

ii) (as above)

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[no separate mark here for this date calculation, since mark awarded above for this point. Marks can be awarded if this is correct here, but these marks were not awarded above.]

Identification of the later of these two dates:

= 11 February 2026

1 mark

Question 18

A registered Community design was filed on 8 August 2020, with a priority date of 9 February 2020. The Certificate of Registration was issued on 29 August 2020.

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

2 marks

b) If all renewal fees are paid, on what date will the registration expire? Show your calculations

3 marks

Total: 5 marks

Answer

*[Award one mark in total if **both** + 5years and + 25 years are indicated but no, or incorrect, calculation]*

a) 8 August 2020 **[1 mark]**
 + 5 years **[1 mark]**
 = 8 August 2025 **[1 mark]**

 b) 8 August 2020 + 25 years **[1 mark]**
(no additional mark for identifying 8 August start date)
 = 8 August 2045 **[1 mark]**

Total: 5 marks

Question 19

State two ways to obtain registered design protection in the UK

2 marks

Answer

- i) Apply for UK registered design at the UKIPO (1 mark)
- ii) Designation of the GB (UK) in an International (Hague) design registration filed at WIPO (1 mark)

2 marks

Total: 80 Marks



Intellectual Property Office

Concept House
Cardiff Road
Newport
South Wales
NP10 8QQ

Patents Form 1

Patents Act 1977 (Rule 12)

Request for grant of a patent

(An explanatory leaflet on how to fill in this form is available from the office)

no fee immediately due

Fee £90 (if paid when filing this form)

Application number GB

1. Your reference: (optional)		1		
2. Full name, address and postcode of the applicant or of each applicant (underline all surnames): The name(s) and address(es) provided here will be published online as part of the application process (see warning note below) Patents ADP number (if you know it).		1		
3. Title of the invention:		1		
4. Name of your agent (if you have one): "Address for service" to which all correspondence should be sent (including postcode). This may be in the United Kingdom, Gibraltar or Channel Islands: (see warning note below) Patents ADP number (if you know it):		1		
5. Priority declaration: Are you claiming priority from one or more earlier-filed patent applications? If so, please give details of the application(s):	Country 	Application number (if you know it) 	Date of filing (day/month/year) 	1
6. Divisionals etc: Is this application a divisional application, or being made following resolution of an entitlement dispute about an earlier application? If so, please give the application number and filing date of the earlier application:	Number of earlier UK application 	Date of filing (day/month/year) 		
7. Inventorship: (Inventors must be individuals not companies)	(Please tick the appropriate boxes)			
Are all the applicants named above also inventors?	Yes ☐	No ☐		
If yes, are there any other inventors?	Yes ☐	No ☐		
8. Are you paying the application fee with this form?	Yes ☐	No ☐		1

9. Accompanying documents:
please enter the number of pages of each item
accompanying this form:

Continuation sheets of this form:

Description:

Claim(s):

Abstract:

Drawing(s):

If you are not filing a description, please give
details of the previous application you are
going to rely upon:

Country

Application number

Date of filing
(day/month/year)

10. If you are also filing any of the following, state how
many against each item.

Priority documents:

Statement of inventorship and right to grant of a
patent (*Patents Form 7*):

Request for search (*Patents Form 9A*):

Request for substantive examination
(*Patents Form 10*):

Any other documents: (please specify)

11. I/We request the grant of a patent on the basis of this application.

Signature(s):

This can be typed or handwritten

Date:

12. Name, email address, telephone and/
or mobile number, if any, of a contact
point for the applicant:

Warning

After an application for a patent has been filed, the Comptroller will consider whether publication or communication of the invention should be prohibited or restricted under section 22 of the Patents Act 1977. You will be informed if it is necessary to prohibit or restrict your invention in this way. Furthermore, if you are resident in the United Kingdom and your application contains information which relates to military technology, or would be prejudicial to national security or the safety of the public, section 23 of the Patents Act 1977 prohibits you from applying for a patent abroad without first getting written permission from the Office unless an application has been filed at least 6 weeks beforehand in the United Kingdom for a patent for the same invention and either no direction prohibiting publication or communication has been given, or any such direction has been revoked. Until such time or until the revocation of any direction, for any such application the address for service referred to at part 4 above must be in the United Kingdom.

In all other cases, the name of the applicant will be published online shortly after we receive your application, together with the title of the invention. Later, when the whole application is published, most information and documents filed in relation to the application will become publicly available online. **The name and address of the applicant, the agent, and the address for service will be published on our website and are likely to appear in external search engine results.** You should provide a business or PO Box address if you do not want your home address published online.

Although you may have an address for service in the Channel Islands or Gibraltar, any agent you appoint to act for you must reside or have a place of business in the United Kingdom, the Isle of Man or the European Economic Area.

Notes

A leaflet on how to fill in this form is available from the Office. If you would like a copy of the leaflet it is available on our website at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893060/Form-1-guidance.pdf or alternatively you could telephone 0300 300 2000 or send an email to information@ipo.gov.uk to request a copy.

Fees and payment

Please note you only need to complete this form if paying the Application Fee for Patents Form 1

To check the correct fee for this form, search on [GOV.UK](https://www.gov.uk/patent-forms-and-fees) for 'patent forms and fees'

Total Fee Paying (£)

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Your contact details should we have a query

Name

Email

Phone

How would you like to pay?

Tick one

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Using a debit or credit card – you will need the internet to pay by card

- 1 Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2 Enter your name, email address and total amount to pay from above
- 3 As proof of payment, write below the 10-character reference code displayed from the online payment screen.
DO NOT write your debit/credit card number

☐

Deduct from IPO deposit account

IPO deposit account number

☐

Cheque – make payable to 'Intellectual Property Office'

☐

Bank transfer

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

Before you send us your form

Make sure you have:

- ☐ Answered all applicable questions.
- ☐ Provided a signature and date. This can be typed or handwritten.
- ☐ Made payment by card, cheque, bank transfer or IPO deposit account.
- ☐ Completed the payment sheet above.

**Email your completed PDF form to:
forms@ipo.gov.uk**

**If you cannot email us your form, you can print and post your form to:
Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ.**

Please note: It takes longer to process paper forms sent by post.

Data Privacy: <https://www.gov.uk/government/publications/intellectual-property-office-privacy-notices/privacy-notice-for-personal-data-processed-for-the-administration-of-ip-rights>