

Foundation Certificate

FC3 International Patent Law

Thursday 23 October 2025

10:00 to 13:20 UK British Summer Time (GMT + 1 hour)

Examination time: 3 hours 20 minutes plus 10 minutes upload time

The 3 hours 20 minutes is allocated as follows:

10 minutes – Downloading and printing the question paper:

3 hours – Answering the questions:

10 minutes – Two screen breaks of 5 minutes each:

At 13.20 you MUST immediately stop answering the questions. You then have **10 minutes** in which to upload your Answer document to the PEBX system.

You MUST upload your Answer document to the PEBX system by 13.30. After 13.30 you will not be able to upload it and your examination will be void.

INSTRUCTIONS TO CANDIDATES

1. You should attempt **ALL** questions in Section A and any **three** questions in Section B.
2. The marks for each question in Section A are shown next to the question. Each question in Section B carries **20** marks.
3. If more than the required three questions are answered in Section B only the first three presented will be marked.
4. The total number of marks available for this paper is 100.
5. You must use the Answer document for your answers.
6. Do not attempt to change the font style, font size, font colour, line spacing or any other pre-set formatting in the Answer document.
7. Start each question on a new page. To begin a new page, press the control key and the enter key simultaneously.
8. When you begin a new question, type in the question number at the top of the page.
9. 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

10. Upload your Answer document to the PEBX system. You should upload it as a Word document. PEBX will automatically convert it to PDF.

SECTION A

Question 1

You work in-house for Company X, registered in the United Kingdom. They wish to file a direct PCT application that does not claim priority from an earlier patent application.

- a) **Identify the minimum requirements to obtain a filing date for the PCT application.**

5 marks

- b) **What are three competent receiving offices for filing this PCT application?**

3 marks

- c) **What fees are due in respect of the PCT international application within one month of filing?**

3 marks

Total: 11 marks

Question 2

An inventor informs you that they have disclosed their new invention on their website. No patent applications have been filed to date, but they are now interested in obtaining patent protection for their new invention.

Explain to the inventor whether it will be possible to obtain valid patent protection for their invention in China, Japan and Singapore.

4 marks

Question 3

State the period for which the following procedures can be carried out:

- a) Filing an opposition to a granted Japanese patent.
- b) Filing an opposition to a granted German patent.
- c) Requesting ex parte re-examination of a claim of a granted US patent.

3 marks

Question 4

An opposition was filed by Mr A against a European patent, owned by Ms B. In the decision notified on 1 October 2025, the Opposition Division rejected the opposition, and the patent was maintained as granted.

- a) For each of Mr A and Ms B, explain whether they can appeal this decision, giving reasons for your answer.

4 marks

- b) Calculate the deadlines for filing a notice of appeal and statement of grounds of the appeal. You are not required to take into account any patent office closed days.

4 marks

Total: 8 marks

Question 5

Your client wishes to file a single, direct European patent application as a first filing for three inventions. They have proposed the following claim set, in which:

Claims 1–15 relate to invention A;
Claims 16–36 relate to invention B; and
Claims 37–51 relate to invention C.

Your client informs you that invention C is most important to them. They also inform you that they are not particularly interested in Inventions A and B at this stage, but this may change in the future.

- a) Explain how claims fees would be assessed.

3 marks

- b) Advise an appropriate way of eliminating such claims fees, in light of your client's comments on inventions A–C. Given reasons for your answer.

5 marks

- c) When would claims fees, if any, be payable?

1 mark

Total: 9 marks

Question 6

Your client filed a PCT application on 18 September 2025 that claims priority from a US provisional patent application filed on 15 October 2024. National phase applications were validly filed in Canada, China, India, Japan and Republic of Korea.

Calculate the deadline for requesting examination in each country. You are not required to take into account any patent office closed days.

5 marks

Total for SECTION A: 40 marks

SECTION B

Question 7

Company A has asked you to be their new representative in handling the following portfolio of patent and patent applications, which are as follows:

EP-1: a European patent application filed on 18 June 2022, claiming a priority date of 18 June 2021. According to the EPO register, the last renewal fee was paid on 30 June 2024.

EP-2: a European patent application filed on 20 March 2023, without claiming priority. According to the EPO register, a notice of loss of rights was received on 10 October 2025, for failure to pay the third-year renewal fee.

EP-3: a European divisional application of EP-2, and which was filed at the EPO on 10 September 2025. There is no record in the previous representative's notes that any renewal fees were paid.

US-1: a US patent that was granted on 31 December 2021. According to the US patent office's online database, no renewal fee has been paid yet.

Company A informs you that their previous representative was very disorganised and may have carelessly handled the portfolio. They seek your advice in evaluating the renewal fee status of the portfolio.

- a) **Write a memo that explains the renewal fee status on each of the above patents and patent applications, and advise on any action that must be taken, and any associated deadlines. You are not required to take into account any patent office closed days.**

15 marks

Company A also owns EP-4, for which the date of publication of mention of grant was 2 October 2025. They inform you that they want to validate EP-4 in Spain and via a unitary patent.

- b) **Outline the steps required to validate EP-4 in Spain and to obtain a unitary patent.**

5 marks

Total: 20 marks

Question 8

Your client is the owner of a PCT patent application, WO-1. The international search report issued in relation to the PCT application contained a number of objections your client would like to address at the time of national phase entry.

- a) Advise your client whether it is possible to amend the application at the time of national phase entry in each of the following countries: India, New Zealand and Republic of Korea.**

3 marks

Your client is also considering entering WO-1 into the US national phase. The application contains 4 independent claims and 32 claims in total. None of the claims are multiple dependent.

- b) Advise your client regarding the excess claims fees payable to the USPTO (monetary values are not required).**

3 marks

Your client also owns another PCT patent application, WO-2, filed on 25 March 2024 and claiming a priority date of 25 March 2023, and published in French. Your client informs you that they were awaiting the results of a market analysis to decide whether to enter the Canadian national phase, and recently decided that they should.

- c) Advise your client whether it is still possible to enter the Canadian national phase, and what steps need to be taken in order to achieve this.**

7 marks

Your client is considering filing a utility model in Germany for a separate invention.

- d) Prepare notes for a meeting with your client outlining the registration procedure in Germany for utility models and the term of protection.**

7 marks

Total: 20 marks

Question 9

Your client is a UK pharmaceutical company. They are struggling to handle two of their PCT applications and seek your advice. They are the sole applicant for WO-1 and WO-2.

WO-1 was filed on 2 September 2025 without claiming priority. The client filed WO-1 at the German national patent office, and is worried that this was a mistake.

- a) Write a note for the client, outlining the procedure that will be taken by the German national patent office with respect to WO-1, and if any remedial action must be taken.**

7 marks

WO-2 was filed on 14 July 2025, claiming priority to P1, which was filed on 10 January 2025. WO-2 contains one claim directed to their key commercial product, compound X. The client informs you that they had filed an earlier application with a claim to compound X on 28 August 2024, and that they publicly disclosed compound X on 1 January 2025 on their website. The client is unsure if WO-2 is currently able to protect compound X in Europe.

- b) Write a note for the client, explaining whether WO-2 is currently able to protect compound X and if any remedial action must be taken.**

8 marks

Your client has also invented a method of treating diseases, and a computer-based financial system for hospitals. They are interested as to whether patent protection can be obtained for these inventions.

- c) Provide advice on whether these inventions can be protected by patents in China, Europe, India, Japan and USA.**

5 marks

Total: 20 marks

Question 10

Your client, Ms C, is a serial inventor who has developed a number of new inventions.

- a) Advise Ms C on when an application cannot be filed outside the United Kingdom according to Section 23 of the UK *Patents Act 1977*.**

5 marks

Ms C has developed a new lawnmower that significantly increases the ease of cutting grass to a predetermined length. Ms C publicly demonstrated the new lawnmower last week, and everyone who saw it was very impressed, especially when they were shown the details of how it worked.

- b) Explain to Ms C whether it will be possible to obtain valid patent protection in the USA, Australia and via the European Patent Convention.**

6 marks

Ms C has also developed a hedge trimmer. After conducting a prior art search, you believe that the hedge trimmer is new, but that it might not meet patent inventiveness requirements in the jurisdictions of interest to Ms C.

- c) Describe another form of intellectual property right that Ms C could apply for, and list two advantages and two disadvantages of this alternative intellectual property right. Do not discuss designs, copyright, trade marks or trade secrets.**

5 marks

Ms C is an individual previously named on seven patent applications at the USPTO. She is looking to file a new US patent application for an invention that has recently been exclusively licensed to a not-for-profit research foundation.

- d) Advise Ms C on which entity status should be used for this filing at the USPTO. Provide the justification for your recommendation.**

4 marks

Total: 20 marks