ROLL NO.: _____

PATENT AGENT EXAMINATION, 2026

(Under Section 126 of the Patents Act, 1970)

PAPER II

TIME: Three Hours **Total Marks: 100**

Instructions:

1. This paper consists of 3 parts - Part A (40 Marks), Part B (30 Marks) and Part C (30 Marks).
2. All questions are Compulsory.
3. Candidates should read the questions very carefully before answering.
4. In case a candidate answers more questions than required, the first attempted question shall be evaluated.
5. No clarification will be provided during the course of the examination.
6. Wherever date is mentioned, it shall be treated to be in dd.mm.yyyy format.
7. There is no negative marking.
8. All references to "Act" and "Rules" may be read as The Patents Act, 1970 and The Patents Rules, 2003 respectively, as amended until now and their related applications, except when it is specifically referred to The Designs Act, 2000 and The Designs Rules, 2001, as amended.
9. Candidate is expected to quote relevant sections and rules as well as prescribed forms in the answer.
10. No candidate should leave or will be allowed to leave the Examination Hall (i) till the completion of the half of the time for the examination; (ii) without signing the Attendance Sheet; and (iii) without properly handing over her/his OMR sheet / Answer Booklet to the Invigilator.
11. In case any candidate wants to leave the examination hall before completion of the prescribed time of the examination then she/he can do so by surrendering the question paper.

Part A

1. *"The more one claims, the more one must enable,"*

- U.S. Supreme Court in *Amgen Inc. v. Sanofi* (2023) emphasising the enablement requirement

In view of the above statement:

Explain the principle of enablement as enshrined in The Patents Act, 1970 and its role in balancing inventor's protection vis-à-vis public interest. Also, write down the relevant sections for requirement of sufficient disclosure and the possible consequences of non-compliance with the above requirement under various provision of the Patents Act. **(5 marks)**

2. During the life cycle of a patent application, amendment of the patent application, specification and related documents are possible under different circumstances and stages. State the relevant provisions under the Patents Act, 1970 and Rules along with their interplay, which collectively govern such amendments at various stages of patent application prosecution. **(5 marks)**

3. A patent application of an ointment for skin treatment is filed with the following claim structure:
Claim 1: Ointment consisting of ingredient X + additive Y for stability
Claim 2: Claim 1 + X in microcapsules + Y between 1% and 10%
Claim 3: Claim 2 + X between 30% and 50%
Claim 4: Claim 3 + base surfactant + moisturizer groups, selected from F, G and H, with the ranges specified

After a preliminary search, the following four relevant documents have been found:

D1	D2	D3	D4
• Ointment • X = 35% • Y = 6% • Base surfactant = 25% • Moisturizer = 26% (F) • X in liposome form	• Ointment • X = 40% • Y = 7% • Base surfactant = 30% • Moisturizer = 22% selected from F, G and H • X in multiple forms including microcapsules	• Ointment • X = 28% • Y = 5% • Base surfactant = 32% • Moisturizer = 24% (H) • X in microcapsules	• Ointment • X = 45% • Y = 0.8% • Base surfactant = 35% • Moisturizer = 23% (F + G) • X in microcapsules

In view of the above, identify the closest prior art and carry out a novelty assessment. **(5 marks)**

4. Critically analyse how the Indian Patent Law attempts to achieve a balance between incentivising innovation and protecting societal interests through specific provisions for working of the patents along with the operational exceptions under the Patents Act and Rules made therein. **(5 marks)**

5. Ms. Riya, a renowned jewellery designer, has recently obtained registration for her innovative earring design under the Designs Act, 2000. Before launching her jewellery for sale in the market, she wishes to ensure compliance with legal requirements regarding marking. In this reference, answer the following:
(a) Before delivering or offering articles for sale, what are the details that the proprietor must ensure with respect to marking on each article or its packaging?
(b) In which situations or articles the above requirements would be dispensed with?
(c) what are the possible consequences of failing to comply with this requirement?

(2+1+2 = 5 marks)

6. A patent application was filed by Feastables Pharma for cancer drug mabnitib and a patent was granted. However, a competitor pharmaceutical company filed a post grant opposition and cited two prior art documents D1 and D2 on the ground of 'obviousness' under the Patents Act. After due process of the opposition, the controller concluded that the claimed drug is obvious in view of the documents D1 and D2 considered in combination. As a result, the patent was revoked. Interestingly, the cited documents D1 and D2 were earlier patents of the Feastables Pharma itself, published much earlier than the filing of the mabnitib patent.

In view of the above, suggest provisions available under the Patents Act, 1970 which could have saved the mabnitib patent, assuming that the conclusion on obviousness during the post grant opposition

proceedings was correctly carried out by the Controller. Give reasons mentioning the corresponding sections and rules. **(5 marks)**

7. Examine the scope and objectives of industrial design protection under the Designs Act, 2000. Discuss the criteria for registrability of a design, the distinction between functional and aesthetic elements, and the interface between design and copyright protection. Support your analysis with relevant statutory provisions. **(5 marks)**

8. An inventor in Japan filed a patent application at Japan Patent Office on 01.01.2025 and the same was published on 06.06.2025. Thereafter on 03.07.2025, in a Techno-fair in India, he displayed his invention and realized that his invention has huge market potential in India. In order to gain market advantage, he intends to file the same patent application in India. In this scenario, he approaches you for advice to understand the challenges and remedies, if any, as per the provisions of the Patents Act, 1970 and Rules made therein. Advise him accordingly. **(5 marks)**

Part B

9. A patent application was filed on 01.04.2024, by Green Matrix Labs, a registered small entity, naming Dr. Meera as the sole inventor. The complete specification was submitted on 01.06.2024.

Scenario 1: On 15.08.2024, Green Matrix Labs and Mr. Raj, a freelance AI developer, jointly filed request before the Controller, requesting the inclusion of Raj's name as an inventor, claiming that Mr. Raj had contributed a key algorithm integrated into the invention.

Scenario 2: On 05.09.2024, Dr. Nina, a former consultant associated with the project in its early stages of development, acting independently and without the support of the applicant, filed request for her name to be included as inventor.

Scenario 3: After Mr. Raj's name was added as co-inventor following the joint request, Dr. Nina filed another request form, alleging fraud and seeking removal of Mr. Raj's name from the records

In each scenario mentioned above, identify and explain the procedural aspects including applicability of the fee with reference to the provisions under Patents Act, 1970 and Rules made therein**. (10 marks)**

10. The Patents Act, 1970 of India does not exist in isolation; it interacts with several other international agreements, treaties and domestic legislations to ensure coherence in governance, administration, public interest, and enforcement. Discuss at least five such non-patent-specific instruments which impact the functioning of the Patents Act, 1970 along with their relevance. **(10 marks)**

11. InnoGraphics Pvt. Ltd. is a registered proprietor of Design No D-54321 (Class 15) under the Designs Act, 2000. Spiro Graphics, a competitor, becomes aware that Design No D-54321 appears to lack novelty and was previously published abroad before InnoGraphics's registration. Spiro Graphics initiates proceedings against the registration of the Design No D-54321. Outline the procedural steps that must be followed along with relevant section and rules of the Designs Act, 2000. **(10 marks)**

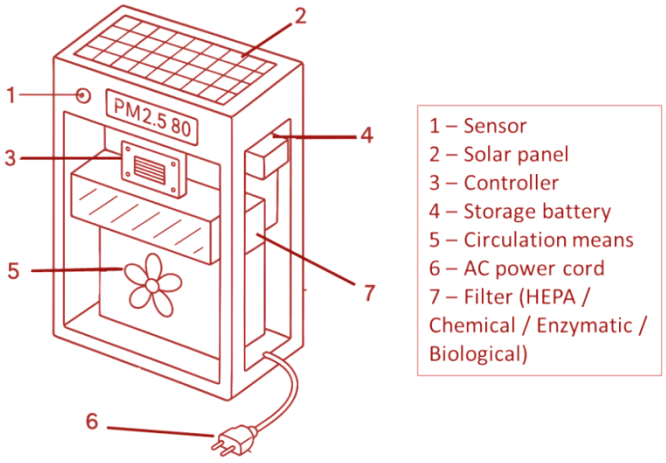
PART-C

12. Dr. Meera and Dr. Arjun, former research colleagues at Genovate Bio Solutions Pvt. Ltd., collaboratively worked on a novel bioactive compound that later evolved into Genovate Bio's flagship product, currently advancing through Phase I clinical trials. Their preliminary findings were once presented in a conference paper co-authored by both, describing early synthesis and purification results. After resigning from Genovate Bio, Dr. Arjun independently filed and obtained an Indian patent claiming the same compound and its purification process, listing himself as the sole inventor. Genovate Bio and Dr. Meera noted the following aspects with respect to Dr. Arjun's patent:

i. The purification process described in the patent is strikingly similar to the method standardized in Genovate Bio's internal R&D documentation.
ii. The specification cites the use of an enzyme sourced from a traditional medicinal plant native to Western Ghats region on India. However, the patent fails to disclose the biological source or geographical origin.
iii. The analytical data and spectral figures in the patent appear scientifically implausible and inconsistent with realistic assay outputs.
iv. There were four corresponding foreign applications filed by Dr. Arjun, however, they were not disclosed to the Indian Patent Office during the prosecution of the patent application.

Concerned about the implications for its flagship program, Genovate Bio Solutions seeks to safeguard its interest in the compound and requests you, as their patent agent, to evaluate the legal measures available under the Patents Act, 1970 to address the situation. As the patent agent advising Genovate Bio Solutions Pvt. Ltd., draft the relevant document(s) identifying the possible legal grounds. **(10 marks)**

13. Air pollution has become a major global problem, leading to serious health and environmental concern all over the world. There are many air purifiers in the market, however to address the issue more efficiently, Dr. Desai has developed a sustainable and innovative AI-based Air Purifier System that automatically adjusts its purification level and air flow path according to the detected Air Quality Index (AQI) by a sensor in real time. The system has multiple air filters like mechanical filter, chemical filter, enzymatic filter and biological filter. Based on the detected AQI level, the air flow path and combination of one or more filters to be used is controlled by an AI-based control unit for optimum efficiency and energy consumption. Prototype given below details the different elements of this device:



On the basis of above information of Dr. Desai's invention, IPR Cell of the research institute of Dr. Desai carried out a preliminary prior art search and found out the following relevant documents with their brief disclosure:

Prior Art	Brief Disclosure
D1	Air purifier having HEPA filter and fan, where the fan speed is adjustable manually with wall mounted AC power source.
D2	Air purifier comprising a HEPA filter, a PM Sensor, a Controller and a fan, where the fan speed is automatically adjustable by the Controller based on the measured PM levels by the PM sensor. The system is powered by a wall mounted AC power source.
D3	Air purifier comprising multiple filters like HEPA and activated carbon filters with wall mounted AC power source.

Based on the above information, draft a Complete Specification, along with two independent claims, each having two dependent claims, in line with the provisions of the Patents Act, 1970 and the Rules made therein. **(20 marks)**

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