

ROLL NO.

SET C

**PATENT AGENT EXAMINATION, 2025
(Under Section 126 of the Patents Act, 1970)**

Paper I

Time: 10.30 a.m. to 12.30 p.m. (Two Hrs.)

Max. Marks: 100

Instructions:

1. This paper consists of 5 parts: Part A (30*2=60 marks),
Part B1 (5*1=5 marks), Part B2 (5*1=5marks), and
Part C1 (5*3=15 marks), Part C2 (5*3=15 marks)
2. ALL questions are compulsory.
3. Candidates should read the questions very carefully before answering.
4. No clarification will be provided during the course of the examination on any technical/legal matter.
5. There is no negative marking.
6. 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.
7. All situations/scenarios given in the questions are hypothetical.
8. Wherever date is mentioned, it shall be treated to be in dd/mm/yyyy format.
9. 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.
10. 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

Part A comprises of 30 Multiple Choice Questions of 2 marks each with only one Option is correct.

Select the most appropriate answer

1. **Avinash makes an application for registration of a design under certain class. However, due to some negligence on the part of the applicant, the application got abandoned. However, he decides to make a fresh application again for the same design. In this context, which of the following is/are true**
 1. The first application shall become a prior art for the fresh application.
 2. Once abandoned, it was not possible to make a fresh application for the same design.
 3. It is possible to make a fresh application on the same design if the earlier application is abandoned, and the earlier one may not be a prior art.
 4. It is not possible to make the fresh application in the same class.

A. Only 3 B. All of the above C. only 3 and 4 D. only 1, 2 and 3

2. Which of the following is true in respect of registration of design of particular article under the Designs Act

1. A design may be registered in respect of any or all of the articles comprised in a particular class
2. Controller is the appropriate authority to decide the class of any article
3. A design application shall be invalidated on the ground of the design not being new, as the same design was previously registered in respect of another article belonging to a different class of articles.
4. There are 31 different classes and a miscellaneous class in the classification system for design registration.

A. 1, 2 and 4 are true B. Only 1, 2 and 3 are true C. None is true D. All are true

3. Ms. Devika has qualified the patent agent exam and wants to get her name registered in the Patent Agent Register. She will file her details by filing _____. Later after 4 years, due to not filing of the fee, her name was removed from the register. She rectified the mistake and wants her name to be restored in the register. She needs to apply for the same on _____.

- A. Form-22, Form-23
- B. Form-23, Form-22
- C. Form-22, Form-20
- D. Form-21, Form-20

4. Mr. Arun is an Associate Professor in Eminent College of Engineering. He filed two patent applications, A1 on 19/02/2024 and A2 on 20/03/2024. On 05/11/2024, during an IPR Awareness Program in his college, he came to know that for a patent application to be examined, a request for examination must be filed. What would be the prescribed timeline for filing Request for Examination for both his patent applications:

- A. Before 19/09/2026 for A1 and Before 20/10/2026 for A2
- B. Before 19/02/2028 for A1 and Before 20/03/2028 for A2
- C. Before 19/02/2028 for A1 and Before 20/10/2026 for A2
- D. Before 19/09/2026 for A1 and Before 20/03/2028 for A2

5. If

X: Known substance; **Y:** New form of a known substance;

P: New property or new use of a known substance;

A: Known process, machine, or apparatus;

C: Enhancement of known efficacy;

C^c represents the complement of C (meaning no enhancement of efficacy);

Thus, the set of Patentable and Non-patentable inventions under section 3(d) of the Patents Act, 1970 (as amended) can be summarized as:

A. Non-Patentable = $(Y \cap C^c) \cup (P \cup A)$;

Patentable = $(Y \cap C) \cup (A \cap (\text{New Reactant})) \cup (A \cup (\text{New Product}))$

B. Patentable = $(Y \cap C^c) \cup (P \cup A)$;

Non-Patentable = $(Y \cap C) \cup (A \cap (\text{New Reactant})) \cup (A \cup (\text{New Product}))$

- C. Patentable = $(Y \cap C^c) \cup (P \cup C)$;
 Non-Patentable = $(Y \cap C) \cup (A \cap (\text{New Reactant})) \cup (A \cup (\text{New Product}))$
- D. None of above
6. **An Indian resident Mr. Kundan filed a patent application with the European Patent Office (EPO) on January 1, 2022. The application entered into India through the conventional route on December 23, 2022. After receiving a First Examination Report (FER), the applicant received an objection related to the written permission under Section 39, which requires prior permission for filing patents outside India. In response to this objection, the applicant submitted a request for post facto permission under Section 39 by filing form 25 after receiving the FER. Which of the following statements is correct?**
- A. Post facto permission under Section 39 can be obtained by filing Form 25 when the application has entered India through the conventional route.
- B. Permission under Section 39 by filing Form 25 is required only for PCT applications.
- C. There is no need to obtain permission under Section 39 when the application has entered India through the conventional route.
- D. His application for a patent under this Act shall be deemed abandoned under Section 40.
7. **Dr. Chandan is an ex-employee of Hydra Power Technology (HPT) and was involved in development of Hydrogen technology. He recently came to know about a granted patent obtained by HPT, in which he made a substantial contribution towards the claimed subject matter during his employment. However, his name was not included as an inventor in the granted patent register and complete specification. Dr. Chandan is willing to explore the possibilities in the Patents Act to include his name as an inventor in the said granted patent. He does not expect any support from the applicant HPT as their relationship is no longer friendly. In this context which of the following is possible**
- A. Dr. Chandan's name in the patent register and complete specification cannot be included now
- B. Dr. Chandan can file a Form 8 to include his name as an inventor in the said patent with a statement setting out the circumstances under which this application is made.
- C. Only the applicant/patentee HPT can make a request on form 8 to include Dr. Chandan and no other person.
- D. Dr. Chandan must seek an approval/consent from the patentee HPT before applying to include his name in the patent
8. **A foreign based MNC Magma Corp filed a patent application on renewable energy systems. During examination, the controller had a doubt that such a device is against the well-established law of nature and hence may not be industrially applicable. In order to clear his doubt that the claimed device is not a perpetual motion machine (PMM), the controller asked the applicant to supplement the complete specification with a working model illustrating the alleged invention. In this context what would be permissible under the provision of the Act:**

- A. A complete specification is always a written document and controller may not ask for additional model or sample to supplement it.
- B. Controller can ask for model/sample only from the domestic applicants and not from the foreign applicants.
- C. Controller may ask for model or sample, but that shall not be deemed to form part of the complete specification
- D. None of the above is true as per the provisions of the Act

9. Prof. Sandeep found that one of his students had patented his research work without including his name. You, as his Patent Agent successfully proved during a post-grant opposition proceeding that the invention so far as claimed in any claim of the complete specification was wrongfully obtained from Prof. Sandeep in a manner set out in clause (a) of sub-section (2) of section 25. Hence the controller ordered for revocation of the granted patent. Now, in order to amend the patent in the name of Prof. Sandeep, you are required to file form _____ within _____ months.

- A. 10, 6 B. 12, 3 C. 17, 3 D. 15, 6

10. Which of the following ground of revocation is not a ground of post grant opposition?

- A. that the applicant contravened any direction for secrecy passed under section 35 or made or caused to be made an application for the grant of a patent outside India in contravention of section 39;
- B. that the subject of any claim of the complete specification is not an invention within the meaning of this Act;
- C. that the invention so far as claimed in any claim of the complete specification is obvious or does not involve any inventive step, having regard to what was publicly known or publicly used in India or what was published in India or elsewhere before the priority date of the claim;
- D. None of above

11. Muthuswamy has obtained an exclusive license for a patent from the original patentee, Priya. After a few months, Muthuswamy notices that a third party is infringing the patent rights covered under his exclusive license. He decides to take legal action. Based on provisions of the Patents Act, 1970, which of the following is/are true about Muthuswamy's legal rights in this situation?

- i. Muthuswamy can sue the infringer and has the same right as Priya (the patentee) to take legal action.
 - ii. The court will ignore any potential losses Muthuswamy may have incurred due to the infringement when awarding damages.
 - iii. Priya may be added as a defendant in the lawsuit, unless she is already part of the case as a plaintiff.
 - iv. Priya, once added as a defendant, will automatically be liable for the legal costs, regardless of her participation in the case.
- A. Only (i) and (ii)
 B. Only (i), (iii) and (iv)
 C. Only (ii) and (iv)
 D. Only (i) and (iii)

12. In an infringement suit, your client managed to convince the court that part of the claims of the Patentee is wrongfully obtained from him. What could be the possible consequences of the above situation under the provision of the Act:

- i. The patent shall be revoked in totality
- ii. The patent shall be amended excluding the claims in contest
- iii. The entire Patent right may be shifted/granted to your client in a petition
- iv. A Patent may be granted to your client for the claims wrongfully obtained by the patentee.

- A. Only i and iii
- B. Only ii and iv
- C. Only ii and iii
- D. Only i and iv

13. According to the prevailing major classification systems observed in patent publications globally, match the system of the classification to that of the example

Classification system	Example
1. IPC	(a) 57/224
2. CPC	(b) Y02A 10/00
3. FI/F-Term	(c) G06F 1/16
4. US Classification	(d) G06F 1/16 312M 5E322

- A. 1-c, 2-a, 3-d, 4-b
- B. 1-b, 2-c, 3-a, 4-d
- C. 1-c, 2-b, 3-a, 4-d
- D. 1-c, 2-b, 3-d, 4-a

14. Minty Corporation is willing to start working on a 6G technology. It came to know that Yakul Inc. has filed a patent application on a similar technology. However, the patent office is yet to examine the application as no Request for Examination (RFE) was filed by Yakul Inc. yet. In order to decide whether to enter into working in that particular technology, Minty Corporation decides to file a request for examination for the patent application filed by Yakul Inc.. In this context, which of the following is true:

- A. Minty Corporation is not eligible to file RFE for an application filed by company Yakul Inc.
- B. Minty Corporation can file RFE, however, the examination report will be sent to the applicant, i.e. Yakul Inc.
- C. Minty Corporation can file RFE for an application filed by company Yakul Inc., but it cannot be an express request for examination.
- D. None of the above is true

15. A patent having a priority date 01/06/2023 was filed in patent office on 01/01/2024. The controller had marked the application for secrecy u/s 35 and sought central govt. permission. A communication was sent to the central govt. Central govt., however, declared the application to be non-prejudicial and consequently the secrecy direction was removed by the controller on 06/06/2024. In the given situation, when can the application be published

- A. Normally within One month of 01/12/2024
- B. Normally within Three months of 06/06/2024
- C. Normally within One month of 01/06/2024
- D. Normally within Three months of 01/01/2025

- 16. If a patent application fails to disclose or wrongly mentions the source or geographical origin of biological material used for the invention, which of the following action is NOT possible:**
- A pre-grant opposition may be filed against such application for patent on this ground
 - It can be used as a ground for filing post-grant opposition
 - A petition for revocation can be filed on this ground
 - Controller can suo-moto revoke such patent, if already granted
- A.** Only (i) and (ii) **B.** Only (iv) **C.** Only (i), (ii) and (iii) **D.** None of the above
- 17. Mr Naidu designed a beautiful piece of jewellery and registered a design for the same on 01/01/2023. Few months later, Mr. Ramashish came up with a substantially similar design, and is willing to apply it on a different article of same class. Mr. Ramashish sees a huge market and business for the upcoming product and is desperate to obtain the design IP. In this context, which of the following is possible under the Design Acts 2000**
- Mr. Ramashish will have to become a registered proprietor of the design previously registered by Mr. Naidu, then only the second design as mentioned above may be registered.
 - Mr. Ramashish can register the same/substantially same design for a different article of same class where a previous design is already registered by Mr. Naidu
 - Irrespective of proprietor of the registered design, the earlier registered design will always be prejudicial to the newness or originality of any later applied similar design.
 - All of the above
- 18. An invention relates to an ophthalmic solution container with a laminate structure consisting of an inner layer of cyclic olefin interpolymers with a thickness of 500 µm and an outer layer of polyethylene resin with a thickness of 1,500 µm. Prior art document D1 discloses a squeeze bottle with a layered structure, including an inner layer of cyclic olefin interpolymers of 500 µm thickness and an outer polyethylene layer. The total thickness of the bottle is 2,000 µm. Which of the following is most accurate regarding the novelty of the claimed invention under Section 2(1)(j) of the Patents Act?**
- The invention lacks novelty over D1 because D1 discloses all the essential features of the claimed ophthalmic solution container.
 - The invention is novel over D1 because D1 does not disclose the exact thickness of the outer polyethylene layer.
 - The invention is novel over D1 because D1 does not disclose the total laminate thickness.
 - None of the above.
- 19. As per the definition provided in the Patents Act, 1970 (as amended), "capable of industrial application", in relation to an invention, means that the invention is capable of being _____ or _____ in _____;**
- made, used, an industry
 - manufactured, used, an industry
 - made, utilised, an industry
 - produced, exported, an industry

- 20. Innovate Pharmaceuticals patented a drug which is immensely important for public health in India. Medvate Corporation, after three years of grant of the patent, was successful in getting a compulsory license for the same product. However, another company Pharma Thoughts which is also into drug manufacturing business and willing to enter into the same product market gathered the data that even after the Compulsory License to Medvate Corporation, the invention in the patent in question has still not been worked in India and the reasonable requirement of the public has not been met. Which of the following could be a possible situation under the provision of the Act?**
1. Co. Pharma Thoughts can only apply for a second CL but may not request for revocation of the patent
 2. Co. Pharma Thoughts can file a request for revocation of the patent only after the expiration of two years from the date of the order granting the first compulsory license.
 3. Only Central Govt. is eligible to apply for revocation of a granted patent for which one CL is already granted.
 4. Both Pharma Thoughts and Central govt. may file a request for revocation of the patent but only after three years from the date of the order granting the first compulsory license.
- A. Only 1 B. Only 2 C. Both 2 and 4 D. None**
- 21. Your client comes to you and expresses his willingness to file an international application. According to the laid down procedure, for international phase of the application, your client (an Indian applicant) needs to choose a competent international searching authority. Govt. of India had recognized few ISA as competent authority for Indian applicants. Which is NOT a competent International Searching Authority under the Act for an Indian Applicant**
- A. Australian Patent Office
 - B. Austrian Patent Office
 - C. Swedish Patent Office
 - D. Japan Patent Office
- 22. A patent was granted to an invention titled “Storage facility” on 19/05/2022. On 22/08/2023, the Central Government is satisfied that the granted patent is disguised in its title and in reality it is for an invention relating to atomic energy for which no patent can be granted under sub-section (1) of section 20 of the Atomic Energy Act, 1962 (33 of 1962). In this regard, which of the following(s) is/are correct statement(s)**
- i. Central Government may direct the Controller to revoke the patent,
 - ii. On direction of Central Government the Controller, after giving notice to the patentee and every other person whose name has been entered in the register as having an interest in the patent, and after giving them an opportunity of being heard, may revoke the patent.
 - iii. The Controller may allow the patentee to amend the complete specification in such manner as he considers necessary instead of revoking the patent.
- A. Only (i) B. Only (i) and (ii) C. All (i), (ii) and (iii) D. None of the above**

23. Under the Designs Act, who is eligible for filing:

1. A petition for cancellation of a registered design	a. Any person
2. Application for rectification of register of design	b. Any person interested
3. Information regarding the existence of registration in respect of design	c. Any person
4. Inspection of and extracts from registers	d. Any person aggrieved

- A. 1-b, 2-d, 3- a, 4-c B. 1-c, 2-a, 3-b, 4-d C. 1-d, 2-b, 3- a, 4-c D. 1-a, 2-d, 3-c, 4-b

24. In the journal publication of IPO, a company InnoSol Corporation found that a design is registered which is prejudicial to their business operation. The company therefore approached you for help in order to file a petition for cancellation of the registered design. In this context, which of the following statement(s)/ground(s) are applicable for such a petition?

1. Your client should be a person interested
2. The design has been published in some publication in USA and not in India prior to the date of registration
3. Design is not new or original
4. The design contains a property mark

- A. Only 2 and 3 B. Only 1 and 3 C. Only 3 and 4 D. All of the above

25. Under the Patents Act, 1970, the provision of revocation of a granted patent in public interest is an important aspect to balance the monopolistic rights with public interest. In reference to the same, which of the following is the Correct option:

- A. Where the Central Government or State Government is of opinion that a patent or the mode in which it is exercised is prejudicial to the public, it may make a declaration to that effect in the Official Gazette and thereupon the patent shall be deemed to be revoked.
- B. Where the Central Government is of opinion that a patent or the mode in which it is exercised is mischievous to the State or generally prejudicial to the public, it may, after giving the patentee an opportunity to be heard, make a declaration to that effect in the Official Gazette and thereupon the patent shall be deemed to be revoked.
- C. Where the Central Government is of opinion that a patent was wrongly granted overlooking the provisions of section 3 of the Patents Act, it may direct the Controller to revoke the same and make publication to that effect.
- D. Where the High Court is of opinion that a patent or the mode in which it is exercised is mischievous to the State or generally prejudicial to the public, it may, after giving the patentee an opportunity to be heard, make a declaration to that effect in the Official Gazette and thereupon the patent shall be deemed to be revoked.

26. Which of the following ground(s) may NOT be used for availing “Grace period” provision under the Patents Rules:

- i. the display of invention occurred with the consent of the true and first inventor or a person deriving title from him at an industrial or other exhibition to which the provisions of the Patents Act have been extended by the Central Government by notification in the Official Gazette
- ii. the publication of any description of the invention happened in consequence of the display or use of the invention at any such exhibition

- iii. the description of the invention in a paper read by the true and first inventor before a learned society or published with his consent in the transactions of such a society,
- A. Only (i) and (ii) B. Only (i) and (iii) C. Only (iii) D. None of the above

27. A patent was granted on 10/06/2022 to CanSon Pvt. Ltd. On 03/08/2022, they issued a cease-and-desist notice to its competitor Alma Private Limited, stating that the latter's planned product "KONDUCT" infringes on their patent for the composition sold under the name "REWIRE". CanSon Pvt. Ltd. asserts exclusive rights granted under the Patents Act, 1970, which of the following statements is correct?

- A. Alma Private Limited, has sufficient time to file a post grant opposition on the ground of cease-and-desist notice dated 03/08/2022
- B. Alma Private Limited has sufficient time to file a post grant opposition under section 25(1) of the Act on the grounds listed in clauses (a) to (k), and on no other grounds
- C. Alma Private Limited has sufficient time to file a post grant opposition under section 25(2) of the Act on the grounds listed in clauses (a) to (k), and on no other grounds
- D. None of above

28. A demand for international preliminary examination may be filed at any time prior to the expiration of:

- A. 3 months from the date of transmittal of the ISR and WO of the ISA, or 22 months from the priority date, whichever time limit expires earlier.
- B. 6 months from the date of transmittal of the ISR and WO of the ISA, or 22 months from the priority date, whichever time limit expires later
- C. 3 months from the date of transmittal of the ISR and WO of the ISA, or 20 months from the priority date, whichever time limit expires later
- D. 3 months from the date of transmittal of the ISR and WO of the ISA, or 22 months from the priority date, whichever time limit expires later

Candidates must go through the following scenario and answer questions 29 and 30 based on the same:

Dr. Vivek has invented a cradle made of titanium which has a swing and five or more supporting structures, wherein the fifth support is strategically positioned to provide better stability and safety. The cradle has provisions for hanging toys and it can be folded up. Claim 1 of Dr. Vivek's patent application as filed reads:

"A cradle comprising a plurality of supporting structures and a provision for hanging toys".

Patent Office has found the following documents in prior art search:

D1: describes a foldable wooden cradle with four supporting structures having hanging hooks for toys

D2: describes a non-foldable titanium cradle with four supporting beams

D3: describes a non-foldable aluminium cradle with four supporting beams having plurality of hanging hooks

Dr. Vivek has amended his claim and has drafted the following three versions of claim:

1. "A titanium cradle comprising a plurality of supporting structures and a provision for hanging toys"
2. "A foldable titanium cradle comprising at least five supporting structures and a provision for hanging toys"
3. "A foldable titanium cradle comprising a plurality of supporting structures and a provision for hanging toys"

29. Which of the above version(s) of amended claim would be new over the above mentioned documents?

- | | |
|------------------------|--|
| A. 1 only | B. 1 and 2 only |
| C. 2 and 3 only | D. All above claim versions are new |

30. Which of the above version(s) of amended claim would be non-obvious over the mentioned documents?

- | | |
|------------------------|--|
| A. 1 and 2 only | B. 2 only |
| C. 2 and 3 only | D. All above claim versions are non-obvious |

PART B

Part B1 comprises of 5 marks and consists 5 Multiple Choice Questions related to "Assertion and Reasoning" with 1 mark each. Only one option A, B, C or D should be marked as given below:

- A.** *When Both (A) and (R) are true, and (R) is a correct explanation of (A)*
- B.** *When Both (A) and (R) are true, but (R) is NOT a correct explanation of (A)*
- C.** *When (A) is true but (R) is false*
- D.** *(A) is false but (R) is true*

31. Assertion (A): The TRIPS agreement is often seen as both a protector of intellectual property and a tool for equitable access.

Reasoning (R): The design of TRIPS agreement, while promoting a global standard for protection of intellectual property rights, also provides countries with the flexibility to prioritize essential goods, public health and economic development based on local needs.

32. Assertion (A): In India for filing a divisional application existence of plurality of inventions is not a sine qua non.

Reasoning (R): A patent applicant may suo-moto file a divisional application in respect of an invention disclosed in the provisional or complete specification or an already filed divisional application.

33. Assertion (A): The publication of a patent application is an important step in the patent administration system.

Reasoning (R): The publication of a patent application provides the public with information about the invention before the grant of a patent with the option for opposition as per the Act.

34. Assertion (A): In India, a sequence listing must be submitted as part of the patent application when the invention involves a nucleotide or amino acid sequence.

Reasoning (R): The requirement for a sequence listing is intended to ensure that the patent office can properly assess the novelty and inventiveness of biotechnological inventions based on specific sequences.

35. Assertion (A): A stamp or label can be considered an article for the purpose of registration of design under the Design Act 2000

Reasoning (R): Article must have its existence independent of Design applied to it.

Part B2 comprises of 5 marks and consists 5 Multiple Choice Questions related to True/False type questions with 1 mark each. Only one option A, B, C or D should be marked as given below:

A. *When Statement 1 is True, and Statement 2 is False*

B. *When Statement 1 is False, and Statement 2 is True*

C. *When Both Statements 1 and 2 are True*

D. *When Both Statements 1 and 2 are False*

36. Statement 1: As per definition provided in the Patents Act, a “patented article” includes the article which utilizes patented ingredients.

Statement 2: As per definition provided in the Patents Act, a “patentee” includes non-exclusive licensee.

37. Statement 1: No suit or other proceedings shall be commenced in respect of an infringement committed before the date of grant of the application for patent.

Statement 2: It shall not be competent for any person in a suit or other such proceeding to take any objection to a patent on the ground that a patent has been granted for more than one invention.

38. Statement 1: Only the registered proprietor of a design may obtain a certified copy of any registered design.

Statement 2: In one particular design application, a design can be registered for more than one class.

39. Statement 1: In India, the duration of grace period in Designs Act is same as is the Patents Act, when exhibited in the Govt. notified exhibitions.

Statement 2: In a registered design, the registered proprietor of the design has copyright of the design for 10 years which is extendable for a further period of 5 years.

40. Statement 1: A patent of addition application can be filed on another patent of addition application.

Statement 2: A patent of addition can only be granted after the main application is granted

PART C

Part C1 comprises 15 marks with 5 questions, each of 3 marks.

41. Match the following case laws and related subject matter that was highlighted in them

1. Microfibres Inc. v. Girdhar & Co	(a) Regulating Conduct of Patent/TM Agents for negligence
2. Saurav Chaudhary v. Union of India & ANR	(b) Indian Jurisprudence related to Standard Essential Patents (SEP)/ Fair Reasonable and Non-Discriminatory (FRAND)
3. Syngenta v. Controller of Patents	(c) Copyright and Design overlap, exclusivity and 50 times rule
4. Telefonktiebolaget Lm Ericsson (Publ) v. Lava International Ltd.	(d) Divisional application contents and condition of filing
5. Reckitt Benckiser (India) Ltd. v. Wyeth Ltd.	(e) Newness and originality of designs
6. Whirlpool of India Ltd. v. Videocon Industries Ltd.	(f) Right to owner of design for application to articles

A. 1-a, 2-c, 3-b, 4-d, 5-f, 6-e

B. 1-e, 2-a, 3-d, 4-b, 5-f, 6-c

C. 1-c, 2-a, 3-d, 4-b, 5-e, 6-f

D. 1-d, 2-c, 3-a, 4-b, 5-e, 6-f

42. The Designs Act, 2000 prohibits certain designs to be registered/published under various sections of the Act. In this context, match the subject-matter to the appropriate section

1. a chair design that is nearly identical to a classic iconic chair design that is protected in multiple countries and has won international awards	a. Section 4(b)
2. a camouflage pattern applied to outdoor apparel having application in defense	b. Section 46(a)
3. a design application for a footwear which has a religious symbol engraved	c. Section 35(1)
4. a design application for fibre glass model of the Taj Mahal	d. Section 4(a)
5. a design for luxury kitchenware featuring abstract shapes that subtly resembles nude human body parts	e. Section 4(d)

A. 1-a, 2-b, 3-c, 4-d, 5-e

B. 1-e, 2-a, 3-d, 4-b, 5-c

C. 1-a, 2-c, 3-b, 4-d, 5-e

D. 1-c, 2-a, 3-d, 4-b, 5-e

43. With reference to various schemes/programmes related to intellectual property, match the following and select the right option below

1. CIPAM	a. WIPO support programme for innovators in developing countries
2. NIPAM	b. IP programme for Higher Educational Institutes
3. TISC	c. IP Awareness mission programme
4. IPSaarthi	d. Professional Body for IP promotion

5. KAPILA	e. Technology enabled IP Assistant
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A. 1-c, 2-d, 3-e, 4-b, 5-a

C. 1-c, 2-d, 3-b, 4-e, 5-a

B. 1-d, 2-c, 3-e, 4-a, 5-b

D. 1-d, 2-c, 3-a, 4-e, 5-b

44. Under the provision of the Patents Act and Rules, failure to comply certain requirements may lead to possible consequences with patent application/granted patents. In this context, match the following

Action	Possible Consequence
1. Complete Specification not followed within 12 months of Provisional Specification	a. Deemed to be revoked
2. Contravention to any direction of secrecy	b. Deemed to be withdrawn
3. Govt. opines patent as generally prejudicial to public after due procedure	c. Deemed to be abandoned
4. International application not entering in national phase in India within prescribed time	d. Deemed to have been abandoned
5. The patentee does not desire to contest or leave his reply and evidence against post grant opposition within prescribed time	e. Deemed to have been revoked

A. 1-c, 2-d, 3-a, 4-b, 5-e

B. 1-a, 2-b, 3-d, 4-c, 5-e

C. 1-b, 2-c, 3-d, 4-a, 5-e

D. 1-c, 2-d, 3-b, 4-a, 5-e

45. The Patents Act, while extending certain rights to the patentee, also includes certain exceptions and limitations to balance the exclusive rights. In this context, match the subject of exclusion/limitation to the appropriate availability and sections as given below

Subject	Availability of provision in the Act/Rules
1. Acts for making a patented product for obtaining regulatory approval from authorities, not an infringement	a. No Explicit provision
2. Experimental use and/or scientific research not meaning infringement	b. Section 107A(b)
3. Use of articles on foreign vessels, aircrafts and land vehicles without infringing the patent rights, not an infringement	c. Section 107A(a)
4. Exhaustion of patent rights when imported by any person from a duly authorized person under the law	d. Section 47(3)
5. Exceptions and limitations related to farmers' and/or breeders' use of patented inventions	e. Section 49

A. 1-b, 2-d, 3-e, 4-c, 5-a

B. 1-c, 2-d, 3-e, 4-b, 5-a

C. 1-d, 2-c, 3-e, 4-b, 5-a

D. 1-d, 2-a, 3-e, 4-b, 5-c

Part C2 comprises 15 marks with 5 questions, each of 3 marks.

46. After due examination process, a patent for efficiently cleaning polluted air and water was granted to Mr. Samayveer on 19/05/2024. Mr. Samayveer comes to you for professional advice regarding payment of renewal fees. Which of the following is/are correct advice to Mr. Samayveer regarding payment of renewal fee:

- i. To keep the granted patent in force, renewal fees shall be payable at the expiration of the second year from the date of the patent or of any succeeding year and the same shall be remitted to the patent office before the expiration or the second or the succeeding year.
- ii. Since the patent is of the nature wherein it solves the public health related issues by efficiently cleaning polluted air and water, there is no need to pay renewal fees for its maintenance.
- iii. Where the renewal fees payable in respect of two or more years is paid in advance through electronic mode for a period of at least 4 years, a 20% per cent reduction in fee shall be applicable for such renewal.
- iv. There is only 10% reduction in fee shall be applicable in case of advance payment of renewal fees for at least 4 years when the fee is paid through physical means of bank draft.

A. Only (i) and (ii) B. Only (iii) and (iv) C. Only (ii) D. Only (i)

47. You have a foreign client which is a company of small scale. While applying for patent in India, the company wishes to take advantage of reduced fee being a small entity (as per the definition in India). Which among the following is/are true?

1. Small entity fee benefit can only be taken by Indian SMEs as per MSME Act
2. Your client can take the advantage by filing any other supporting document in support of their claim of being a small entity.
3. The foreign company can avail fee reduction benefit if they meet the criteria as defined for SME in India
4. They need to file evidence of registration under MSME Development Act 2006

A. Only 1 B. Only 2 C. Both 2 and 3 D. Both 1 and 4

48. Recently WIPO Member States adopted WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. Which of the following is/are NOT correct statement(s) with regard to the same

- i. The Treaty aims to enhance the efficacy, transparency and quality of the patent system with regard to genetic resources and traditional knowledge associated with genetic resources, and prevent patents from being granted erroneously for inventions that are not novel or inventive with regard to genetic resources and associated TK
- ii. It is first WIPO Treaty to include provisions specifically for Indigenous Peoples as well as local communities
- iii. The Treaty establishes an optional patent disclosure requirement for patent applicants to disclose the country of origin of the genetic resources and/or the Indigenous Peoples or local

- community providing the associated TK, if the claimed inventions are ‘based on’ genetic resources and/or associated TK.
- iv. Patent offices would have obligation to verify the authenticity of such disclosures.
 - v. Patent applications filed prior to the entry into force of this Treaty would have a grace period of twelve month to comply with the obligations of the treaty.
 - vi. This Treaty is open for signature by any eligible Party for one year after its adoption, i.e. up to May 23, 2025. The Treaty will enter into force three months after 15 eligible Parties have deposited their instruments of ratification or accession.
- A.** Only (ii) and (iv) **B.** Only (iii) and (iv) **C.** Only (iii), (iv) and (v) **D.** Only (vi)

49. Which of the following act or order or power of controller as provided in the Patents Act or the Designs Act and Rules is/are NOT appealable?

- i. Controller may refuse to register a design being contrary to public order or morality under the Designs Act, 2000
 - ii. Disposal of applications for extension of time by the Controller
 - iii. Controller terminates a granted compulsory license under section 84 on an application by the patentee when the circumstance that gave rise to the grant of compulsory license no longer exists
 - iv. Controller may, on application by an eligible person, order for rectifying the register of design
 - v. Controller may give directions for prohibiting or restricting the publication of information with respect to the invention when it appears to the controller that the invention is relevant for defence of India
- A.** Only (i) and (ii) **B.** Only (iii) and (iv) **C.** Only (ii) and (v) **D.** Only (iv) and(v)

50. In the prevailing Patents Act and Rules made thereunder, for which of the following act(s), no fee is prescribed:

- i. Application for withdrawing a application
 - ii. Filing a statement regarding working of a patented invention on a commercial scale in India
 - iii. For preparation of certified copy of priority document and e-transmission through WIPO DAS
 - iv. Transmittal fee for international application (for ePCT filing).
 - v. Surrendering a patent
- A.** Only (i), (ii) and (iii) **B.** Only (i), (ii) and (iv)
C. Only (i), (ii), (iii) and (iv) **D.** All (i), (ii), (iii), (iv) and (v)

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