ROLL NO. **SET - C**

PATENT AGENT EXAMINATION, 2026
(Under Section 126 of the Patents Act, 1970)

Paper I

Time: 2 Hours (Two Hours.) **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 = 5 marks), 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.

PART A

Part A comprises of 30 Multiple Choice Questions of 2 marks each where only one Option is correct. Select the most appropriate answer

1. Which of the following is/are true with respect to a patent of addition:

I. A patent of addition application is a modification of the invention disclosed in the main application and can be filed only after the filing of the main application and not on the same date and granted only after the grant of the main application

II. A patent of addition application may not be refused on the ground only that the invention claimed does not involve an inventive step in view of the main application

III. Only one patent of addition application is allowable on one main invention application

IV. The applicant/patentee must be the same for both the main application and the patent of addition

A. I and II B. II and IV C. III and IV D. II and III

2. Recently, Government of India amended Section 4 of the Patents Act, 1970 from "No patent shall be granted in respect of an invention relating to atomic energy falling within _____ of the _____" to "The patents may be granted for inventions relating to nuclear energy subject to the provisions of this Act and _____ of the _____"

Fill in theblanks with the correct option:

A. sub-section (1) of section 21, Atomic Energy Act, 1962 (33 of 1962), section 39, Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025
B. sub-section (1) of section 20, Atomic Energy Act, 1961 (33 of 1961), section 38, Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025
C. sub-section (1) of section 20, Atomic Energy Act, 1962 (33 of 1962), section 38, Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025
D. sub-section (1) of section 21, Atomic Energy Act, 1961 (33 of 1961), section 38, Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025

3. **Mr. K. Senthil has invented a water bottle, which looks very unique and aesthetic compared to the available water bottles in the market and has a cap which works on a specially designed seal to prevent leakage, even when the bottle is turned or shaken. He has labelled the bottle 'AquaSeal' and is looking forward to launch his product in the market. Which type of IP protection(s)may be relevant in this case?**
   1. Patent 2. Design 3. Trade Mark 4. GI

   A. 1 and 2 both B. 1 and 3 only C. 3 and 4 both D. 1, 2 and 3 only

4. **A patent for an innovative solar-powered water purifier was jointly granted to Dr. Romi and Mr. Aakash. After a year, Dr. Romi wanted to grant a license to EcoGreenPvt. Ltd.tocommercialize the invention. Mr. Aakash refused to consent and declined to sign the agreement even after multiple written requests. In the above situation, what is the correct legal course of action available to Dr. Romi?**

   A. She may unilaterally grant a licence to EcoGreenPvt. Ltd. because, under Section 50(2), each co-owner may exercise rights under the patent for his own benefit
   B. She may transfer (assign) her undivided share in the patent to EcoGreenPvt. Ltd. without Mr. Aaksh's consent, since each co-owner's share is distinct
   C. The Controller may direct that only Dr. Romi has exclusive rights to use the patent
   D. She can apply to the Controller, who may issue directions regarding the grant of a licence under Section 51(1), after giving both co-owners an opportunity to be heard

5. **Dr. Mishti, a scientist, developed a novel drug compound while working for BioFree Labs Ltd. Before the patent application was filed, Dr. Mishti passed away, and her legal heir, Ayushmati, filed an application aloneon the same drug, describing herself as the true inventor. Subsequently, BioFree Labs Ltd. also filed a separate application claiming ownership of the drugbased on the employment contract of Dr. Mishti having an IPR clause which automatically passes the IPR rights for work during the employment to the employer. Which of the following statements is correct?**

   A. Only Ayushmati, as legal heir of the true inventor, is entitled to apply for the patent
   B. Both Ayushmati and BioFree Labs Ltd. must jointly apply, since rights devolve on the employer and legal heir together
   C. Only BioFree Labs Ltd. is entitled to apply
   D. Neither application is valid until the Controller determines entitlement under Section6

6. **An inventor filed the following applications for an improved water bottle with a seal mechanism to prevent spillage:**

   1. A conventional application C1was filed in Japan on 15/02/2024, claiming a bottle design with basic sealing feature A

   2. A second conventional application C2 was filed in Japan on 15/06/2024, claiming the bottle design with an advanced self-locking sealing mechanism B

   3. A complete specification was filed in India on 14/02/2025 claiming priority from both the previous applications claiming

   "Bottle with basic sealing feature A, and characterized by advanced self-locking sealing mechanism B"

   In this context, what would be the priority date for the above claim?

   A. 15/02/2024 B. 14/02/2025 C. 15/06/2024 D. None of them

7. **Under Section 2(a) of the Designs Act, 2000, which of the following would qualify as an "article" for the purpose of registration of a design?**

   I. A car door handle manufactured separately and sold as a spare part.
   II. A built-in dashboard of a car that cannot be removed.
   III. A sculpture carved from natural stone without any modification.
   IV. A bottle cap produced through industrial process and sold independently.

   Select thecorrect option:

   A. I and II B. II and III C. III and IV D. I and IV

8. **Under the Jan Vishwas (Amendment of Provisions) Act, 2023, amendments were introduced to provisions governing compliance obligations and penalties under the Patents Act, 1970, including information furnished under Section 146(2). Which of the following statements most accurately reflects the *legal and policy effect* of these changes?**

   A. Failure to furnish information under Section 146(2) is a criminal offence punishable with imprisonment, as it directly affects public disclosure obligations
   B. The amendment decriminalizes such failure, replacing imprisonment with a monetary penalty
   C. The amendment eliminates all penalties for non-filing of working statements, thereby removing the Controller's power to call for such information
   D. The amendment introduces criminal prosecution only when public interest is affected, maintaining imprisonment as an optional penalty in exceptional cases

9. **As per the definition of "new invention" under section 2(1)(l) of the Patents Act, the test of anticipation is carried out based on**

   A. Non-publication and non-use of the invention before the date of filing of the application anywhere in India or elsewhere in the world

B. Non-publication of the invention before the date of filing of the application anywhere in the world and non-use in India only
C. Non-publication of the invention before the date of filing of the application anywhere in India and non-use elsewhere in the world
D. Non-publication and non-use of the invention before the date of filing of the application anywhere in India

10. Dr. Neesha is the patentee of a special 3D printing process used to manufacture customized medical implants. She is willing to license the technology to MedPrint Pvt. Ltd. with following conditions:

1. MedPrint must purchase all raw materials only from Dr. Neesha's company.
2. MedPrint shall not useany other 3D printing process for making implants.
3. MedPrint shall not challenge the validity of Dr. Neesha's patent in any court.

Which of the following statements is/are correct according to the Patents Act, 1970?

A. Such conditions are valid if they are approved by the Controller before execution of the licence
B. Only condition (3) is invalid, while the others can be enforced under patent rights
C. Only condition (1) is void because it restricts the licensee's right to buy materials from others; the rest are valid
D. All the above conditions are void as they are restrictive and unlawful

11. Ms. Sweta physically filed an international patent application under the PCT with the Indian Patent Office as the Receiving Office (RO/IN). Which of the following combinations of fees is applicable?

A. International filing fee, search fee and preliminary examination fee
B. National fee, international filing fee and search fee
C. Transmittal fee, national fee and designation fee
D. International filing fee, search fee and transmittal fee

12. Three patent applications were filed in India as per the following details:

Application Type	**Filed on**	**Priority detail**
Ordinary Application	**01/01/2023**	**Nil**
Convention Application	**01/01/2023**	**claiming priority of a Japanese patent application dated 01/01/2022**
PCT-NP Application	**01/01/2023 with International filing date 01/06/2021**	**claiming priority of a US patent application dated 01/06/2020**

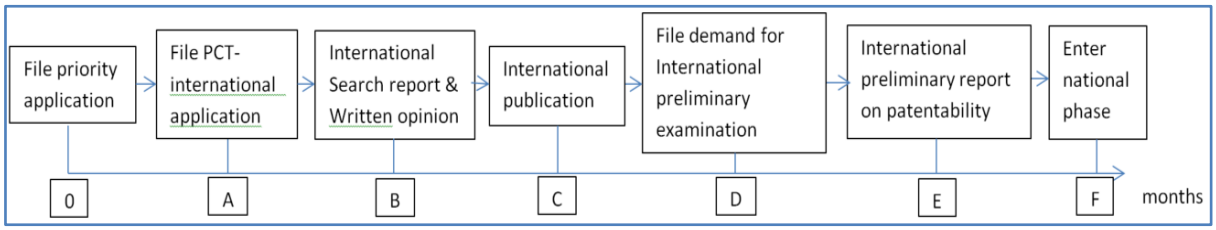
Considering that all three patents were granted, answer the following:

Statement I: The patent term expires simultaneously (on the same date) for the above mentioned ordinary and convention applications

Statement II: The patent term of the PCT-NP application expires last

A. Both Statements I and II are true
B. Both Statements I and II are false
C. Statement I is true and II is false
D. Statement I is false and II is true

13. Considering the PCT timeline given below (in months), what is the correct values of A, B, C, D, E, F calculated from 0th month?



A. A=12, B=15, C=18, D=21, E=28, F=30/31
B. A=12, B=16, C=18, D=20, E=25, F=30/31
C. A=12, B=14, C=16, D=24, E=27, F=30/31
D. A=12, B=16, C=18, D=22, E=28, F=30/31

14. Consider the following statements regarding the Patents Act, 1970:

1. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
2. Every rule shall be laid before both Houses of Parliament, which may modify or annul such rule.
3. The power under Section 159 enables the Central Government to make rules even with retrospective effect, provided it serves the objects of the Act.
4. The power under Section 159 enables the Central Government to make rules regarding the conduct and procedure in respect of all proceedings before the high court.

Which of the above statements are correct?

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

15. As per the definition of "proprietor of a new or original design", who amongst the following may be considered as the proprietor-

I. Author of an original design
II. A person who gets the design executed (for some consideration) by the author of the design
III. Any person who acquires the right to apply the design to any article
IV. Any other person to whom the right to apply the design has devolved from the original proprietor

A. I and II B. I and III C. I, II and III D. All of the above

16. Co-Applicants (1) Dr Ashish of Lakshadweep Islands, and (2) Dr. Bhargav of Dadra & Nagar Haveli, wish to file an Indian patent application for a skin treatment regime under the Act. Which Patent Office shall have the jurisdiction to receive the application?

A. Kolkata Patent Office
B. Mumbai Patent Office
C. Chennai Patent Office
D. Delhi Patent Office

17. Which combination is correct with regard to post dating provision under Section 17(1) of the Patents Act?

I. It requires applicant request with fee
II. It can be ordered *suo-motu* by the Controller

III. An application can be post-dated to a maximum period of 6 months under this provision
IV. It is available only before grant

A. I, II and III B. I, III and IV C. II, III and IV D. I, II, III and IV

18. An application 'A' filed as a patent of addition of the main application 'B'. A first examination report for the application 'A' is issued on 01/01/2024. The status of main application 'B' is granted and a revocation suit is filed in the High court of Delhi. The applicant now comes to you with a dilemma about when to file the reply to FER under section 21 of the Patents Act. Advice the applicant by choosing the correct alternative available to him:

A. The timeline to file FER-reply under section 21(1) is six months, extendable up to another three months. This timeline is fixed and not extendable
B. The applicant may file a petition before the Controller explaining the case related to the main patent and request for further extension, based on which the controller may extend the timeline
C. In this case, based on the application of the applicant before the expiration of period under section 21(1), the Hon'ble High Court shall determine the extended timeline
D. In the above scenario, the timeline to file FER-Reply for application 'A' is six months from the date of FER or Six months from the disposal of the case related to main application 'B'in High Court, whichever is later

19. In the context of Patents, which of the following best describes the objective of a defensive publication?
I. To delay disclosure of the invention until the commercial launch of the product.
II. To put a disclosure in the public domain to block future patent grants in similar technology.
III. To obtain a limited-time monopoly on the invention without a full patent filing and prosecution.
IV. An alternative to filing a patent application to prevent any charge of infringement in future by others.

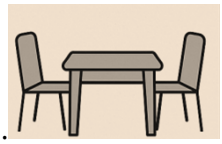
Select the correct option:

A. I and II B. II and III C. II and IV D. I, II and IV

20. With regard to Standard Essential Patents (SEPs), which of the following is/are correct?
I. SEPs are patents which may be essential while implementing a Standard
II. SEPs are relevant only for the telecom sector
III. Patent holders propose SEPs and Patent Office lists them, but the "essential" status is ultimately proven in practice
IV. Once a technology standard is adopted, SEP owners generally become liable to license their SEPs to implementers under FRAND Terms
V. FRAND terms are intended to create restrictive market conditions for SEP owners and inhibit innovation within industries relying on Standardized technologies

A. I and III Only B. I, II and III Only C. I and IV Only D. All of the above

21. Which of the following articles do not satisfy the conventional requirements to be regarded as a 'set' as per the definition of the DesignsAct, 2000?

A.  B.  C.  D. 

22. As an inventor from a research organisation, while looking for apatent agent, you discover that Mr. Satish is offering patent-related services and representing himself as a patent agent. Upon verification, you found that his name does not appear in the Register of Patent Agents and Mr. Satish is not a registered patent agent. You decide to file a formal complaint. Under the recent amendments to the Patent Rules, which of the following statements is correct?

A. A complaint against an unregistered person falsely claiming to be a patent agent can be filed with form 32 through electronic or physical means, only by a person aggrieved
B. A complaint against an unregistered person falsely claiming to be a patent agent can be filed directly with form 33, in physical or electronic form, only by a person aggrieved
C. A complaint against an unregistered person falsely claiming to be a patent agent can be filed directly with form 32, through electronic means, by any person
D. A complaint against an unregistered person falsely claiming to be a patent agent can be filed directly with form 33, in physical or electronic form, only by any person

23. Which of the following is/are true in respect of registration of design of particular article under the Designs Act:
I. It is not possible to register same design in multiple classes of articles
II. When a design is to be applied to a set, any doubt whether the given articles do or do not constitute a set shall be determined by the proprietor of the design
III. Reports to the Controller made under the Designs Act shall not be open to public inspection
IV. Registered designs shall be open to public inspection immediately after the grant and even before the notification of the said design in official journal

A. I and III B. II and III C. III only D. II and IV only

24. Which of the following is not open to the public or published?
I. The information received by the controller (on demand) as to the extent to which the patented invention has been commercially worked in India
II. The examination report of the examiner made to the controller
III. The offer to surrender a patent by the patentee
IV. An application for a compulsory license under section 84, which the controller prima facie finds eligible

A. II and IV only B. I and IV only C. II and III only D. II only

25. The Indian Patent Office has recently updated the Roll of Scientific Advisors. Which of the following is NOT true about the Scientific advisors as per the Patents Act?
I. A scientific advisor may assist the court in an infringement matter
II. A scientific advisor may help the court in the interpretation of the law

III. A scientific advisor may inquire and report on a technical matter related to patent in question

IV. A scientific advisor may assist patent controller in deciding an opposition matter

A. IV only B. I and III only C. II and IV only D. I, II and III

26. A PCT application is filed directly in India by an Indian applicant. In the context of section 39 of the Act, does the applicant need to seek permission?

A. No, the permission is not required as the PCT application is filed in India
B. Yes, the permission is still required as it's considered an application filed outside India
C. No, this requirement is only for PCT applications filed outside India
D. Yes, permission is required for all resident and non-resident Indians

27. Mr. Arun is the patentee of Patent No. 123456 relating to a new pharmaceutical drug. He files a suit for infringement against Ms. Neena, alleging that she has used his patented drug in her research. Under the provisions of the Patents Act, which of the following statements is NOT correct?

A. Ms. Neena can take the defence that her usage is protected as it was for experiment or research
B. Every ground for revocation of a patent is also available as a defence in a suit for infringement
C. Commercial activities by third parties, without consent, are grounds for infringement
D. Acts done for research or instruction purposes always amount to patent infringement

28. An architectural startup wishes to record an assignment in respect of two different registered designs (Design No. D-100 and Design No.D-101) in the Register of Designs under Designs Act, 2000. They use the prescribed Form 10. What is the official government fee they must pay to the Office of the Controller of Designs?

A. ₹ X for the first design + ₹ Y for the second design, where X = Y
B. ₹ X for the first design + ₹ Y for the second design, where Y < X
C. ₹ X for the first design + ₹ Y for the second design, where Y > X
D. They both can be bulk filed with only one fee ₹ X, when filed together in the same class

29. An Indian company, PenTech has a patent on its latest innovation roller point pens. A second company, PenSphere started producing and selling a similar pen in the market. PenTech filed an infringement suit against PenSphere. In the infringement suit, the alleged infringer (defendant) PenSphere claimed that it was not aware of the patent and had no reasonable grounds for believing that the patent existed. However, the Plaintiff PenTech argued that each of their product marketed clearly bears the indication that it is a patented product through the use of the term "Patented". Under these circumstances what is possible under the provisions of the Patents Act:

I. Defendant shall be deemed to have been aware that the patent had existed as the products of the Plaintiff are identified as "Patented"

II. Defendant shall not be deemed to have been aware that the patent had existed, even though the products of the Plaintiff are identified as "Patented"

III. The Defendant shall be held accountable and the court shall grant damages or an account of profit against the defendant

IV. The court shall not grant damages or an account of profit against the defendant unlessthe number of the patent accompanies the word "Patented"

A. Only I is correct B. Only II is correct C. I and III are correct D. II and IV are correct

30. A patent application titled *"Coir Pith-Based Car Air Freshener Gel"* was filed on 02/07/2024 in India wherein the specific ratios of the constituent components were claimed. Before filing, on 13/01/2024, the applicant posted a LinkedIn post stating *"Cocoaura base has been made out of coco pith, making the freshener an excellent choice for places where children spend time."*

Which of the following is correct?

A. The applicant can claim grace period relief under section 31(d)
B. Any disclosure made by the inventor on social media or in newspapers within 12 months prior to filing is automatically protected
C. Social media posts are not considered as public disclosure within the meaning of prior art for anticipation under section 13
D. Since the LinkedIn post was general in nature and lacked technical details, it does not anticipate the claimed invention

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. When (A) is false but (R) is true

31. Assertion (A): A design that has been applied to an article and commercially exhibited in an industrial trade fair outside India before the filing date shall be refused registration in India under Section 4 of the Designs Act, 2000.
Reasoning (R): Section 4 of the Designs Act, 2000 treats prior publication as a bar to registration only when such publication occurs in India and not when it occurs in a foreign country.

32. Assertion (A): Publication of patents and design applications serves the same purpose - to place all applications before the public for opposition.
Reasoning (R): Patent and design applications are subject to automatic publication after a fixed statutory period from the filing date, unless secrecy directions or deferment.

33. Assertion (A): Under Section 18 of the Designs Act, 2000, any person may request the Controller to cause a search to ascertain whether a particular design has been previously registered in India.
Reasoning (R): On request, under Rule 28 of the Designs Rules, 2001, the Controller shall furnish certified copies of the registered design and its representation if it is found to be registered.

34. Assertion (A): The WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge (2024) obliges states to incorporate benefit-sharing and disclosure requirements into their national IP systems.
Reasoning (R): Indigenous and local communities must have their rights over genetic resources and associated traditional knowledge recognized to prevent misappropriation and ensure equitable sharing of benefits arising from their use.

35. **Assertion (A):** A design applied to more than 50 articles loses copyright.
Reasoning (R): Industrial application transforms the artistic work into a "design" within the Designs Act, 2000.

Part B2 comprises of 5 marks and consists of 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 I:** Dependent claims generally narrow the scope of an independent claim by adding limitations or additional features.
Statement II: If the independent claim is rejected for lack of novelty or inventive step, dependent claims offer backup protection by ensuring some aspects of the invention remain patentable.

37. **Statement I:** A dependent claim is found to be neither novel nor inventive in view of certain prior art. This will automatically mean that the independent claim, on which the dependent claim is based, is also not novel and not inventive.
Statement II: A dependent claim may be novel and inventive even though the independent claim, on which the dependent claim is based, is found to be not novel and not inventive.

38. **Statement I:** An international search is carried out by an international searching authority, which may either be a national office or an intergovernmental organization.
Statement II: The international searching authority carrying out the international search in respect of an international application shall not be competent to carry out a supplementary international search in respect of that application.

39. **Statement I:** An exclusive licensee of a patent is not eligible to challenge validity of the patent under section 64.
Statement II: It would not be considered lawful for a patentee to insert a clause in the license agreement which restricts the rights of a licensee vis-à-vis patent validity.

40. **Statement I:** The Patent Office maintains a register of patents wherein the particulars of the patentee, assignments, licenses, amendments, revocation etc. are entered.
Statement II: Patent Register is a confidential document and not open for public inspection; only the 'interested persons' can obtain certified copies after paying suitable fees.

PART C

<u>Part C1 comprises of 15 marks with 5 questions, each of 3 marks.</u>

41. **Mr. Armaan is the patentee of Patent No. 123456which relates to a new pharmaceutical composition. He requests surrender of his patent under Section 63 of the Act, which is duly published. One of the licensees, Ms. Mohini, comes across this publication and feels that surrendering the patent would reduce her profits. In this situation, which of the following statements are** correct **under the Patents Act, 1970?**
I. Ms. Mohini, being a person having an interest in the patent, may file a notice of opposition to the surrender within the prescribed period.

II. The Controller must provide both Mr. Armaan and Ms. Mohini an opportunity to be heard before deciding whether to accept the surrender.
III. The patent stands automatically revoked upon Mr. Armaan's submission of the surrender notice.
IV. The Controller may accept the patentee's request of surrender after hearing the patentee only.

A. I and II only B. II and III only C. I and IV only D. All of the above

42. In a patent application, claim 1 consists of features A, B, and C. Further, a dependent claim 2 (dependent on claim 1) consists of a feature D. Subsequently, another dependent claim 3 (dependent on claim 2) consists of feature E.You have a prior art D1 which discloses features A and B. Feature C is disclosed in document D2. Another document, D3, discloses features A, C, and E. Considering that all the prior arts D1 - D3 are relevant to the concerned field of technology, choose the correct option(s):

I. Documents D1 and D2 in combination, destroy the inventive step of claim 1.
II. Documents D1, D2 and D3 in combination, destroy the inventive step of claim 3.
III. Claim 2 and claim 3 are novel and inventive, while claim 1 is novel, but not inventive in view of D1-D3.
IV. Claims 2 and 3 cannot be considered inventive, as they are dependent on claim 1, which is not inventive in view of D1-D3.

A. Statements I, II, and III are correct
B. Statements I, II and IV are correct
C. Statements II, III, and IV are correct
D. Statements I and III are correct

43. Dr. Asha and Dr. Mehra are co-patentees of three related patents granted for different aspects of the same medical device technology. One patent has been exclusively licensed to *MedEquip Pvt. Ltd.*, and another has been non-exclusively licensed to *BioHealth Ltd.* All parties are commercially exploiting the inventions in India. Dr. Mehra is also the sole patentee of a separate patent on a biodegradable packaging technology, which is not yet being commercially worked, but she is interested in licensing it. Which of the above statements are correct?

I. Dr. Asha, Dr. Mehra, MedEquip Pvt. Ltd., and BioHealth Ltd. are each required to file Form-27 individually for their respective patents or licenses.
II. Dr. Asha and Dr. Mehra can file a single consolidated Form-27 for all three related patents, since they are co-owners and the patents relate to the same technology.
III. Both MedEquip Pvt. Ltd. and BioHealth Ltd. can file their own Form-27 separately from the patentees for the patents they are licensed to use.
IV. The revised Form-27 now includes a provision requiring patentees or licensees to state whether the patent is available for licensing
V. Form-27 is required to be filed only once during the lifetime of the patent, irrespective of whether it continues to be worked or not.

A. I, II, III and IV only
B. II, III, IV and V only
C. I, II and III only
D. All of the above

44. With reference to sequence-listing fees under the Indian Patent Rules, consider the following statements:

I. Natural persons, startups, and small entities are liable to pay a per-page sequence-listing fee subject to a maximum cap of X, irrespective of the number of pages.

II. Large entities are liable to pay a per-page sequence-listing fee subject to a maximum cap of 5X.

III. The sequence-listing fee is calculated strictly on a per-page basis without any upper monetary limit.

IV. Filing the sequence listing in electronic form exempts the applicant from payment of any sequence-listing fee.

V. The sequence-listing fee is determined with reference to the number of pages of the sequence listing.

VI. The obligation to pay sequence-listing fees is independent of whether the biological material is deposited under the Budapest Treaty.

Which of the above statements are correct?

A. I, II, V and VI only
B. I, II, III and V only
C. I, II, IV and VI only
D. II, III, V and VI only

45. A patent application X for a pharmaceutical compound is filed in India. An identical compound is also found to be claimed in two different applications in US (D1) and in India (D2). However, both of these applications were filed before the filing date of X, but published after the filing date of X. When considering anticipation, which of the following is/are true

I. The US application (D1) destroys novelty of X, but the Indian application (D2) doesn't destroy the novelty.

II. The compound is novel since the disclosure in the US and Indian applications are not considered as valid.

III. The US application is valid for Novelty if it was filed by the same inventor.

IV. The US application (D1) doesn't destroy novelty of X, but the Indian application (D2) does destroy the novelty.

A. Only III is correct
B. Both II and III are correct
C. Only IV is correct
D. Both II and IV are correct

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

46. Concerning the provision of Compulsory Licensing (CL), match the following:

Provision	Content
1. Section 84	I. Request for revocation of a patent for which a CL was granted more than two years ago
2. Section 85	II. CL when a reasonable requirement of public is not met and the patented invention not worked in India
3. Section 91	III. CL extended to a second patent, without which working with the first CL is hindered or prevented
4. Section 92	IV. CL for manufacture and export of patented pharmaceutical product
5. Section 92A	V. CL by the Central government in situations of national emergency or extreme urgency for public non-commercial use

Choose the correct matching combination:

A. 1–III, 2–I, 3–II, 4–IV, 5–V
B. 1–II, 2–III, 3–I, 4–V, 5–IV
C. 1–II, 2–I, 3–III, 4–V, 5–IV
D. 1–I, 2–II, 3–III, 4–IV, 5–V

47. Match the following Patent Forms with their respective purposes and statutory provisions under the Patents Act, 1970 and the Patents Rules, 2003:

Column I (Form No.)	Column II (Purpose)	Column III (Relevant Section/Rule)
1. Form 17	(i) Application for a compulsory licence	(a) Sections 84(1), 91, 92(1) or 92A read with Rule 96
2. Form 19	(ii) Request for revocation of a patent for non-working	(b) Section 85(1) read with Rule 96
3. Form 15	(iii) Request for restoration of a lapsed patent	(c) Section 60(1) read with Rule 84
4. Form 21	(iv) Request for termination of a compulsory licence	(d) Section 94 read with Rule 102(1)

Choose the correct matching combination:

A. 1–i–a, 2–ii–b, 3–iii–c, 4–iv–d
B. 1–ii–b, 2–i–a, 3–iv–d, 4–iii–c,
C. 1–i–a, 2–iv–d, 3–iii–c, 4–ii–b
D. 1–iii–c, 2–ii–b, 3–i–a, 4–iv–d,

48. Under the Patents Act, who can file the following:

1. Against surrender of patents u/s 63	**I. Any person interested**
2. Against an order of the adjudicating officer in respect of any contravention committed under sections 120, 122, or 123 of the Act	**II. Any person aggrieved**
3. Against any contravention committed under sections 120, 122, or 123 of the Act	**III. Any person**
4. Again any amendment of a granted patent	**IV. Any person interested**
5. Against request for Rectification of any error in any entry in the patent register before High Court	**V. Any person aggrieved**

Choose the correct matching combination:

A. 1–I, 2–II, 3–IV, 4–III, 5–V
B. 1–I, 2–II, 3–III, 4–IV, 5–V
C. 1–III, 2–I, 3–II, 4–IV, 5–V
D. 1–II, 2–III, 3–I, 4–V, 5–IV

49. Match the subject/principle of the case to the appropriate case citation:

Column A	**Column B**
a. Natera Inc. & Anr. v. Assistant Controller of Patents & Designs	**i. Section 3(d)**
b. DS BioPharma Limited vs. The Controller of Patents and Designs	**ii. Section 3(i)**
c. ImmunasPharma, Inc. vs. Assistant Controller of Patents	**iii. Patentability of Products containing living microorganisms**
d. Dimminaco AG v. Controller	**iv. Requirement under Sections 10(4) and 10(5) is mandatory**
e. VIFOR (International) Limited & anr Vs MSN Laboratories Pvt Ltd & anr	**v. Principles governing product-by-process claims**
f. The Regents of the University of California v. The Controller of Patents,	**vi. Section 3(c)**

A. a-ii, b-iv, c-vi, d-iii, e-i, f-v
B. a-i, b-ii, c-iii, d-iv, e-v, f-vi
C. a-ii, b-iv, c-i, d-iii, e-vi, f-v
D. a-ii, b-i, c-vi, d-iii, e-v, f-iv

50. Match the Following:

Column I	Column II
a. Section 2(1)(ta)	**1. "patented article" and "patented process" mean respectively an article or process in respect of which a patent is in force;**
b. Section 2(1)(la)	**2. "pharmaceutical substance" means any new entity involving one or more inventive steps;**
c. Section 2(1)(n)	**3. "Opposition Board" means an Opposition Board constituted under sub-section (4) of section 25;**
d. Section 2(1)(o)	**4. "patent agent" means a person for the time being registered under this Act as a patent agent;**

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

----------END OF PAPER----------

FOR ROUGH WORK