

Instructions

- ALL questions are compulsory
- There is no negative marking
- Use Patents Act, 1970 and Patents Rules, 2003 (as amended) to answer the questions
- Wherever dates are given, treat as dd/mm/yyyy
- Choose the most appropriate answer

PART A – Multiple Choice Questions

(30 questions × 2 marks = 60 marks)

1. Under the Patents Act, 1970, the term “invention” is defined as:

- a) Any new idea
- b) A new product or process involving inventive step and capable of industrial application
- c) Any scientific principle
- d) Any technical discovery

2. Which of the following is NOT patentable under Section 3?

- a) A mechanical device
- b) Business method per se
- c) A pharmaceutical formulation
- d) An industrial apparatus

3. Which Section deals with inventions relating to atomic energy?

- a) Section 2
- b) Section 3
- c) Section 4
- d) Section 5

4. Who among the following is entitled to apply for a patent?

- a) True and first inventor
- b) Assignee
- c) Legal representative
- d) All of the above

5. An application under the Patents Act shall be for:

- a) Multiple inventions
- b) One invention only
- c) Any number of inventions
- d) Related inventions only

6. The complete specification must be filed within:

- a) 6 months
- b) 12 months
- c) 18 months
- d) 24 months

7. Failure to file complete specification in time results in:

- a) Rejection
- b) Refusal
- c) Abandonment
- d) Opposition

8. The abstract of a patent application is intended to:

- a) Define claims
- b) Provide technical information
- c) Describe legal protection
- d) Establish rights

9. The requirement of unity of invention is provided under:

- a) Section 9
- b) Section 10(5)
- c) Section 11
- d) Section 12

10. Priority date is dealt under:

- a) Section 8
- b) Section 9
- c) Section 10
- d) Section 11

11. Publication of applications is governed by:

- a) Section 10
- b) Section 11
- c) Section 11A
- d) Section 11B

12. Request for Examination must be filed under:

- a) Section 11
- b) Section 11A
- c) Section 11B
- d) Section 12

13. If no request for examination is made, the application is:

- a) Refused
- b) Withdrawn
- c) Deemed withdrawn
- d) Granted

14. Investigation for anticipation by prior publication is conducted under:

- a) Section 12
- b) Section 13
- c) Section 14
- d) Section 15

15. Divisional application is filed under:

- a) Section 15
- b) Section 16
- c) Section 17
- d) Section 18

16. Maximum post-dating allowed is:

- a) 3 months
- b) 6 months
- c) 9 months
- d) 12 months

17. Opposition before grant is allowed under:

- a) Section 24
- b) Section 25(1)
- c) Section 25(2)
- d) Section 26

18. Opposition after grant must be filed within:

- a) 6 months
- b) 1 year
- c) 2 years
- d) 3 years

19. Patent term in India is:

- a) 10 years
- b) 15 years
- c) 20 years
- d) 25 years

20. A patent of addition is governed under:

- a) Section 52
- b) Section 53
- c) Section 54
- d) Section 55

21. Restoration of lapsed patents is covered under:

- a) Section 59
- b) Section 60
- c) Section 61
- d) Section 62

22. Compulsory license provisions start from:

- a) Section 80
- b) Section 82
- c) Section 83
- d) Section 84

23. Government use of inventions is dealt under:

- a) Chapter XV
- b) Chapter XVI
- c) Chapter XVII
- d) Chapter XVIII

24. Burden of proof in process of patent infringement lies on:

- a) Defendant
- b) Plaintiff
- c) Court
- d) Controller

25. Section 107A relates to:

- a) Infringement
- b) Acts not be considered as infringement
- c) Revocation
- d) Opposition

26. Register of Patent Agents is maintained under:

- a) Section 124
- b) Section 125
- c) Section 126
- d) Section 127

27. Qualifications for Patent Agent registration are in:

- a) Section 125
- b) Section 126
- c) Section 127
- d) Section 128

28. Appeals against Controller's decision are directed to:

- a) District Court
- b) High Court
- c) Supreme Court
- d) Controller General

29. Convention applications are dealt under:

- a) Chapter XIX
- b) Chapter XX
- c) Chapter XXI
- d) Chapter XXII

30. "True and first inventor" does not include:

- a) Indian researcher
- b) Legal heir
- c) First importer
- d) Assignee

PART B – Reasoning and True / False
(10 questions × 1 mark = 10 marks)
Assertion(A) & Reasoning(R) (31–35)
[R should be correct explanation of A]

Choose:

- A. Both true & R explains A**
- B. Both true but R does not explain A**
- C. A true but R false**
- D. Both false**

31) Assertion: An application for termination of compulsory licence under section 94(1) shall be made in Form 21 by the patentee or any other person deriving title or interest in the patent.
Reasoning: The application shall be accompanied by the evidence in support of the application.

32) Assertion: A notice of opposition under sub-section (2) of section 87 is to be given to the Controller.
Reasoning: The notice should be filed on Form 3 with 6 months from the date of publication.

33) Assertion: The request for making patent application outside India shall be made in Form 25.
Reasoning: The Controller shall dispose of the request for making patent application outside India within a period of twenty-one days from the date of filing of such request.

34) Assertion: A request to replace the name of the deceased applicant under sub-section (4) of section 20 shall be made in Form 6.
Reasoning: A request for expedited examination should be made on Form 12.

35) Assertion: Patent Facilitator scheme helps startups.
Reasoning: Fees paid to the facilitator differ by technology.

True/False (36–40)

Choose:

- A. Statement 1 is true, Statement 2 is false**
- B. Statement 1 is false, Statement 2 is true**
- C. Both statements are true**
- D. Both statements are false**

36) Statement 1: At any time after the expiration of three years from the date of the grant of patent, any person interested may make an application to the Controller for grant of compulsory licence on patent
Statement 2: One of the reasons for making an application for the compulsory licence can be that the patented invention is not available to the public at a reasonably affordable price

37) Statement 1: An applicant gets a timeline of 6 months to prepare and submit the complete specification after filing the provisional specification.
Statement 2: The patent term starts from the date on which provisional specification is filed.

38) Statement 1: Patent term is always 20 years since 1972.

Statement 2: Uniformity for the patent term irrespective of the field was achieved post-1995.

39) Statement 1: No suit for a declaration under section 105 or for any relief under section 106 or for infringement of a patent shall be instituted in any court inferior to a district court.

Statement 2: A counter-claim for revocation of the patent is made by the defendant, the suit, along with the counter-claim, shall be transferred to the High Court for decision.

40) Statement 1: An invention which is frivolous or which claims anything obviously contrary to well established natural laws is not patentable

Statement 2: A method of agriculture or horticulture is patentable.

PART C – Multiple Correct Type
(10 questions × 3 marks = 30 marks)
(Each question has one best answer)

Q41: Which act is/are NOT considered as infringement?

- i) using or importation of patented machine or apparatus
- ii) Using a machine or apparatus for the research purposes
- iii) Using a machine or apparatus for teaching a group of students
- iv) importation of patented machine/apparatus by any person from a person who is duly authorised under the law to produce and sell or distribute the machine/apparatus

Options:

- A) i, ii, iii B) ii, iii, iv C) i, iii, iv D) All

Q42: If any person contravenes the provisions of section 129, he shall be liable to:

1. penalty, which may extend to five lakh rupees,
2. In case of the continuing default, a further penalty of one thousand rupees for every day after the first during which such default continues
3. Imprisonment for six months
4. Revocation of licence

Options:

- A) i & ii B) i, ii & iii C) ii & iii D) All

Q43: "Startup" means

- (i) an entity in India recognised as a startup by the competent authority under Startup India initiative.
- (ii) In case of a foreign entity, an entity fulfilling the criteria for turnover and period of incorporation/ registration as per Startup India Initiative and submitting declaration to that effect.
- iii) a government owned company
- iv) a team of students working on a project

Options:

- A) i & iii B) ii only C) i & ii D) None

Q44: A person shall be qualified to have his name entered in the register of patent agents if he fulfils the following conditions:

- (i) he is a citizen of India;
- (ii) he has completed the age of 19 years
- (iii) he has obtained a degree in science, engineering or technology from any University established under law for the time being in force in the territory of India or possesses such other equivalent qualifications as the Central Government may specify in this behalf, and, in addition
- (iv) has appeared in the qualifying examination prescribed for the purpose.

Options:

- A) i & iii B) ii only C) i & iv D) None

Q45: All documents and copies of the documents, except affidavits and drawings, filed with patent office, shall -

- 1. be typewritten or printed in Hindi or English
- 2. be on such paper which is flexible, strong, white, smooth, non-shiny and durable of size A3;
- 3. be numbered in consecutive Roman numerals in the centre of the bottom of the sheet; and
- 4. contain the numbering to every fifth line of each page of the description and each page of the claims at right half of the left margin.

Options:

- A) i, iii B) i, ii C) iii, v D) i, iv

Q46: Form-27 is

- i) Mandatory for patentee
- ii) Optional for licensee
- iii) Joint filing by multiple applicants is allowed
- iv) Foreign patentees filing patent in India are exempted

Options:

- A) i, iii B) i, ii C) i, ii, iii D) All

Q47: Match the following forms

Topic	Form
Application for Restoration of Patent	Form-31
Request for Publication	Form-24
Application for review/setting aside Controller's decision	Form-9
Grace Period	Form-15

Which is wrong?

- i) Application for Restoration of Patent – Form 15
- ii) Request for Publication – Form 9
- iii) Application for review/setting aside Controller's decision – Form 31
- iv) Grace Period – Form 24

Options:

- A) iii, iv B) i, ii C) i, ii, iii D) All

- Q48:** A person shall be qualified to have his name entered in the roll of scientific advisers, if he-
1. holds a degree in science, engineering or technology or equivalent
 2. has at least ten years' technical, practical or research experience; and
 3. he holds or has held a responsible post in a scientific or technical department of the Central or State Government or in any organisation.
 4. Has been guilty of professional misconduct.

Options:

- A) i, iii, iv B) ii, iv C) i, ii, iii D) iv

Q49: Request for withdrawal of application for a patent requires:

- i) Form-29
- ii) Form 14
- iii) Approval by the Controller
- iv) Publication in the newspaper

Options:

- A) i, iii, iv B) i, iii C) i, ii, iii D) All

Q50: An applicant may file a request for expedited examination if:

- (i) India has been indicated as the competent International Searching Authority or elected as an International Preliminary Examining Authority in the corresponding international application
- (b) that the applicant is a startup
- (c) that the applicant is a small entity
- (d) that if the applicant is a natural person or in the case of joint applicants, all the applicants are natural persons, then the applicant or at least one of the applicants is a female

Options:

- A) i & iii B) ii & iv C) iii only D) All

Answer Key for Mock Exam-1

Paper – 1

1. b
2. b
3. c
4. d
5. b
6. b
7. c
8. b
9. b
10. d
11. c
12. c
13. c
14. b
15. b
16. b
17. b
18. b
19. c
20. c
21. b
22. d
23. c
24. a
25. b
26. b
27. b
28. b
29. d
30. c
31. b
32. b
33. a
34. c
35. b
36. c
37. b
38. b
39. c
40. a
41. b
42. a
43. c
44. a
45. d

46. c

47. a

48. c

49. b

50. d