

Question 1

Today, on the last day of the 3 months period, you need to validate a European patent in The Netherlands. The European patent was granted in the German language and does not include any drawings.

A complete English translation of the German description and claims as granted is available.

The remaining time today is too short to prepare a complete Dutch translation of the German description and claims. However, it will be possible to prepare a Dutch translation of the claims only.

How can you proceed to correctly validate the European patent in The Netherlands today?

- a. You file the English translation of the description and you file the Dutch translation of the claims.
- b. You don't need to take any action. In this case, there are no requirements for the validation.
- c. You file the Dutch translation of the claims.
- d. You file the English translation of the description and you file a request for an extension of time to file the Dutch translation of the complete description and claims.

Question 2

You have recently filed an International patent application with the International Bureau of WIPO as Receiving Office.

The applicant is a national and resident of Switzerland.

Today, you requested the addition of a second applicant to the application under PCT Rule 92bis. This co-applicant resides in Switzerland but is a national of the Russian Federation.

Since the new applicant is a national of the Russian Federation, is it possible to request the Federal Service for Intellectual Property (Rospatent – Russian Federation) to carry out the international search?

- a. Yes, but only if the international search has not started yet.
- b. Yes, even if the international search has already started.
- c. No, the Federal Service for Intellectual Property is no International Searching Authority.
- d. No, the situation at the time of filing will determine the competent International Searching Authority.

Question 3

You have just filed an International patent application with the International Bureau of WIPO as Receiving Office using ePCT-Filing and you realize after submitting the application that you forgot to include the drawings in the submission.

Which of the following statement(s) is/are correct?

- I. If missing drawings are filed after the day on which the requirements under PCT Article 11 have been met, that later date would be considered by the Receiving Office as the international filing date, unless the applicant is able to confirm in accordance with Rule 20.6 that the missing part concerned was incorporated by reference under PCT Rule 4.18.
- II. After filing an International patent application using ePCT-Filing, it is possible to submit the missing drawings in order to complete the International patent application without affecting the international filing, today.
 - a. Only statement I is correct.
 - b. Only statement II is correct.
 - c. Statement I and II are both correct.
 - d. Both statements are incorrect.

Question 4

Your client has instructed your office to file a demand according to PCT Rule 54bis for his International patent application.

Today, the time limit for filing a demand will expire.

The amendments under PCT Article 34 are still not ready but you wish the international preliminary examination to start based on amendments to the claims under PCT Article 34.

- a. You need to file the demand and the amendments of the claims today if you wish the international preliminary examination to start on the basis of amendments to the claims.
- b. You still have 10 days to file the demand and the amendments of the claims.
- c. You can file a request for extension to file the demand and the amendments of the claims.
- d. You need to file at least the demand today, but your amendments of the claims may be filed later.

Question 5

Your client, a resident of Chile, asks you to arrange the filing of an International patent application in Spanish with the Chilean Institute of Industrial Property as Receiving Office. The International patent application has been translated into English.

Which of the following statements regarding the International Searching Authority (ISA) and the International Preliminary Examining Authority (IPEA) is correct?

- a. You can choose the United States Patent and Trademark Office as ISA and the European Patent Office as IPEA and use the English translation for both.
- b. You can choose the Spanish Patent and Trademark Office as ISA and the Chilean Patent Office as IPEA and use the International patent application in Spanish for both.
- c. You can choose the Spanish Patent and Trademark Office as ISA and the European Patent Office as IPEA and use the International patent application in Spanish for both.
- d. You can choose the Spanish Patent and Trademark Office as ISA and the European Patent Office as IPEA and use the English translation for both.

Question 6

On 2 April 2020 you filed an International patent application validly claiming priority of a European patent application filed on 3 May 2019.

On 28 January 2021 your office received the International Search Report from the European Patent Office acting as the International Searching Authority. The date of transmittal of the International Search Report was 25 January 2021.

What was/is the applicable time limit for filing amendments under PCT Article 19?

- a. The applicable time limit for filing amendments is 2 August 2021
- b. The applicable time limit for filing amendments was 3 September 2020
- c. The applicable time limit for filing amendments was 25 March 2021
- d. The applicable time limit for filing amendments was 28 March 2021

Question 7

The European Patent Office as Receiving Office for an International patent application invites the applicant to remedy a missing abstract within a period of 2 months.

The communication is dated and dispatched on 3 May 2021. The applicant received the letter on 14 May 2021. The date of receipt stamped on the communication by the mail service provides evidence of the receipt date.

What is the last day to respond?

- a. 3 July 2021
- b. 5 July 2021
- c. 7 July 2021
- b. 13 July 2021

Question 8

A patent application was filed 18 July 2017 and the same patent was granted on 29 April 2021.

All registration and issue fees were timely paid.

In which year do you have to pay the next annuity for the following countries: EP, Japan, and US?

- a. EP: 2021, Japan: 2022, US: 2022
- b. EP: no further annuity fees due, Japan: 2024, US: 2024
- c. EP: 2022, Japan: 2022, US: 2023
- d. EP: no further annuity fees due, Japan: 2023, US: 2024

Question 9

One of your clients wishes to transfer a part of his EU trademark registration to another owner. Two of the four classes for which the trademark is registered will be transferred. How should you proceed if you want the transfer to be registered at the European Union Intellectual Property Office (EUIPO) and how will EUIPO respond?

- a. You should file a request for registration of a transfer indicating the distribution of goods and services, accompanied with a corresponding executed deed of assignment, after which EUIPO will register the addition of the new proprietor and distribution of goods and services in the existing trademark registration.
- b. You simply prepare and submit a letter to EUIPO explaining the distribution of the goods and services per proprietor and the EUIPO will register the addition of the new proprietor and distribution of goods and services in the existing trademark registration.
- c. You should file a request for registration of a partial transfer indicating the distribution of goods and services, accompanied with a corresponding executed deed of assignment, after which EUIPO will prepare a separate file for the partial transfer resulting in a new registration with a new registration number and maintain the remaining registration.
- d. It is not possible to record a transfer of an EU trademark registration for only a part the goods and services at the EUIPO.

Question 10

When does the opposition period of two months commence in case an applicant applies for accelerated trademark registration at the Benelux Office for Intellectual Property (BOIP)?

- a. There is no period for third parties to file opposition.
- b. The opposition period commences at the time of filing the application.
- c. The opposition period commences after publication and before registration.
- d. The opposition period commences after registration. When the accelerated registration is published, mention will also be made of the exact opposition period.

Question 11

Which of the following statement(s) is/are correct?

- I. Upon filing a Benelux design application an official fee has to be paid per image.
 - II. A maximum of seven views (perspective view, front view, top view, right side view, left side view, back view and bottom view) will be taken into account by the Benelux Office for Intellectual Property (BOIP) upon filing a Benelux design application.
- a. Statements I and II are both correct.
 - b. Only statement I is correct.
 - c. Only statement II is correct.
 - d. Both statements are incorrect.

Question 12

The deadline for renewal of a EU trademark registration expires on 23 June 2021 and your client has requested you to timely renew the trademark registration. You filed a request at the European Union Intellectual Property Office (EUIPO) for renewal including payment of the renewal fee for the EU trademark registration on 29 April 2021.

On which date does the renewal take effect?

- a. 30 April 2021
- b. 29 April 2021
- c. 24 June 2021
- d. 23 June 2021

Question 13

Yesterday 31 May 2021 you entered a European regional phase of a PCT application at the European Patent Office (EPO) on the last day of the 31-month deadline for filing. On that same day you also filed an application for a Community design registration at the European Union Intellectual Property Office (EUIPO) and you paid the required fees from your deposit accounts.

Today, you check your firm's deposit accounts at the EPO and the EUIPO. You notice that both of the accounts were out of funds completely before filing the EP regional phase and the Community design registration and that the official fees due for the patent and for the design could not have been debited by the respective Offices.

Which of the following statements is correct?

- a. EUIPO and EPO will not send any communication. For both offices you are allowed to pay the omitted fees without fine within 1 month.
- b. EUIPO will reject the European design application and EPO will send a communication to pay the omitted fees with a 50% fine.
- c. EUIPO and EPO will both send a communication of insufficient funds.
- d. EUIPO and EPO will both send a noting of loss of rights.

Question 14

You filed two EU trademark applications. One application for the word mark BORIS which was filed in August 2020 and accepted for registration in December 2020. The other EU trademark application for the word mark JOHNSON was filed in December 2020 and accepted in April 2021.

You did not take any action with regard to the Brexit withdrawal procedure. However, today your client informs you that protection for both trademarks in all EU countries and the United Kingdom is crucial.

Which of the following statement(s) is/are correct?

- I. You do not need to take any action for the EU trademark registration for BORIS, accepted for registration prior to the end of the transition period. The trademark will be valid in the United Kingdom. The United Kingdom Intellectual Property Office (UKIPO) will create a comparable UK trademark for all right holders with an existing EU trademark.
 - II. You do need to take action for the EU trademark registration for JOHNSON, accepted for registration after the transition period. You need to apply for the same trademark before or on September 30, 2021. In which case you will keep the earlier filing date of the European trademark registration.
- a. Statements I and II are both correct.
 - b. Only statement I is correct.
 - c. Only statement II is correct.
 - b. Both statements are incorrect.

Question 15

Which of the following statements is/are correct regarding the filing of a PACE request at the European Patent Office?

- I. You can file a request for accelerated search and examination upon filing.
 - II. You are allowed to file multiple PACE requests during the examination procedure.
- a. Only statement I is correct.
 - b. Only statement II is correct.
 - c. Both statements are correct.
 - d. Both statements are incorrect.

Question 16

Indian patent application IN-A was filed on 16 January 2020. European patent application EP-A was filed 15 January 2021 claiming priority of IN-A. However, the applicant forgot to file a copy of the priority document as required.

Today, the applicant receives an invitation under Rule 59 EPC from the European Patent Office inviting the applicant to file the copy within two months.

What will happen if the priority document is not filed within the time limit of two months mentioned in the invitation under Rule 59 EPC?

- I. Application EP-A will be deemed to be withdrawn.
- II. The European Patent Office will issue a “Noting of loss of rights” and the applicant can request further processing and file the certified copy of the priority document together with payment of the prescribed fee.
 - a. Statements I and II are both correct.
 - b. Only statement I is correct.
 - c. Only statement II is correct.
 - d. Both statements are incorrect.

Question 17

A United States resident wishes to file a European patent application for which he will be the sole applicant and inventor. The application contains 30 pages and 20 claims and the applicant wishes to pay only the filing fee and search fee at filing and intends to appoint a representative.

Which actions must be performed by the representative and cannot be performed by the applicant?

- I. Filing of the application and payment of the additional claims fees in response to a communication pursuant to Rule 45 EPC.
- II. Filing of the request for examination following the publication of the European search report and filing a response to a communication under Art. 94(3) EPC.
 - a. The actions in statement I.
 - b. The actions in statement II.
 - c. The actions in both statement I and II.
 - d. None of the actions in statement I and II.

Question 18

On 13 June 2019 you filed a European patent application without claiming priority. On 4 January 2021 you received a communication pursuant to Rule 69 and Rule 70(a)1 indicating that the publication date of the search report was 17 December 2020.

What is the last day to file a request for examination and pay the examination fee without using further processing?

- a. 17 June 2021
- b. 28 June 2021
- c. 5 July 2021
- d. 14 July 2021

Question 19

You filed a European patent application with the European Patent Office and paid the search fee at the time of filing.

Which of the following statement(s) is/are correct?

- I. You will receive a partial search report which contains an invitation to pay additional fees if the search division finds that your European patent application does not fulfill the requirement of unity of invention.
 - II. You will receive an invitation to indicate the claims on the basis of which the search is to be carried out if the search division has found that there are too many independent claims in your European patent application.
- a. Only statement I is correct
 - b. Only statement II is correct
 - c. Both statements are correct
 - d. Both statements are incorrect

Question 20

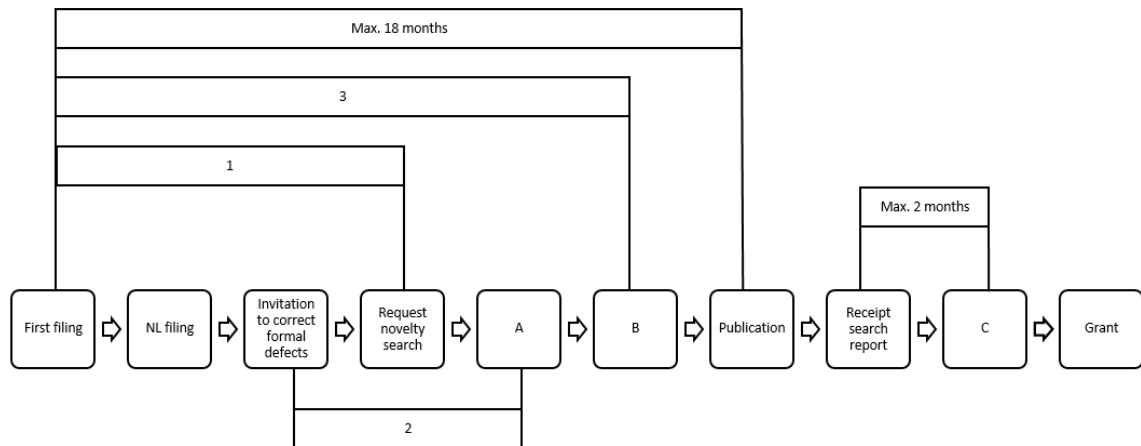
The mention of the grant of a European patent was published in the European Patent Bulletin on 8 October 2020.

Which of the following statements is correct?

- a. The last day to validly file a notice of opposition and statement of the grounds on which the opposition is based, is 19 July 2021.
- b. The opposition fee can be paid up to two months after the last day for filing the notice of opposition.
- c. The opposition only applies to the European patent but not to the contracting states in which the patent has effect.
- d. An opposition may be filed even if the European patent has been surrendered or has lapsed for all the designation states.

Case 1

The diagram below represents a Dutch patent application procedure, claiming priority of a first filing application. The description and claims of the Dutch patent application were filed in English.



Indicate for each letter the correct step, chosen from the following list:

- Filing voluntary amendments to description and claims
- Substantive examination
- Opposition
- Filing Dutch translation of the claims
- Payment of fee for grant
- Filing certified priority document

Indicate for each number the correct time period, chosen from the following list:

- Max. 2 months
- Max. 3 months
- Max. 6 months
- Max. 13 months
- Max. 15 months
- Max. 16 months

Case 2

The following questions concern an international trademark registration.

Filing

- a. A basis needs to be chosen when applying for an international trademark registration. Does the basis always need to concern a prior trademark registration, or can you also use a prior trademark application as a basis?
- b. Is it possible to use more than one registration as a basis for international trademark registration?
- c. When applying for international trademark registration the client wishes to claim priority from a prior trademark registration. Does this prior trademark registration, used for claiming priority, need to be the same as the prior trademark registration used as the basis for the international trademark registration?
- d. International trademarks are registered by the World Intellectual Property Organization (WIPO). In case you wish to use a Benelux trademark registration as a basis, where does the application for international trademark registration need to be filed?
- e. An international trademark application was filed and you received an irregularity letter from the World Intellectual Property Organization (WIPO). The irregularity letter is not an office action from the authority of a designated country. A deadline of three months was set to reply however, even after sending several reminders to the client, timely instructions were not received. A week after the deadline expired, the applicant informs you that he wants to file a reply.

Is there still a possibility to file a reply to the irregularity letter? If yes, please explain the procedure that needs to be followed.

Subsequent designation

- f. Your client applied for international trademark registration on 26 July 2012. Today your client wishes to extend the protection of its international trademark registration to the Philippines and Brazil. Is it possible to obtain trademark protection in these countries through subsequent designation? Please motivate your answer.

Renewal

- g. In case your client wishes to renew an international trademark registration for less classes than it is registered for, what action(s) should be taken?
- h. In case an international trademark registration needs to be renewed for less countries than it is registered for, what action(s) should be taken?
- i. What is the correct order in the process of international trademark registration? Choose the procedural steps from the list below and place them in the correct order.

Substantive examination by designated office

Receipt by office of origin

Registration by the World Intellectual Property Organization (WIPO) in the international trademark register

Grant / refusal by designated office

Receipt by designated office

Formal examination by the World Intellectual Property Organization (WIPO)

Basic application / registration of basic mark

Receipt by the World Intellectual Property Organization (WIPO)

1.

2.

3.

4.

5.

6.

7.

8.

Case 3

The Dutch company Figaro B.V. prepares and intends to file a European patent application directed to a new animal food product, which contains a specific mixture of four different proteins. After having finalized the application it contains 23 pages including 15 claims, 1 abstract page and 4 pages with drawings. A sequence listing containing the sequences of the four proteins is also prepared. The application is to be filed with Figaro B.V. and another Dutch company, Azrael B.V., as joint applicants. The patent manager of Figaro B.V. will file the application with his own company mentioned first in the request for grant.

- a. Mention 4 ways for filing a European patent application.
- b. What are the minimal requirements for according a filing date?
- c. In addition to the minimal requirements in b., indicate 4 requirements that are necessary for an application to proceed to examination?

Upon filing the patent application no representative was appointed.

- d. To whom will the EPO send their communications?

About 2.5 years after the filing of a European patent application (EPA1, filed on 3 December 2018) it is decided to file a divisional application (EPA2) based on EPA1.

- e. Which fees need to be paid for EPA2 to avoid withdrawal or abandonment of the application before examination starts, assuming it will be filed on 12 July 2021 with the same description, claims, drawings and abstract as EPA1?
- f. What is the time limit to pay each of these fees, without using further processing and without payment of surcharge?

Case 4

Your firm received a request from Waterpomptang B.V., a Dutch company and a new client, to file an International patent application (PCT-WBV).

a. Mention all competent receiving Offices for this International patent application (PCT-WBV)

The International patent application PCT-WBV was filed on 17 March 2021 at the European Patent Office with Waterpomptang B.V. as applicant. Two inventors are named, Mr. Ed Bever, an employee of Waterpomptang B.V. , and Mr. Lowieke de Vos, the owner of Waterpomptang B.V.

The application was filed in French. The application does not claim priority, consists of 30 pages with description, 3 pages with claims (21 claims in total), 1 page with an abstract, 5 pages with drawings (7 drawings).

b. Mention the fees that need to be paid upon filing and to have an international search report issued in respect of this International patent application. What are the due dates for each of these fees?

c. Is it necessary to file a translation of the International patent application PCT-WBV or any parts thereof (description, claims, abstract, title) to have it published? If so, what needs to be translated? Motivate your answer.

In a further discussion with Waterpomptang B.V. on 30 April 2021 one of your firm's patent attorneys found out that Waterpomptang B.V. had filed a national patent application NL-WBV at the Dutch patent office (OCNL) on 16 November 2020. The patent attorney determines that this Dutch patent application NL-WBV is filed for exactly the same invention as the International patent application PCT-WBV.

Today, 1 June 2021 your firm's patent attorney asks you to file a request to add a priority claim to the International patent application PCT-WBV, claiming priority from the Dutch patent application NL-WBV.

d. Is it possible to add the priority claim to PCT-WBV? If it is possible, what is the latest date the request can be filed to get the priority claim added in the international phase of International patent application PCT-WBV?

e. Which details of the Dutch patent application NL-WBV need to be mentioned in the request to add the priority claim to International patent application PCT-WBV?

f. Where should this request to add the priority claim to International patent application PCT-WBV be filed?

g. To which office should the priority document be furnished, and how can it be furnished?