

Patent Agent Examination Preparation Guidebook

Compiled by:

Indian Institute Of Patent and Trademark

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What is Patent Agent Exam?

Patent Agent Exam is conducted by Government of India. After qualifying the examination, professionals can start practicing as patent agents and help corporates and individuals filing patents.

17 most asked questions about Patent Agent Examination

Question 1:

What is the eligibility criterion for appearing in Patent Agent Exam conducted by Indian Patent Office – Age, Qualification, and Citizenship etc.?

Eligibility criteria to appear in the Indian Patent Agent Exam are simple and as follows:

Minimum 21 years

Indian Nationality

Minimum one science based graduation [degree in science, engineering or technology from any university established under law in India or possesses such other equivalent qualifications as the Central Government may specify in this behalf – BSc, MSc, B. Pharma, M. Pharma, BE, ME, B.Tech, M.Tech, PhD, MBBS etc (this is just a small list of degrees qualifying for Indian Patent Agent Exam and may not be complete. If you have any doubt about your degree, don't hesitate to call IIPAT)

Graduation should be complete. Final year candidates are also eligible as long as they are able to produce final degree, mark sheets etc within 2 months of declaration of the Patent Agent Exam result they are appearing for.

Question 2:

What is the date of the Patent Agent Exam?

Indian Patent and Trademark Office has notified on its website ipindia.gov.in that examination will be held before December 2018.

Question 3:

When will the Forms to apply to appear for Patent Agent Exam be released by Patent Office of India?

The notification and the form are released by the Indian Patent Office generally 2 months before exam.

Question 4:

What are the career prospects, advantages of becoming a Patent Agent?

- a. I m an engineer
- b. I m a researcher
- c. I m a PhD
- d. I m a teacher
- e. I m an inventor
- f. I m a pharmacy graduate

Whatever is your profession or present specialization, becoming Patent Agent does not in any way mean that you are changing your field.

Question 5:

Can I practice in the US, Europe etc also with this certification?

NO. Indian Patent Agent Examination is only for Indian citizens and is recognized only by Patent Office of India. To practice as a patent agent in other countries, one has to qualify patent agent exams of the respective countries.

Question 6:

Do I have to become a lawyer to practice on my own or otherwise?

NO. There is absolutely no need to become a Lawyer to practice as a patent agent in India. Once you qualify the exam, you can work in any company requiring patent agents and also start your own consultancy firm.

Question 7:

What is the syllabus for the exam?

There is no set syllabus prescribed by the Indian Patent Office for the exam, but it is stated that to clear the exam one should be through with the all the Patent Office practices and procedures. If you wish to know more on what comes in the exam, you may want to see the books prescribes by IIPATA for the exam.

Question 8:

What is the structure of exam?

The exam is a three (3) part test.

Part 1:

Paper #1 will have 40 objective type questions of one mark each and descriptive type questions of 60 marks.

Part 2:

Paper #2 will have a set of two questions (different sets for science and engineering) on drafting of 30 marks each consisting of:

- Drafting of specification from given claims and background.
- Drafting of claims from given specification and the rest will be descriptive/interpretative type questions of 40 marks.

Part 3:

Viva-voce examination will be based only on domain knowledge.

The passing score is a minimum of 50% in each and overall 60%.

Patent Agent Examination structure - paper 1, paper 2 and viva voice.

Question 9:

What is the number of seats announced by Indian Patent Office for the exam?

There is no number specified by Indian Patent Office as maximum number of seats per year for registering Patent Agents. Seeing the past trends the number is only increasing every year.

Question 10:

Is coaching with IIPATA compulsory?

No. Coaching is not compulsory. In fact Indian Patent Office has not recognized any institute, college or university for the same. For the same reason, knowing the credentials, expertise in IPR and experience of the institute providing Patent Agent Exam training can be handy while choosing its course or programs for your preparation. Check out how to choose an institute for patent or IPR studies.

Question 11:

Where will be the exam conducted?

Till 2010, the exam was conducted at the 4 patent offices of Indian, namely, Delhi (exactly in Dwarka, Delhi NCR), Kolkata, Chennai and Mumbai. But as the number of applicants is increasing in 2011, Patent Office allotted college and university centers for conducting the exam. So it is expected to be same in the future. The Centre is mentioned in the admit card you will receive via mail from the Indian Patent Office.

Question 12:

What is the number of attempts allowed?

There is no maximum number of allowed attempts notified by Indian Patent Office till date i.e. you may appear for the exam as many times as you wish and until you qualify as a Registered Patent Agent.

Question 13:

How difficult / easy is the exam?

Please read the 10 myths about patent agent exam for this. Myth # 7 and 8 about patent agent particularly explains this in detail.

Question 14:

What is difference between patent agent and patent attorney?

Please read the article on 10 Myths about Patent Agent Exam. Myth # 3 about patent agent exam will answer your concern.

Question 15:

What is form fee for this exam and where I can get this form?

The actual form will be out soon along with the notification of the date for Patent Agent Exam.

15.1) What is the fee for this form?

Following is the abstract from Official Notification for 2011 Patent Agent Exam. This should answer this question.

How to apply

Applications in the prescribed proforma and enclosures along with the prescribed fee of Rs.1000/- (Rupees One Thousand Only) in the form of D.D. in favour of "Controller of Patents" payable at Mumbai should be sent to "The Controller General of Patents, Designs and Trade Marks", Boudhik Sampada Bhawan, S.M. Road, Antop Hill, Mumbai 400 037" so

as to reach on or before 15 th November 2010 which is the last date for receiving the application. Envelopes containing the application should be clearly marked on top as "Patent Agent Examination -2011."

Documents to be attached with the application

- i. Self attested copy of proof of age;
- ii. Self attested copy of degree certificate;
- iii. Two copies of self attested passport size photographs

Consider the above a template and wait for the actual notification for come. To get alert for the notification, register for the alert here.

Question 16:

What is the Syllabus for the Indian Patent Agent Exam?

There is no syllabus prescribed by the government in the notifications

Rule 110 of Section 126 the Patent Act 1970 which govern the Patent Agent Examination part says:

110. Particulars of the qualifying examination for patent agents. – (1) The qualifying examination referred to in clause (c) (ii) of sub-section (1) of section 126 shall consist of a written test and a viva voce examination.

(2) The qualifying examination shall consist of the following papers and marks, namely:

Paper I Patents Act and Rules 100 Paper II – Drafting and interpretation of patent Specifications and other documents. 100

Viva Voce 100

(3) The qualifying marks for each written paper and for the viva voce examination shall be fifty per cent each, and a candidate shall be declared to have passed the

examination only if he obtains an aggregate of sixty per cent of the qualifying marks.

According to me:

- 1) Not all the sections are asked in the exam, there are some particular important sections which are always asked.
- 2) But as the trends are changing objective type question can be asked on pin pointed sections and rules of Patent Act 1920
- 3) Case Study type questions have become a very important part of the paper 2 now. External guidance might be needed. If you are trying to make your own case studies try to incorporate as many sections as possible in a single case study to make it complex. This way you will get use to understand what should happen if more than just 1 condition is applied in real life situations.
- 4) Patent drafting ability is very important part for qualifying the exam and some time you will really need guidance on this part.
- 5) Viva Voice is again a important part of the exam. Question which cannot be discussed in the written paper are asked in the viva. Both pin pointed and purely subjective questions are asked by the examiners. Having a question bank can help. Also understand by making you a Registered Patent Agent – government is making you an extension of itself to help in the work which it cannot do as there are only 4 patent office in India and the demand for Patent professionals is too high. So they are expecting you to be able to help clients or other inventors in the filing procedure – again real life case studies can be asked.
- 6) All in all clearing Patent Agent Exam means you completely understand the rights and duties of an inventor or researcher with respect to the invention and also that of the government towards these inventors. You will be a Government agent helping it file patents for inventors and helping them increasing the scope of their invention.

Question 17:

Is there any book or online help for study?

Yes, there is help. You can download and read the Bare Act – The Patent Act 1970 from the internet. It contains pretty much everything asked in the Patent Agent Exam. Or you can join courses offered by various institutes on Patent Agent Examination Preparation. IIPATA provides guidance and preparation courses on Patent Agent Exam as Classroom, Distance Learning, Crash Course, Test Series and Express 6 days – delivery formats.

10 myths about Patent Agent Examination

Myth #1: Patent agent exam is for lawyers and completely law based

According to the Government of India, minimum qualification to appear in the patent agent exam is – “Any Science Graduation”. There is no mention of any Law graduation or legal knowledge. This clearly indicates that patent agent is supposed to be a person with technical knowhow, which is good as patent are actually protection of “Technological Inventions”.

Do you have to study law? Yes, a little but, The Patent Act 1970 to be exact.

But law is tough. How will I study? No, this law revolves around technology and inventions. It revolves around – what is invention? What are your rights as an inventor? How to protect invention? And what can be done if somebody steals your invention etc. So it is actually very interesting for every science person and not difficult.

For people who still think it might be difficult IIPATA has rewritten every important section for patent agent exam in plain, simple English in the book “Paper 1”.

Myth #2: I will be changing my field when I become a patent agent?

No. If you notice closely, government only conducts the patent agent exam while there is no institute / college / university recognized by government to impart education on patent agent. This is a professional certification for government, to increase your avenues and not to divert you from your main stream.

What it means is, after becoming a registered patent agent:

You can be in the field you are presently in, use the new knowledge in research, file patents for your own inventions or inventions of other people of any field and not just your field and be a more knowledgeable and responsible researcher / professional.

If you want you can join any organization in RnD (in your field or if you wish any other field) in the IP department. Yes every good RnD department of organization has an IP cell now days.

If you wish you can join a Law firm (you will still not need a law degree, you are a registered patent agent remember? That's big)

You can also start your own consultancy firm and give consultation to other people / researchers etc in need of IP and Patent help.

Myth #3: Patent Attorney is a higher post than Patent agent and it is better to become a patent attorney directly

Patent Agent and Patent Attorney are different people and they have different job. No one is above the other. See below the scope of jobs

Patent Agent	Patent Attorney
NO Law Degree required.	Law Degree Required.
Understanding the invention – easy because you are a science graduate.	Science Degree Required.
Understanding if the invention is patentable or not.	If there is an infringement, i.e. someone is stealing someone else's invention; patent etc. a patent attorney will be representing the client in the court of law.
Understanding that the invention is just one invention or a group of inventions.	Giving notices to the infringing party.
Drafting the patent claims to be actually protect in the invention.	Note that patent attorney may also do all the things that a patent agent does, but essentially they are experts in the Court of Law which might take most of their time.

As you are a technical person, you can help in increasing the scope of the invention by also including the applications of the invention in various industries, which a lawyer may not be able to do. Thus helping the inventor greatly.	
Filing the patent application on behalf of the inventor.	
Replying to the technical objection of the patent office in the first examination report.	
Due to continuous research, if the invention is achieving even better results in the lab, you may be filling a patent of addition.	
Getting the grant certificate for the inventor	

Verdict: The above comparison is in no way intended to undermine any profession. The point is: it is not compulsory to be a lawyer to be the best Patent Agent.

If you see your future in court of law and litigation – go for being a Patent Attorney, if you prefer staying in the science and technology field, being a Patent Agent is the right choice.

Personal thought: after years and studying law, going back to studying absolutely new and highly advanced technologies may be tough for some people and not helpful for the inventor (client), that's why lot of work (except for litigation, off

course) is passed on to Patent Agents in law firms. As a research, even law firms have more vacancies for Patent Agent than Patent Attorneys

Myth #4: My science knowledge will not be utilized

Again, minimum and compulsory qualification for even appear in the Patent Agent Exam in – Science Graduation, science knowledge is needed and will always be utilized in patent works. Also as seen in the above myth (#3) there is a list of things a Patent Agent is responsible for and they are not possible without any science knowledge.

Myth #5: I cannot be a patent agent because I'm already doing a job

Patent Agent is a government professional certification; you get a certificate from the government and a registered patent agent number after clearing the exam. There is no need for you to leave your job or college.

Myth #6: I will have to change my location to a place where patent office is located

No change of location is required. It is called Indian Patent Agent and not something like Delhi Patent Agent or Mumbai Patent Agent. You are allowed to be anywhere, practice your patent profession anywhere or just utilize the knowledge in your present job of course of study. This certificate will only increase your knowledge, promotion possibilities and new career option.

Myth #7: Patent agent exam is very tough

Some people think it is tough because they are technical and a little law is involved, as discussed in Myth #1, patent law revolves around research, invention and rights of an inventor, so it is interesting. Just make sure you don't start preparing for the exam in the last week and expect to clear it. Start a little early and take just a little time out of your office or regular studies and you will be

good. If you need expert help you can see the patent agent exam preparation series by IIPTA.

Myth #8: Patent agent exam is very easy because I am a lawyer. Knowledge of science is not required for patent drafting.

Try this and you might fail. Firstly; if you are a lawyer; but do not have an additional science degree, your application to appear in the Patent Agent Exam will be rejected by the Patent Office of India. Secondly, good patent claim drafting is not easy if you do practice it well and have good guidance. Law will only tell you, what is the definition of claims of a patent? Lastly, in viva voice, you will be asked question which will be intellectual property or patent aspects of different technologies and science.

Myth #9: I can only file patent for other people and clients but not for myself. I m an Inventor

Once you become a registered patent agent, you can file patents from yourself, others and also in any technology which may be different to your present expertise of field of research.

Myth #10: I am an inventor / researcher and Patent Agent knowledge will not be useful in doing research.

General trend amongst researcher in India is to write researcher papers and get them published as soon as possible. Once the paper is published it is in public domain now and thus cannot be patented even it is something new like an invention. Patent knowledge will help you identify the research that is patentable in India and abroad for yourself; your organization and others. It will also help you in possibly identify white gaps or patentable ideas in a technology if you can do a technology landscape search. Many technologies are built upon a previously existing technology, but what if the previously existing technology is protected by a patent by someone else. You can find this out by Freedom to operate patent

search. There are many more application of patent knowledge in further research, people have basically written book on this subjects.

So in 1 line: Yes, your knowledge on patents will be highly useful in doing further research.

Top 8 questions about what is the salary of the Registered Patent Agent in India

1. Question – What is the salary of Indian Patent Agent?

Answer – Salary of patent agent in India varies from 3.0 lakh per annum to even 15 lakh per annum.

2. Question – Is the research experience counted while applying for job of patent agent?

Answer – Yes, relevant research experience is counted and salary is certainly raised over past salary.

3. Question – I am an engineer and good work experience. I have qualified patent agent exam. Where I should apply for job now?

Answer – Engineers with patent agent qualification are high in demand. Companies like Infosys, Motorola and Qualcomm employ patent counsel. With good knowledge of Indian and US patent law, patent drafting a person can fetch good remuneration up to 6 lakh. Relevant experience in IPR and patent management can give you 12 lakh packages even.

4. Question – I am research fellow and have completed M.Sc. / M.Pharma. How much will I earn if I qualify patent agent exam?

Answer- Such profile candidate can apply in law firm or even company engaged in research in field of your specialization. For example student with M. Sc (chemistry) or M.Pharma can apply in pharmaceutical company. Students can expect 3.5- 4 lakh per annum.

5. Question – I have completed Ph D. Where I can apply for patent agent jobs?

Answer – People with Ph D with patent agent can start their work as patent consultant. IPR companies or KPOs pay good packages.

6. Question – I have completed B.Tech (biotechnology). Where will I get job on qualifying patent agent?

Answer- Students with biotechnology and patent agent can start with Biotech Company or IPR company to earn packages of 3 lakh per annum.

7. Question- What is the scope of work expected from patent agents?

Answer – Patent drafting, searching and analysis, patent and other IP registration process.

8. I was not able to qualify patent agent examination last year. How I can get job in IPR?

Answer – You can start work as intern in law firms or IPR Company to get relevant experience and then apply for jobs.

For any more question on
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or

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