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# Qualifying Examinations Foundation Certificate Programme Specification 2018



## Programme information

Awarding institution:	The Patent Examination Board <sup>1</sup>
Title and modes of study:	The Foundation Certificate (Qualifying Examinations). Self-study
Normal duration:	2-5 years part time

## Overview and general educational aims of the programme

This programme is designed for trainee patent attorneys.

The aims of the programme are to:

- provide a structure with rigour both in terms of skill base and technical acuity;
- provide recognition of achievement enhancing the employment prospects of students;
- develop the skills of candidates to become more effective in professional practice by acquiring academic and practical expertise in a structured way;
- develop the skills of the reflective practitioner as a basis for learning during the programme and beyond;
- develop an understanding and appreciation by candidates of the principles of relevant substantive law;
- equip candidates with the skills to manage themselves in the context of professional practice in or related to the legal services sector.

## Programme outcomes

### Knowledge

**At the end of this programme, successful candidates will have a detailed knowledge of the areas of law and rules relevant for practicing patent attorneys in the fields of:**

1. UK Patent Law
2. English Law (including professional ethics)
3. International Patent Law
4. Design and Copyright Law
5. Trade Mark Law

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<sup>1</sup> [The PEB is an IPReg designated examination agency.](#)

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### Understanding

At the end of this programme, successful candidates will demonstrate their understanding of the relevant law by:

- Recalling and selecting the relevant law;
- Explaining and describing the law;
- Analysing information in scenarios;
- Applying the relevant law to a scenario situation.

### Skills, qualities and attributes

<b>At the end of this programme, successful candidates will be able to:</b>	<b>How demonstrated:</b>
apply the knowledge and understanding they have gained through the course to complex situations	By analysing information presented in scenario questions and applying the knowledge and understanding gained to those scenarios.
recognise potential alternative conclusions for particular legal situations, and provide supporting reasons for them	By providing advice and guidance to clients based on scenarios presented in scenario questions.
select key relevant issues for legal research and/or discussion and to formulate them with clarity	By selecting and using the appropriate cases and legal statutes to underpin answers to examination questions.
use standard paper and electronic resources to obtain up-to-date legal information, including researching and analysing intellectual property law from primary resources on specific matters and applying the findings of such work to the solution of legal problems	All successful candidates must have achieved this in order to obtain the necessary information to pass the examination, by selectively utilising the reading lists provided, and published law and statutes.
make a personal and reasoned judgement based on an informed understanding of standard arguments in the area of law in question	By providing advice and guidance to clients based on scenarios presented in scenario questions underpinned by the relevant standard law.
use legal terminology with care and accuracy	Successful candidates will use the correct legal terms in their correct context.
communicate legal information, whether orally or in writing, appropriately to the needs of a variety of audiences	Successful candidates' written answers will be coherent and relevant to the question asked and its context.

## **Assessment method**

The programme comprises five syllabuses; each syllabus is assessed via a closed book, unseen three hour written examination as follows.

Each question paper is divided into Section A and Section B.

Candidates are instructed to attempt **all** questions in Section A and **three questions from four questions** in Section B.

- Each question in Section A is worth between 1 and 10 marks.
- Each question in Section B carries 20 marks.

There are 100 marks available in total: 40 marks in Section A and 60 marks in Section B. The pass mark is 50%.

Section A questions principally test knowledge and understanding of the law specified in the syllabus. Section B questions mainly test the candidates' ability to apply that knowledge through analysing a scenario and being able to offer appropriate advice and guidance to clients.

## **Programme structure and curriculum**

Please see each [syllabus](#) for detailed description of content and learning outcomes of each syllabus.

UK Patent Law (FC1)
<ul style="list-style-type: none"><li>• The law relating to patentable inventions in the UK</li><li>• In relation to UK patent applications, the:<ul style="list-style-type: none"><li>○ right to apply for and obtain a patent</li><li>○ determination of inventors</li><li>○ ownership of a patent</li><li>○ relationship between employer and employees</li></ul></li><li>• The law relating to the UK patent application process</li><li>• The law relating to amendment and to correction of UK patent applications and patents</li><li>• The impact of national security or public safety issues on filing UK or overseas patent applications</li><li>• Priority</li><li>• The duration of a UK patent</li><li>• UK patents and patent applications as forms of property</li><li>• The law relating to infringement of UK patents</li><li>• In relation to UK patents and patent applications:<ul style="list-style-type: none"><li>○ groundless threats</li><li>○ declaration of non-infringement</li><li>○ false marking</li></ul></li><li>• The law relating to challenging UK patents and patent applications</li></ul>

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<ul style="list-style-type: none"> <li>• The effect of European patents and applications in the UK</li> <li>• The effect of applications under the Patent Co-operation Treaty in the UK</li> <li>• Definitions in the Patents Act 1977</li> <li>• UK Patent law cases</li> </ul>
English Law (FC2)
<ul style="list-style-type: none"> <li>• The characteristics of the English legal system</li> <li>• Law of court procedure</li> <li>• Remedies available in IP-related civil legal proceedings</li> <li>• Evidence in IP-related legal proceedings</li> <li>• The Law of Contract</li> <li>• The Law of Tort</li> <li>• The Law of Property</li> <li>• The Law of Trade Secrets and Confidential Information</li> <li>• Business structures</li> <li>• Professional Conduct for a Registered Patent Attorney</li> </ul>
International Patent Law (FC3)
<ul style="list-style-type: none"> <li>• General considerations for protecting inventions in             <ul style="list-style-type: none"> <li>• Argentina, Brazil, Canada, Mexico, USA</li> <li>• China, Japan, South Korea, Taiwan</li> <li>• Australia, New Zealand, Singapore</li> <li>• India, Israel, Saudi Arabia, South Africa</li> <li>• EPC, Germany, France, Italy, Spain, Netherlands, Norway, Poland</li> </ul> </li> <li>• The patent application process via the PCT – the international phase</li> <li>• The patent application process via the PCT – the national/regional phase in             <ul style="list-style-type: none"> <li>• Brazil, Canada, Mexico, USA</li> <li>• China, Japan, South Korea</li> <li>• Australia, New Zealand, Singapore</li> <li>• India, Israel, Saudi Arabia, South Africa</li> <li>• EPC, Germany, France, Italy, Spain, Netherlands, Norway, Poland</li> </ul> </li> <li>• The patent application process via the EPC</li> <li>• Obtaining a patent or a utility model via the national patent offices in:             <ul style="list-style-type: none"> <li>• Australia</li> <li>• China</li> <li>• Germany</li> <li>• Hong Kong</li> <li>• Japan</li> <li>• Singapore</li> <li>• USA</li> </ul> </li> <li>• The law relating to opposition, re-examination and/or revocation of granted EP patents, Japanese patents, US patents and German patents and utility models.</li> </ul>
Design and Copyright Law (FC4)
<ul style="list-style-type: none"> <li>• General provisions relating to copyright</li> <li>• Protection of designs in EU, UK, USA, China and Japan</li> </ul>

- Registered and unregistered rights in EU and UK
- The law relating to registrable designs
- Ownership of registered designs
- The law relating to the application process for registered designs
- Priority
- Duration of registration
- A Registered Design as a form of property
- The law relating to infringement of registered designs
- The law relating to declarations of invalidity of registered designs
- The law relating to unregistered community designs and UK design rights
- The law relating to infringement of unregistered community designs and UK design rights
- The law relating to copyright in literary and artistic works
- The law relating to infringement of copyright

**Trade Mark Law (FC5)**

- The international protection of trade marks
- The Madrid Protocol
- The Madrid Protocol: Protection of trade marks in EU (unitary right), France, Germany, Ireland, Italy, Spain, UK, USA, China and Japan
- The European Union: Trade mark rights in France, Germany, Ireland, Italy, Spain and the UK, and the Conversion of EU Trade Marks
- Passing off in the UK
- The law relating to registrable trademarks
- Ownership of trade marks
- The law relating to the application process
- Opposition and Observations
- Priority and seniority
- Duration of registration
- A Registered Trade Mark as a form of property
- The law relating to infringement of Registered Trade Marks
- Revocation and invalidation of Registered Trade Marks
- Case law on Registered Trade Marks

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## Credits and level

As defined by IPReg the 60 QAA credits (where one credit is 10 hours of study) required for this programme are allocated thus:

PEB Foundation Examination	IPReg Core Subjects	Credits
FC1 – UK Patent Law	Patent Law	12
FC2 – English Law	Fundamentals of the English Legal System	10
	Professional ethics applicable to IP practitioners	1
	Patent Law	0.5
	Trade Mark Law	0.5
FC3 – International Patent Law	Patent Law	12
FC4 – Design & Copyright	Design & Copyright Law	12
FC5 – Trade Mark Law	Trade Mark Law	12

This programme is benchmarked within the QAA Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies (2014) as being at level 6 – a Professional Post Graduate Certificate.

## Admission to the programme

Admission to the programme is in accordance with the [IPReg rules and regulations for the admission of individuals](#), and the [PEB Eligibility Policy](#).

All candidates agree to meet and be bound by the [PEB Qualifying Examinations Regulations](#) and its [policies](#).

## Designations and employability

Most candidates will be employed before they start this programme of study. Successful completion of FC1 is a pre requisite to advancing to the Final Diploma and successful completion of the whole programme is a pre requisite for being admitted to the Register of Patent Attorneys and to becoming a Chartered Patent Attorney.

## **Qualifying Examinations Foundation Certificate Programme Specification 2018**



### **Programme standards and quality**

The Patent Examination Governance Board is responsible via its Constitution for the standards and quality of these examinations.

It gains feedback in relation to this end via its annual student surveys, and through monitoring and actioning incidents, risks, comments and complaints from candidates and employers, and through monitoring feedback from the Examinations Committees, and other examiner meetings.