

The Patent Examination Board

Regulations for the Examinations for the Patent Attorney Register

Commencement

1. These Regulations shall come into force on 1 September 2013¹.

Interpretation

2. In these Regulations unless the context otherwise requires:
 - a. 'CIPA' means the Chartered Institute of Patent Attorneys;
 - b. 'Final Examinations' means the examinations described in Schedule 1b;
 - c. 'Foundation Examinations' means the examinations described in Schedule 1a;
 - d. 'Qualifying Examinations' means the Foundation Examinations and the Final Examinations;
 - e. 'JEB' means the Joint Examination Board;
 - f. 'PRB' means the Patent Regulation Board;
 - g. 'The Board' means the Patent Examination Board.

References to the passing of any examination shall include any deemed pass under these Regulations.

The Qualifying Examinations

3. The Board will hold Qualifying Examinations each year consisting of Foundation Examinations and Final Examinations ('the Examinations') for persons wishing to be entered on the Patent Attorney Register.

Eligibility

4. All requests for eligibility granted by the JEB will be recognised by the Board.

Foundation Examinations

5. A person shall be eligible to sit the Foundation Examinations if he or she has obtained:
 - a. A degree in a Science, Engineering, Technology or Mathematics based subject conferred by a University in the United Kingdom;
 - b. Any other educational qualification, whether obtained in the UK or elsewhere, that PEB accepts as providing a suitable basis for entry into the patent profession.

¹ Updated December 2014

Final Examinations

6. A person shall be eligible to sit the Final Examinations if he or she has passed the Foundation examination FC1 (UK Patent Law) or the Foundation level examinations for Patent Attorneys set by any other examination agency and specified in the Examination Admission Rules published by the PRB.

Persons with Substantial Experience

7. Persons with substantial, relevant work or educational experience may apply to the Board for it, in its discretion, to waive the requirement for educational qualifications set out in paragraph 5. The Board's decision shall be given in writing.

The Examinations

8. The designation, subject matter and duration of each Foundation Examination and each Final Examination are set out in Schedules 1a and 1b.

Exemptions and Deemed Passes

9. All examination exemptions and passes awarded by the JEB will be accepted as exemptions and passes of the equivalent PEB examinations.

Foundation Examinations

10. The Board will grant exemptions from appropriate Foundation Examinations to candidates who have successfully completed one of the Law qualifications or examinations listed in Schedule 3 of the *Examination and Admission Rules 2011* of the PRB.
11. The Board will publish its policy for determining which exemptions are to be granted under Paragraph 10.

Final Examinations

12. Candidates who have passed the European Qualifying Examinations as a whole or examinations A and/or B of those examinations are deemed to have passed Final Examination FD2 and/or FD3 to the extent set out in Schedule 2.

European Communities (Recognition of Professional Qualifications) Regulation 2007

13. A candidate who has applied to the PRB under the European Communities (Recognition of Professional Qualifications) Regulation 2007 (SI 2007 No 2781) shall be permitted to sit such examinations as the PRB shall determine are required to be sat as part of that candidate's equivalency test.

Formal Decisions

14. At the request of any person, the Board will issue a formal decision as to whether that person is deemed to have passed an examination by virtue of paragraphs 9 to 11.

Application for Candidacy

15. Each candidate for the Qualifying Examinations, or any part of them, shall, no later than a date set by the Board prior to the date of the examination the candidate wishes to sit, furnish the Board with the following:
 - a. His or her full name and permanent address, and an e-mail address;
 - b. Details of his or her educational attainments or qualifications as required in paragraph 5;
 - c. Proof in a form satisfactory to the Board of his or her educational attainments or qualifications which the candidate wishes the Board to consider in his or her application;
 - d. The titles of the Foundation Examinations and/or Final Examinations (as specified in Schedules 1a and 1b) the candidate wishes to sit together with the fees (in £ sterling and net of all bank charges) as may be required by the Board.

Requests for Rulings on Eligibility

16. A request for a written ruling under paragraph 7 (Persons with substantial experience) must be received by the Board by the published examination entry closing date immediately preceding the relevant examination in any calendar year. Any request for a written ruling should be accompanied by evidence to the satisfaction of the Board.
17. The Board will issue a written ruling as to the acceptability or non-acceptability of a request under paragraph 16, after making such enquiries as the Board deems necessary to verify any evidence provided in support of the application.
18. If it is not possible for the Board to issue a ruling under paragraph 16 prior to the examinations, the candidate may be permitted to sit the relevant examination or examinations but no result will be issued until the applicant's candidacy is accepted. If the Board rules that an applicant's candidacy is not accepted the fees previously paid to enter the examination will be returned.

Conduct of Examinations

19. The Board shall make such arrangements as expedient for the conduct of the Qualifying Examinations as set out in Schedules 1a and 1b. The Board will:
 - a. Give at least 4 months' notice of the time and place(s) of each examination;

- b. Give at least 4 months' notice of the date by which applications to sit examinations must be received by the Secretary;
 - c. Arrange for the notices to be appropriately published to potential candidates in the United Kingdom, for this purpose notices on the public area of the website of CIPA, or on a Board website will be deemed sufficient and the Board will provide copies of the notices to the PRB;
 - d. Appoint invigilator(s) to oversee the conduct of individual examinations;
 - e. Require the invigilator(s) to report to the Board on the conduct of each examination at each place, including any irregularity that may have occurred;
 - f. Give power to invigilator(s) to exclude from any examination any person whose conduct is considered to be detrimental to the good order of the examination or disruptive to other candidates;
 - g. Require the invigilator(s) to report to the Board any evidence of any irregular conduct, together with the number or identity of the candidate(s) concerned, and the evidence. In this regard irregular conduct includes:
 - i. Copying another candidate's answer;
 - ii. Bringing unauthorised materials or memory aids into examinations, including books, papers, notes, computers, electronic notebooks and notes written on a candidates skin or clothing;
 - iii. During the examination communicating with any persons outside the examination;
 - iv. Leaving examination rooms to look at unauthorised material;
 - v. Writing before the examination starts or after it has finished.
 - h. Permit the invigilator(s) to make such arrangements as appears reasonable to the invigilator(s) to accommodate any candidate who is delayed in reaching the examination as a result of any disruption or emergency, or who is taken ill during the examination. Such actions shall be reported to the Board;
 - i. In the case of serious disruption or emergency at any place, to suspend the examination for a time, declare an examination finished (or not started), and to report the facts to the Board. If expedient, the invigilator(s) may delay the start of an examination as necessary to enable the completion of a previous examination.
20. The Board may take such measures as appear expedient to the Board so as to minimise the impact of any irregularity in the conduct of any examination.
21. If it appears to the Board that the examination has been so irregular or disrupted that a meaningful outcome is not possible, the Board may declare that examination void, and shall make arrangements for candidates subsequently to sit the examination as soon as possible. If in a report from the invigilator(s) under paragraph 19, a candidate appears to have cheated or otherwise engaged in irregular conduct the Board may take measures appropriate to the case. Depending on the evidence and the gravity of the matter, such measures may include:

- a. Not marking the candidate's script for the examination concerned;
- b. Not marking any script from that candidate from any examination taken in the same year;
- c. Excluding the candidate from one or more future examinations;
- d. Reporting the matter to the appropriate disciplinary authorities.

Marking and Pass Marks

22. In order to pass any of the examinations contained in Schedules 1a and 1b, a candidate must obtain not less than 50% of the marks available in that examination. A pass in any single examination is independent of performance in any other examination.
23. The Board may decline to mark any answer script that has been removed from the examination.
24. The Board may decline to mark any answer script submitted by a person not properly entered for the examination.
25. Marks will not be awarded in respect of any answer script or part of a script that cannot be read by the examiners concerned.

Power to Amend Schedules

26. The Board shall have the power, except for the approval of the PRB where necessary, to amend any Schedule without the need to seek re-approval of these Regulations. The Board shall publish any changes to a Schedule.

Appeals

27. An appeal may be made in accordance with the Board's Appeals Policy in respect of a written decision of the Board by any person affected by that decision. Any appeal must be made within one month of the date of the decision concerned.

Communications

28. All communications under these regulations should be addressed to:

The Patent Examination Board
3rd Floor 95 Chancery Lane
London
WC2A 1DT
E: peb@patentexaminationboard.org.uk

Schedule 1a - Foundation Examinations

Designation	Title	Duration
FC1	UK Patent Law	3 hours
FC2	English Law	2 hours
FC3	International Patent Law	3 hours
FC4	Design and Copyright Law	3 hours
FC5	Trade Mark Law	2 hours

Schedule 1b – Final Examinations

Designation	Title	Duration
FD1	Advanced IP Law and Practice	4 hours
FD2	Drafting of Specifications	4 hours
FD3	Amendment of Specifications	3 hours
FD4	Infringement and Validity	5 hours

Schedule 2
Exemptions and Deemed Passes

Final Diploma Examinations

The following table sets out examinations or qualifications which the Board has deemed equivalent to an examination or examinations forming part of or comprising the Final examinations.

Deemed Equivalent Board Examinations

Pass in European Qualifying Examination	FD 2 and FD 3
Pass in European Qualifying Examination A	FD 2
Pass in European Qualifying Examination B	FD 3