



# **PEB Qualifying Examinations**

**2017 Examinations**

**Candidate Survey Report**

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## Introduction

Every year the PEB seeks candidate feedback on the PEB Qualifying Examinations.

In response to previous feedback, the PEB increased the length of two of the Foundation Certificate examinations in 2017 to make them all three hours in length.

262 candidates completed the survey. 41% of them commented negatively about the examinations (compared with 30% in the January 2017 survey). There were more comments from candidates than in previous years.

Candidates mentioned many of the same issues from previous years including:

- Not having enough time to complete the examinations / too much material to cover in the time
- Too much memorising
- Not relevant enough to their professional role
- Examination requirements unclear / examination expectations too broad or too obscure
- Issues with venues

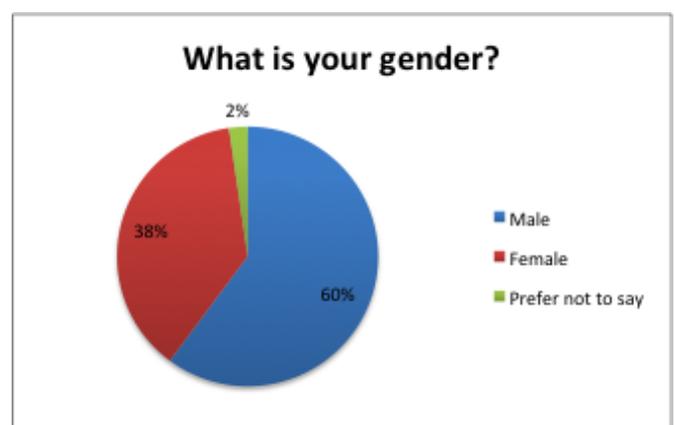
Several candidates were frustrated as they perceived that any previous survey feedback in relation to FD4 had not been taken on board.

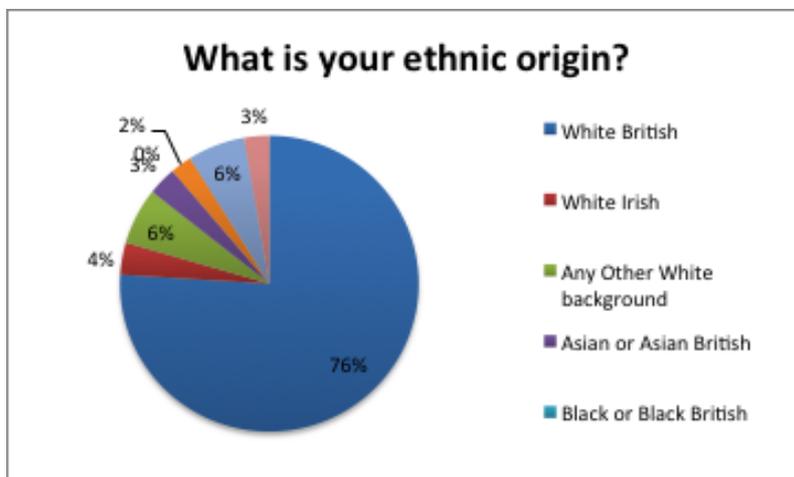
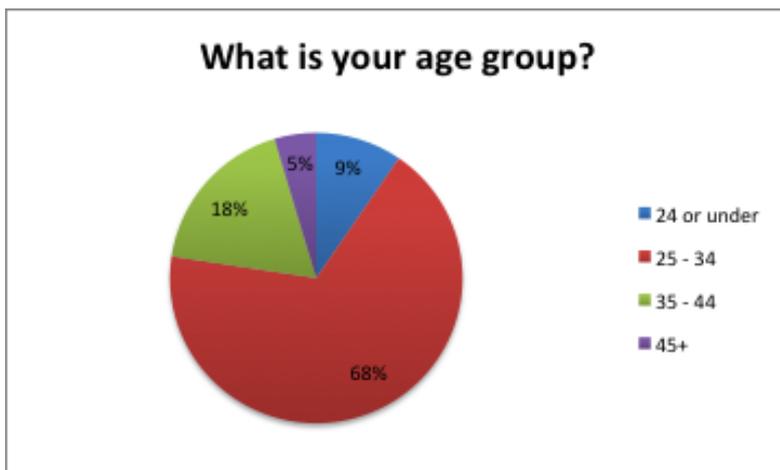
“Enough is enough with these surveys. You know there is a problem, you can tell by the sheer number of people that fail every year!”

“FD4 (P6) provides neither the service of preventing unfit candidates from passing, nor allowing competent candidates to pass and/or demonstrate their ability; it is instead nearly entirely arbitrary. For a professional examination this is shameful. It breeds resentment for the industry, holding back the careers of capable younger generations. This serves neither the public nor the industry advantageously.”

## Profile of participants

As in previous years, candidates were mainly white (86%) and aged between 25 and 35 (68%). 60% were male, compared with 38% female and the rest preferred not to say.

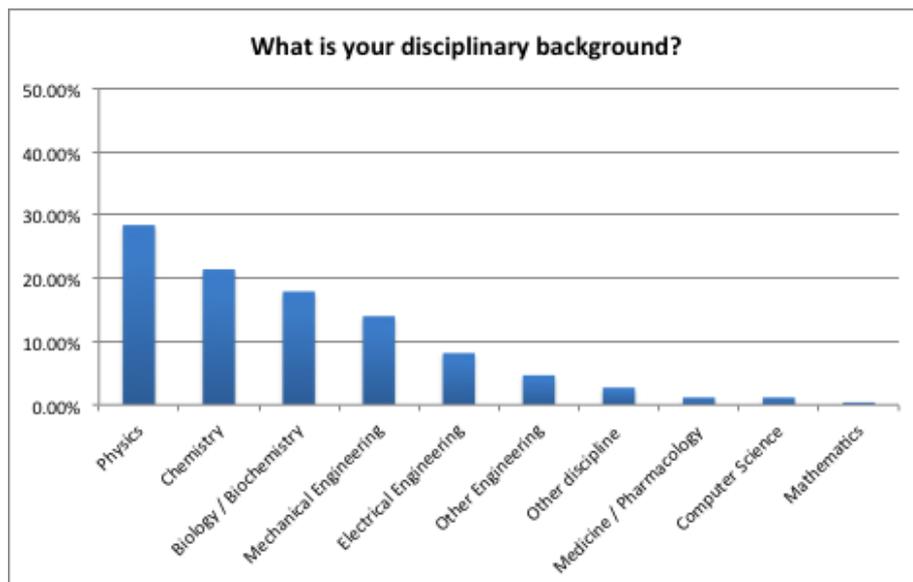




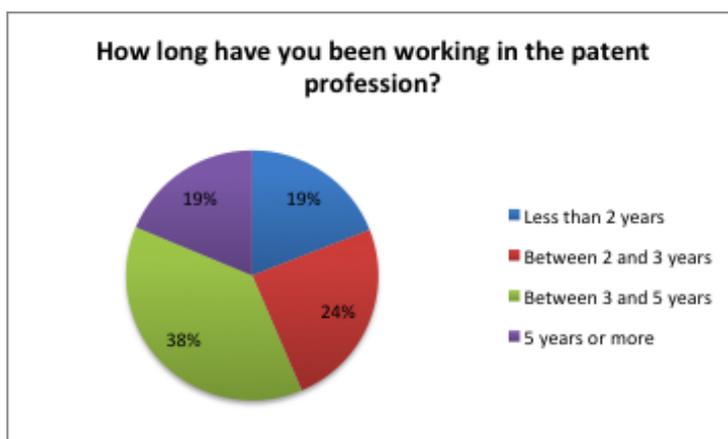
92% of candidates speak English as their first language. Other first languages spoken include Chinese, Gujarati, German, Romanian, Danish, Spanish, Italian, Dutch, Malayalam, Sourastra, and Vietnamese.

95% of candidates said they do not have a disability. 2 candidates (less than 1%) said they do, and 11 preferred not to say.

Physics continues to be the most common disciplinary background, followed by 21% having a disciplinary background in Chemistry, closely followed by Biochemistry.



Over half (56%) of candidates have more than 3 years' experience in the patent profession.

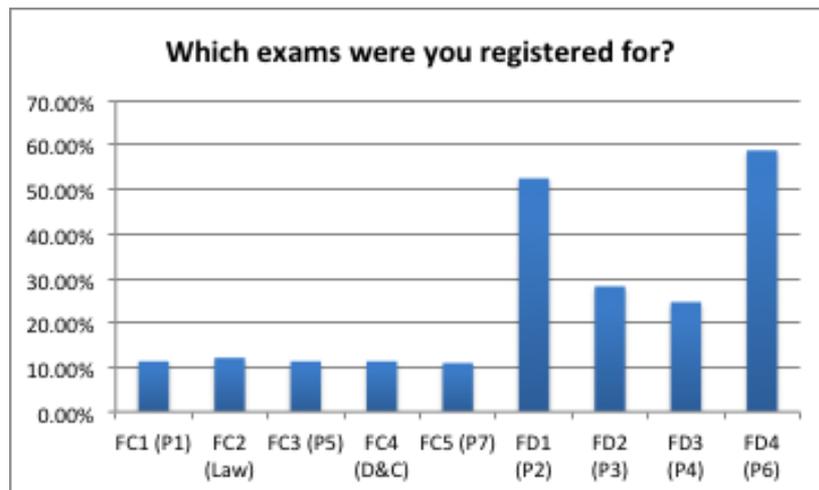


84% work in a private practice, and 14% work in industry. Most work in large firms: 50% of candidates work in firms with 50 – 249 employees, and 27% work in firms with over 250 employees. A higher proportion work in large firms than the previous candidate cohort (18% worked in companies with over 250 employees).

## Examinations taken

The largest number of candidates answering the survey had registered for the FD4 (59%) and FD1 (52%) examinations in 2017.

36% (90) of candidates said they were taking the FD4 examination for the first time.



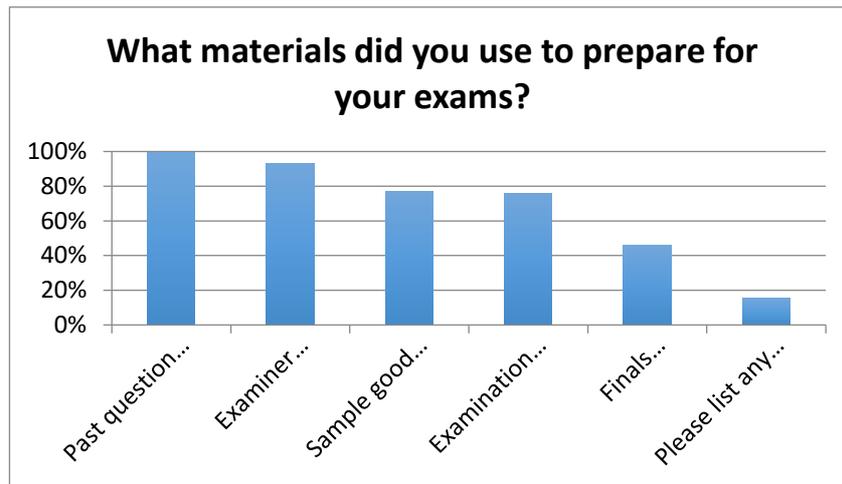
25% (63) of candidates were re-taking FD4 (a small increase on the last cohort, where 21% were re-taking)

13% (32) of candidates have taken FD4 more than three times.

Most candidates re-taking FD4 had last taken the examination in 2016 (60% of those re-sitting) with just 10 candidates having last taken it in 2015 or 2014.

## Support materials

Nearly all candidates used the past question papers and examiners' reports to prepare. Around three quarters of candidates used sample good pass scripts and examination syllabi. Under a half used the finals examination guidance. Doug Ealey's book was commonly mentioned as another source of preparation material. One candidate mentioned an in-house training tutoring / mentoring scheme for FD4.

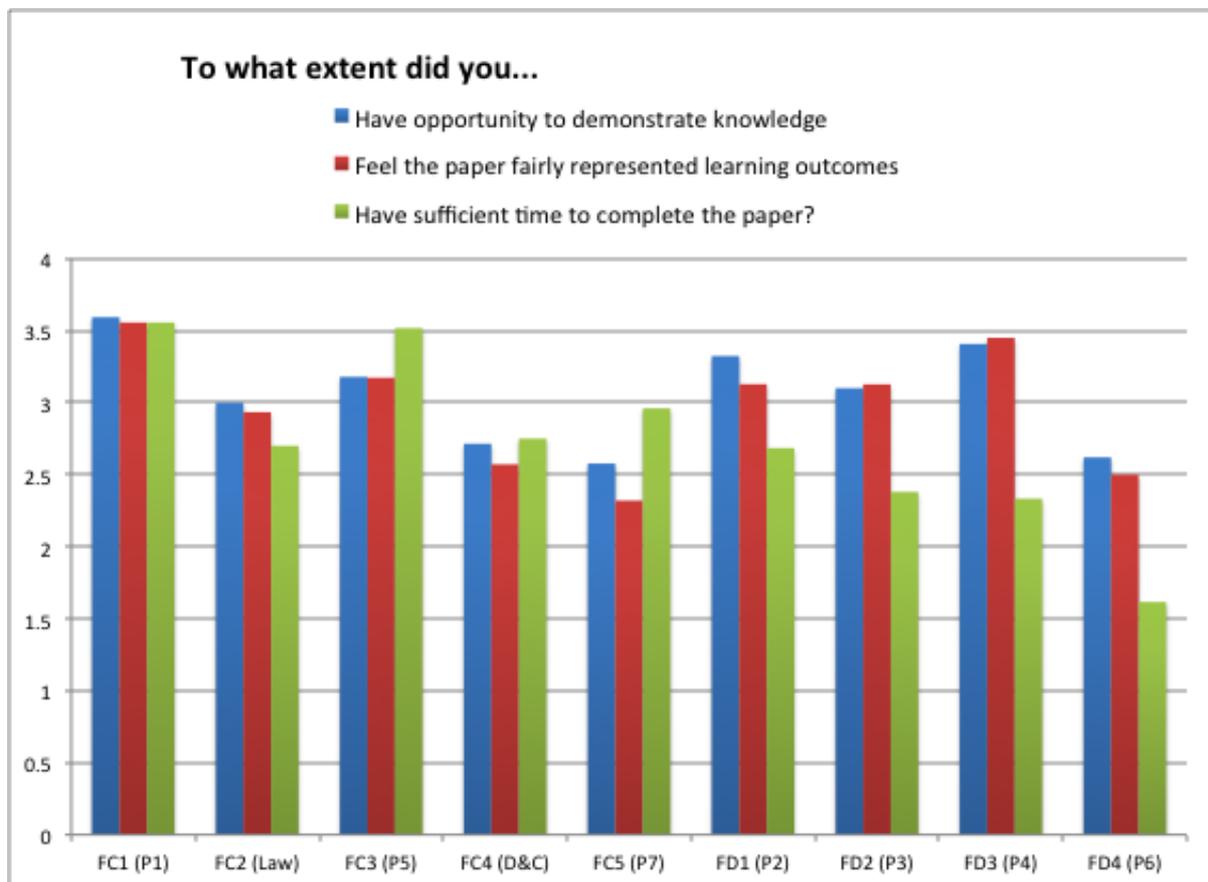


46% of candidates found these materials **very useful**. 52% found them **somewhat useful**. Comments included the wide variation between years and the lack of clarity around examination content and expectations.

## Review of individual examinations

Candidates were asked about whether they felt the paper gave them opportunity to demonstrate their knowledge and understanding, whether the paper fairly represented learning outcomes, and whether they had sufficient time to complete it. A score of 3 denotes “about the right amount of time / a moderate amount”. As in previous years, candidates are generally satisfied with the amount of time for the Foundation Certificate papers (especially FC1 and FC3, and less so FC2, FC4 and FC5).

While FD4 has often been picked out as the most time pressured, and least relevant to working practice, the scores also highlight lower levels of satisfaction with FC4 and FC5, which most candidates felt only represented learning outcomes “a little”.



## Candidate feedback and comments

More candidates made comments this time than in previous surveys.

One candidate gave a positive comment that the examinations were well run, and a couple of candidates commented that the examinations were fair. One notable positive comment (following criticism of the other papers) was that:

“On a more positive note, I felt that the “part B” questions in FD1 were very good as there was a mixture of question styles. Some candidates prefer longer, more detailed questions and some prefer shorter, more open-ended questions and this year’s paper offered both options. I also felt that the subject matter of the drafting paper this year was particularly accessible to candidates from all technological backgrounds and this was appreciated.”

41% of those answering the survey expressed concerns about the examinations, an increase on the previous cohort.

	<b>October 2016 Survey</b>	<b>October 2017 Survey</b>
<b>Candidates completing survey</b>	227	262
<b>Total number of comments</b>	97 (42%)	139 (53%)
<b>Relating to venues / examination logistics</b>	18	24
<b>Concerns with examination content / timing</b>	69 (30%)	107 (41%)

The concerns have been summarised below.

**FC1:** Candidates seem generally satisfied with this paper.

**FC2:** Some candidates feel that revisions to the examination to cover different content from previous years have made it broader and harder to work out what the examiners are looking. A perception from some that the examination was harder this year.

**FC3:** Comments included that the syllabus is too broad and requires too much memorisation/rote learning of obscure facts: some candidates feel it’s an unreasonable amount of material to learn, and not a realistic test of what they would need to do in their jobs.

**FC4:** A shift from the approach in previous years: some feel the paper was harder.

**FC5:** A shift from previous years towards more advice questions: some candidates felt that this was unfair, as it would not be part of their job, they would refer to a Trade Mark Attorney, and the level of knowledge of Trade Marks is not reasonable for them qualifying as Patent Attorneys. Some felt that questions were unclear and also harder than previous years. One mentioned that while the timing for this examination had changed, the content was not supposed to have changed.

Many candidates seem satisfied with the Foundation Certificate papers: there were relatively few comments, compared with the Final Diploma papers, where there were a much greater number of comments, and stronger feelings of frustration expressed.

**FD1:** Many felt FD1 is unfair, testing obscure content not used in everyday scenarios, inconsistent between years, and seemingly harder this year than ever, errors on the paper, and the mark schemes are arbitrary not giving credit for relevant good answers.

**FD2:** There were fewer complaints for this paper, but some candidates were concerned about a shift in what this paper is testing (more directed to invention spotting rather than claim drafting) and the unclear allocation of marks.

**FD3:** All but one candidate appear satisfied with this paper.

**FD4:** FD4 (P6) drew the strongest criticism from candidates. 40 candidates wrote about their dissatisfaction with the FD4 paper. Further candidates referred to FD4 when commenting more generally.

Complaints centre around two issues. Firstly time pressure, which candidates feel is unnecessary and unreasonable. They feel the examination is a test of handwriting speed rather than their knowledge and ability. Secondly, they also feel that it is not a relevant test of professional skills and knowledge that Patent Attorneys need in the workplace.

## Overall comments about the PEB qualifying examinations

Given the time pressures, and the breadth of content tested in the examinations, many candidates questioned the relevance of the PEB qualification. Examples include:

“I am not sure, in the scheme of things, what the examinations are really testing per se - I appreciate that the bar must be high but it seems excessive, even in comparison to the EQEs. I don't feel that they are a fair representation of my ability to do my job (including my understanding of the law) in the time given.”

Some candidates also commented that the examinations favoured those in mechanical / engineering fields:

“...it is unreasonable to ask people who are in a completely different technical field (life sciences) to write an exam that clearly is set up for someone with a mechanical background. Life sciences doesn't use diagrams and figures to the same extent [...] and it takes a life sciences person much longer to get their head around the material as they do not do this on a regular basis.”

As mentioned above particularly for FC3 and also FD1, many candidates expressed frustration that the examinations were tests of memory. They recommended that the examinations could be made open-book and computer-based so that they are more reflective of real-life practices, and a test of how to apply knowledge, rather than a test of obscure facts.

“As a candidate, it's really frustrating to get questions, in a closed book examination, on obscure areas of law or formalities that do not reflect the day to day practice of attorneys. This isn't something that you need to know in detail to practice; we all know that there is a boat exemption, and would look up the details if and when we need to.”

“I found that FC3, in particular, felt very much like a learning exercise rather than a test of knowledge and its application. I also believe that there needs to be better indication of the law that will be tested for the relevant countries and why, rather than simply a list of topics and a list of countries.”

“Being a good attorney is about how to interpret the law, not memorising facts”

“FD1 is a practice-based paper not a memory test. Therefore, why are candidates expected to memorise the Act and Rules. In practice, we have a copy of the relevant materials available when advising any client.”

## Quality of papers and marking schemes

Several candidates complained about the errors in papers, and also the consistency of marking.

One candidate felt that the quality of the mark scheme is the root of the problem with the FD1 (P2) and FD4 (P6) examinations:

“The problems with P2 (FD1) and P6 (FD4) are well-known and clearly shown by the few statistics that are made public. For instance, the wildly fluctuating P2 pass rate, despite being sat by an almost identical batch of candidates each year and despite having reasonably similar questions. ***I think the problem lies in the mark schemes, which need to be much more rigorous and logical.*** A quick comparison of mark schemes over the year shows little consistency in where marks are awarded. This is perhaps why the criticism of the UK exams is so much more vocal than criticism of the EQEs, which have their faults but have developed very robust mark schemes. It is perfectly possible to have a logical and robust mark scheme without making the exam easier.”

## Examination venues and logistics

Fire alarms in Leeds and Bristol disrupted examinations, and candidates were understandably annoyed by this.

Specific recommendations and comments included:

- Good to have a desk large enough to organise the papers
- Extend the lunch break to 1.5 hours to give enough time to eat and rest
- Have the day with no exam on the day before the day with two exams
- “The timing is really bad for anyone with school-aged children. Please move them back to late Oct/early Nov.”
- The answer sheets provided are too many, and each sheet is too thick
- “Make the plastic wallets easier to open without the need for scissors.”
- Exams are expensive and so candidates expect excellent provision e.g. no mistakes in papers or exam logistics (tables / chairs). PEB should not increase costs further as they are prohibitive for smaller firms.