

PEB Qualifying Examinations

2017 Examinations

Candidate Survey Report

PEB Response

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Introduction

The PEB Governance Board and Examiners are very grateful to the candidates who took the time to complete the 2017 Candidate Survey.

The feedback from the survey is reviewed by the examiners, PEB officers and the PEB Governance Board. It informs the ongoing monitoring of the Qualifying Examinations.

The following is the PEB's response at this point in time. Examiners' reports on each of the papers also address many of the comments made in the survey.

This report addresses the main issues raised by candidates in relation to the Foundation Certificate examinations, the Final Diploma examinations, the examination venues and logistics and finally the fees charged for examinations.

Foundation Certificate Examinations

The syllabus and format for the Foundation Certificate examinations have to be approved by the PEB regulator, the Intellectual Property Regulation Board (IPReg), who accredit the Foundation Certificate examinations as a whole. From 2018 there are revised syllabi which meet the content of the core subjects as required by IPReg, and also take into account candidate feedback and changes to the law. As a result of these changes, the learning outcomes specified in the PEB syllabi have been revised to ensure closer coverage of the IPReg core subjects.

With effect from 2018, the format of the five papers has been harmonised so each will contain two sections. Section A, with three compulsory questions and Section B with three questions from four questions. The standard of the examination and the pass mark remain unchanged. Whilst papers only test what is on the published syllabi, it is the intention for the each paper's syllabus to be covered over time. Sample papers and further information can be found on the PEB website [here](#).

In addition to the question scrutiny that the setting teams provide, the complete draft papers are sat by testers under examination conditions. This provides additional valuable feedback on the papers as a whole, including the time allowed and the mark scheme.

The Foundation Certificate examinations are designed and accredited as closed book examinations. In the time allowed they test the basic knowledge, skills and understanding required to start practice as a Patent Attorney in training. There is inevitably a degree of memory load particularly in FC2 (English Law) and in FC3 (international Patent Law). It would appear that the memory load is not unreasonable, and the pass rates reflect this; the pass rate for FC2 showing a noticeable increase on 2016. In FC3, the new syllabus in fact reduces the number of countries for which in-depth knowledge is required, so this should ease the memory load for that particular paper.

The syllabuses are designed to cover areas of work that the trainee might be expected to do, or to understand, in their working life. Passing the Foundation Certificate examinations demonstrates the

candidate has gained sound underpinning knowledge and can demonstrate a degree of competence across the range of patent attorney activities, not all of which might occur in the candidate's own day to day experience.

The comments about the FC5 paper in 2017 have been noted. Candidates are advised to read the [Examiner's Report](#). It is inevitable that some candidates will feel that a paper is harder one year than in previous years. The PEB would like to reassure candidates that steps are taken to ensure that as far as possible, the standard required for passing is the same year on year.

Final Diploma Examinations

The syllabuses for these examinations are approved by PEB's regulator, the Intellectual Property Regulation Board (IPReg). They are necessarily demanding examinations which require both readiness to sit the examination and careful preparation. Although pass rates for all four papers remain lower than at Foundation Certificate level, the stronger candidates were able to demonstrate that they understood what was required of them and could use this knowledge to provide appropriate advice. PEB continues to work on providing greater transparency on both the requirements and the assessment of all the examinations. Preparation for these examinations inevitably differs as candidates are already in the workplace, so it is important that all the support provided by the PEB and CIPA is fully utilised. Potential candidates are advised to study the syllabus and learning outcomes carefully, to practise complete past papers to time, and to read the very detailed examiners' reports for each paper. For the 2017 examinations, annotated pass scripts are now available [here](#) for each paper, providing detailed information on where marks were awarded in each question. In addition to the question scrutiny that the setting teams provide, the complete draft papers are sat by testers under examination conditions. This provides additional valuable feedback on the papers as a whole, including the time allowed and the mark scheme.

FD4 (Infringement and Validity) still causes the most concern to candidates with time-pressure being one of the main issues raised. The Principal Examiner noted that the best candidates were able to demonstrate understanding of the salient points and provide sound advice to the client in the time provided. Although the examination environment is obviously artificial, it does as far as possible mirror real life work, which has its own time pressures.

Research carried out by [Middlesex University on FD4 in 2016](#) reported that the majority of employers consulted thought that the examination itself was well aligned with real life practice. One issue that the report addressed was preparation. A mentoring programme has specifically targeted candidates re-taking this paper and early results are promising. Further information about this can be found in the CIPA Journal (March 2018 Vol 47 No 3) or by contacting the Informals Committee.

Other support being offered by CIPA in preparing for the FD4 examination is a webinar for mentors, a webinar for students and an updated FD4 Study Guide.

An article about the Final Diploma examinations from an Examiner perspective is expected to be published in the Journal before the October 2018 examinations.

Examination venues and logistics

The PEB is continually taking note of feedback in relation to the examination venues it selects. Finding suitable venues within budget remains a challenge.

If an examination is disrupted due to a fire alarm or other disturbance, then allowance is made either via additional time and/or consideration given at the marking and awarding stages.

The wish to have the lunch break extended is noted. Examinations have to be timetabled to allow additional time for candidates requiring Reasonable Adjustments, and PEB also has to fit in with the opening and closing times and the evening bookings of the venue. It also has to consider other issues including candidates who have to travel long distances and need to return home, and invigilator availability.

Timetabling requests are noted. It is appreciated that the current date is not ideal for candidates with school-aged children. The timing of the examinations is dependent on internal and external considerations, but the main one is the avoidance of major religious festivals.

The question of the ease of opening the plastic wallets and the amount and quality of the answer paper will be discussed with our supplier. The plastic wallets are industry standard. Candidates are reminded that scissors may be brought into the examination room for the purpose of opening the bags and/or they may seek assistance from an invigilator.

Fees charged for examinations

The PEB notes comments about increasing fees. The Board has to meet the rising costs of venues, and logistics. It also has to meet the cost of accreditation by IPReg. In addition the costs of the development and delivery of new services such as the breakdown of marks to all candidates and providing sample scripts with examiners' annotations have to be met. However, every attempt will be made to keep any future increases in fees to a minimum.