

Introduction

Overall the standard of answers this year was a little higher than in previous years, with candidates performing well across the syllabus. Candidates seem to struggle more with scenario-based questions than with pure recitation questions and miss out on marks for those questions by not applying their knowledge to the scenario sufficiently. Generally speaking, marks are available for identifying the legal provision that applies and applying that, with reasons, to the scenario. Candidates also waste time and therefore miss out on getting other marks by writing things unnecessarily that are not relevant in the answer. Candidates also sometimes wrongly apply UK provisions to questions on Community rights and vice versa, which cannot be considered as being correct. Candidates are also reminded to write legibly – no marks awarded where answers cannot be read, and to answer the correct number of questions – marking is performed in accordance with the rubric provided on the front of the question paper (i.e. the first 10 questions only are marked).

Question number	Comments on questions
Question 1	This question was attempted by the vast majority of candidates. Despite being a fairly straightforward question about subsistence of rights, was generally not well answered. The question asked for reasoning. Candidates often were too brief in their answers, missing basic points and not giving clear conclusions. Candidates therefore missed out on some easy marks.
Question 2	Not such a popular choice by candidates. Those who answered it generally scored well. The question was about exhibition priority and, generally speaking, the candidates either knew the subject and got lots of marks, or avoided the question. Where marks were lost, this was for not being precise. Exhibition priority is only available for the small number of recognised international exhibitions falling within the terms of the Convention on International Exhibitions. Referring to a trade show or a public exhibition is not the same thing and marks were not awarded. Similarly, for part b), lack of clarity and detail led to candidates losing marks.
Question 3	This question was popular and reasonably answered. The question related to qualification provisions for UK unregistered design right and most candidates explained and applied the provisions well gaining good marks. Very few candidates commented on what constitutes a 'substantial business activity' for part b) and the reasoning for part c) was in some cases not fully presented, leading to a small number of marks being lost.

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Question 4	This was a very popular question, and candidates scored well. The question simply required recitation of the grounds for invalidity of a UK registered design, and candidates had obviously learnt the provision well. As in previous years, candidates tend to perform better on questions requiring straightforward recitation of the law rather than on scenario based questions.
Question 5	This question was attempted by a fair number of candidates and they answered the question reasonably well. Copyright questions often seem to pose a harder challenge for candidates, and especially the scenario-based copyright questions. This question, although having the appearance of simple scenarios, was essentially just asking the candidates to provide information from the CDPA. Parts a, b and c were generally better answered than parts d, e and f.
Question 6	Slightly less popular, again presumably since not all candidates were familiar with these high-numbered Articles of the CDR. It was well answered by those that attempted it. Despite perhaps being an unfamiliar topic, part a) of the question only sought recitation of the relevant parts of the CDR, and part b) was a straightforward scenario based on those provisions.
Question 7	This question was also not that popular and was not answered well. The question presented a scenario accompanied by drawings and asked the candidates to discuss subsistence of UK UDR. Despite the question telling candidates that they should only discuss subsistence and not the statutory qualification criteria, some candidates still did so, wasting time unnecessarily. Some candidates seemed to find it difficult to present their answers in an ordered fashion, which appeared to hamper them identifying all of the points to discuss for all of the design features. Candidates who considered possible protection and possible exclusions for each of features S, P and T in turn scored best.
Question 8	This question was fairly popular, and candidates either seemed to score quite highly or quite poorly. Those who missed marks did so by not reproducing the features of Article 89 CDR and instead focussing on UK national remedies for part a), or by reciting the wording of section 60 of the UK Patents Act rather than the Registered Designs Act for part b).
Question 9	Question 9 was attempted by quite a lot of candidates. It was badly answered. Parts a) and b) were generally the best answered part, with candidates doing worse on part c). Candidates seemed to not to be familiar enough with the provisions of Section 24F of the UK Registered Designs Act, despite it being on the syllabus,

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	and missed out on marks by not being able to provide the required detail.
Question 10	Although a scenario question, this was popular and generally well answered. Where candidates did miss out on marks, this was for not including the basic points such as mentioning a surcharge is payable for paying a renewal fee in the grace period, or for not commenting on/giving reasons for the likelihood of success of the request for restitutio in integrum. Quite a number of candidates also mistakenly referred to the test being 'unintentional' rather than 'all due care', but the question clearly referred to a Community Registered Design rather than a UK registered design.
Question 11	This was another unpopular scenario-based question. The question simply asked for identification of subsisting copyrights and the first owners. Candidates wasted time by writing about other matters that were not relevant to the question.
Question 12	This question was avoided by some candidates. The marks for those who did answer it varied quite a bit. Those who fared well provided details from the relevant parts of the CDR and then an explanation based on the scenario in the question. The relevance of the liquid filling seemed to be the main difficulty for candidates, but being a key part of the question marks were available for discussing this in terms of whether this counted towards being a design/product/complex product as defined in the CDR or whether it was excluded for any reason.