

Introduction

The standard of answers was, on the whole, high. As in previous years, most candidates showed a solid knowledge of the core areas of the syllabus. Answers that required recitation of relevant parts of the Act or calculation of deadlines were answered well. Questions which required the candidate to provide more general advice, such as how best to proceed in view of a set of provided facts, were answered less well.

Examination technique this year was good, with very few candidates taking a shotgun approach to answering questions. Some candidates lost marks simply because they did not fully answer the question. Typically, the best way to proceed when answering a question is to break down the question into all of its component parts and then answer each component part separately. As a hypothetical example, if the question asks the candidate to comment on novelty and inventive step for the claims of three patent applications, the answer should consist of six parts: novelty for application 1; inventive step for application 1; repeated for applications two and three.

Questions

Part A

Question number	Comments on questions
Question 1	<p>This question related to various fundamental aspects of priority.</p> <p>Parts B and D were answered well. In Part C, many candidates struggled to list all four conditions that must be met. Part A, however, was poorly answered. The fundamental point of priority is that the invention of B must be supported by the subject matter of A. Understanding this requirement is essential to an understanding of priority.</p>
Question 2	<p>This question sought to test the candidates' understanding of what documents count as prior art.</p> <p>This question was very popular with candidates, with almost all candidates attempting it. Many candidates achieved full marks. The only part of this question which appeared to pose any difficulty was Part D. In order for a PCT application to count as prior art, it must have been entered into the GB national phase, and a translation filed if not in English.</p>
Question 3	<p>Surprisingly, this question was not popular with candidates. Questions of this form appear on a regular basis and candidates would be well-advised to thoroughly learn a handful of key cases which they can recite if required.</p> <p>Many candidates were able to answer the final part of this question well, that is relating to the discussion of the precedent set by the</p>

	<p>decision. However, it was fairly common for candidates to answer Parts B and C relating to the particular details of the case less well. The examiner suspects that many candidates have confined their reading to case summaries. Candidates are advised to dig deeper and review the case reports relating to the cases of their choice.</p>
Question 4	<p>This question sought to test the candidates' knowledge of contributory infringement.</p> <p>The first part of this question was answered well, with almost all candidates identifying the double territorial requirement for contributory infringement, that is that the offer must be made in the United Kingdom, with knowledge that the means are intended to put the invention into effect in the United Kingdom.</p> <p>Part B was answered less well. Many candidates appeared to be unaware that the supply of a staple commercial product is not an infringement unless it is made for the purposes of inducing the person supplied to perform an act which constitutes infringement.</p>
Question 5	<p>This question related to revocation.</p> <p>This was a very popular question with candidates and was answered well. The question required recitation of the relevant parts of the Act. The only part which seemed to cause a few candidates difficulty was that revocation on the grounds of lack of entitlement cannot be brought by any person.</p>

Part B

Question number	Comments on question
Question 6	<p>Parts A to C of this question sought to test the candidates' knowledge of how infringement is assessed and their ability to apply it to a simple problem. Parts A and B were answered well, with Part B being a recitation of the improver questions. Almost all candidates were able to recite the improver questions to some degree, however in many cases detail was lacking.</p> <p>Part C was very similar to a question that was asked in 2013 relating to a surgical device which was poorly answered. The examiner is pleased to report that the candidates' answers this year were much improved. Generally, candidates still failed to realise that it is not always necessary to employ the Catnic questions when assessing infringement and often one can reach a decision of non-infringement based simply on the prior art, or because the wording of the claims simply does not cover the alleged infringement. It is only in borderline cases where exact interpretation of one or more words in the claim is important that</p>

	<p>one requires the Catnic questions. Many candidates applied the Catnic questions to all embodiments, which was not necessary.</p> <p>The third embodiment of the question did not provide sufficient detail for the candidate to determine if there was infringement. The examiner was looking for candidates to appreciate this and to identify the further information which was required.</p> <p>Part D related to the direct product of a process claim. Many candidates failed to address the point that the method was performed abroad and so it was the act of importation of the product into the UK that was the infringing act. Generally however part D was answered well.</p>
Question 7	<p>This question was popular with candidates, but on the whole was not answered well.</p> <p>As to Part A, almost all candidates realised that the term in the contract of employment was not binding. Knowledge of where and when the employee would need to apply for compensation, however, was lacking.</p> <p>As to Part B, many candidates appeared to be confused between inventorship and ownership; inventorship cannot be assigned. Most candidates highlighted the problem Mr. Geezer would have filing the statement of inventorship naming himself as inventor.</p> <p>As to Part C, this was answered well.</p> <p>As to Part D, almost all candidates appreciated that one can recover damages committed between publication and grant. Few candidates, however, addressed the case where the granted patent was issued with claims of different scope to the published application.</p>
Question 8	<p>This question was popular and answered well.</p> <p>For Part A, a surprising number of candidates were unable to identify that both fifth and sixth year renewal fees were due by the end of December. It was common for candidates to ignore the fifth year renewal fee on the grounds that the patent had not been granted four years from filing.</p> <p>As to Part B, almost all candidates knew which documents needed to be filed and by when. Many candidates simply ignored the fact that the client had made their own developments. What the examiner was looking for here was an appreciation that one needed to update the application to include the developments and then re-file the application claiming priority from the first.</p> <p>As to Part C, most candidates answered the part relating to third party rights very well. Most candidates, however, whilst</p>

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	<p>appreciating that the six-month period for both renewal fees had expired, discussed the application for restoration in respect of one renewal fee only. A subtle point that only the best candidates addressed, was who could apply for restoration, as the renewal fees had not been paid when the cases were owned by the original proprietor. The new proprietor can apply for restoration but will require evidence relating to failure to pay the renewal fees from the original proprietor.</p>
Question 9	<p>The main substance of the question related to the procedure for and effect of endorsing a patent as licence of right. Most candidates answered this well. Candidates also answered the question relating to the difference between a sole licence and an exclusive licence well.</p>