

## Introduction

There was a significant increase in the number of candidates sitting this paper in 2019. It appeared that some candidates were taking this paper earlier in their training and this was reflected in the rudimentary nature of some answers. That being said, the pass rate is similar to 2018.

The syllabus for FC3 is extensive and candidates are expected to learn basic provisions for a number of countries with more detailed knowledge required for US, PCT and European patents. This is reflected in the spread of marks available for the questions posed. Candidates who are well prepared can score very highly on this paper.

This year candidates tended to score highly on knowledge questions relating to the US, PCT and European patents. Questions where application to specific facts was required were generally not answered as well. Similarly where questions related to other territories on the syllabus; answers were less detailed and could not attract full marks.

## Questions

### Part A

Question number	Comments on questions
<b>Question 1</b>	This question tested candidates' knowledge of Australian utility patents. The term "utility patent" should have been clearly understood but many candidates based their answers on innovation patents. While the question was clear, it was decided to award marks for answers that were based on utility patents or innovation patents. In general this question was answered quite well with the majority of candidates being awarded at least half marks.
<b>Question 2</b>	This question tested candidates' knowledge of various aspects of US patent law. Most answers were very good with many candidates scoring highly.
<b>Question 3</b>	This question tested candidates' knowledge of the PCT Chapter II demand. Parts a) and b) were well answered. Part c) that tested candidates' knowledge of how a PCT application can be amended was not answered well.

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<b>Question 4</b>	This question tested candidates' knowledge of how the date of grant of a European patent can be extended in order to avoid paying national renewal fees for the current year. A surprisingly high number of candidates suggested paying print and grant fees as soon as possible as an option. This would result in making sure that national renewal fees would be payable instead of the lower cost EPO renewal fee. For that reason, a high number of candidates did not score well on this question.
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**Part B**

<b>Question number</b>	<b>Comments on question</b>
<b>Question 5</b>	This question tested candidates' knowledge of correcting a PCT priority claim. Most candidates identified at least one of the three deadlines but hardly any candidates identified all three. For that reason most candidates were not able to correctly apply the facts of the question and to specify the correct deadline.
<b>Question 6</b>	This question was a straightforward test of the examination request deadline in six different countries. In general the question was not answered that well with candidates confusing whether the deadline was set by the priority date or the filing date.
<b>Question 7</b>	This question tested candidates' knowledge of the requirements for a European patent filing date to be issued. Most candidates scored full marks.
<b>Question 8</b>	This question tested candidates' ability to apply a range of upcoming deadlines to three different patent families. Family 1 was concerned with US renewal fee deadlines. Family 2 was concerned with restoration of priority. Family 3 was concerned with national phase entry deadlines and possible extensions. This question was fairly straightforward and the marks available were fairly simple to obtain if answers were well structured. Most candidates who attempted this question scored well.
<b>Question 9</b>	This question tested candidates' ability to identify excluded subject matter for European patents in Part a) and how to make assignments effective at the EPO. This question was not answered by many candidates. Of those who did attempt this question, most candidates missed the more difficult marks and scored only around half marks.

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<b>Question 10</b>	<p>This question tested: enforcement of US provisional patents (Part a)); acceleration of European patents (Part b)); and novelty only prior art (Part c)). Part a) was generally answered well with most candidates getting close to full marks. Part b) was not answered as well.</p> <p>Most candidates identified the basic requirements of the PACE program but missed out on the more difficult marks. Part c) seemed to pose a number of problems, particularly in relation to relevance of the US patent application as prior art.</p>
<b>Question 11</b>	<p>This question tested candidates' ability to: apply the UK Patents Act national security provisions to a new military technology patent application (Part a)); determine a cost effective filing strategy for a patent application that has dual military and general commercial application (Part b)); and patent examination in South Africa (Part c)).</p> <p>Most candidates scored very highly in Parts a) and b). Part c) seemed a little trickier for most candidates with little appreciation that patents can be amended prior to grant to take into account examination in other territories.</p>