

Introduction

Out of a total of 59 candidates, 44 candidates, representing 75%, passed the FC4 examination this year. The mean mark was 55. Of the candidates who passed the examination, most scored in the 50s or 60s, although a few exceptional candidates scored in the 70s. Most unsuccessful candidates scored in the 30s or 40s.

Scores across questions were very consistent. Those who did well did so across all the questions, demonstrating a broad degree of knowledge of the subject. Likewise, those who performed averagely did so across all the questions, and those who performed poorly performed poorly across all the questions. No one area of the syllabus was of particular concern.

Good answers to Part B compensated for below-par answers to Part A, indicating that candidates are learning techniques needed to deal with Part B questions, but possibly at the expense of more comprehensive learning or understanding of the statutory provisions.

Candidates are reminded to read the questions carefully and to ensure that their answers reflect what is asked in a particular part of a question.

Candidates who recited provisions without applying them to the scenario of the question in Part B missed out on marks.

Many candidates confused the EU and the EEA.

There was no evidence of time pressure being an issue in this examination.

Questions

Part A

Question number	Comments on questions
Question 1	This question was answered well by most candidates although some missed out on marks by not including all details required for the priority claim, as explicitly asked.
Question 2	This question was not answered well. Many candidates thought the law in the country of origin was applied throughout the countries of the Berne Convention rather than authors being entitled to the same rights as nationals throughout the countries of the Berne Convention.
Question 3	Most candidates passed this question. Some candidates missed out on marks by focussing only on secondary infringement in Part c).

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Question 4	This question was not answered well. Most candidates provided answers not relevant to the circumstances of the question. For example, many candidates discussed innocent infringement, which is not relevant when there is intentional copying of a registered design.
Question 5	This question was answered well, with most candidates being able to recite the definitions verbatim. Marks were also awarded to candidates who could not recall the exact wording if they provided definitions with an equivalent meaning.

Part B

Question number	Comments on question
Question 6	<p>This question was reasonably well answered by most candidates.</p> <p>Most candidates gained marks for discussing the apparently missed renewal deadline and the fact that the registration could still be renewed in the six month grace period.</p> <p>Candidates are expected to use terminology correctly. A relatively high proportion of candidates discussed checking whether the registration was “valid” instead of checking whether the registration was in force/renewed.</p> <p>Most candidates had some discussion of whether the alleged infringing article provided the same overall impression on the informed user based on the survey results and marks were awarded liberally for relevant considerations, regardless of the conclusion reached.</p> <p>Not many candidates discussed the threats position nor whether there was intentional copying of the registered design.</p> <p>Most candidates addressed the relevant points in Part b) of this question.</p>

Question 7	<p>This question was the least well answered in Part b).</p> <p>Although the allocation of the available 20 marks was not explicit, the topics that were expected to be discussed were listed and good answers addressed each topic in turn ensuring marks were acquired in each area.</p> <p>Most candidates correctly calculated the priority deadline although some incorrectly concluded that the priority claim would be valid for the three variants.</p> <p>Good answers explained why the priority claim for the three variants would not be valid but that the 12 month grace period could be relied on.</p> <p>Few candidates discussed the lack of novelty of the rectangle.</p> <p>Most candidates advised filing a multiple application to include the three variant designs and recommended deferring publication.</p> <p>Several candidates thought Norway was an EU member state.</p>
Question 8	<p>This question was reasonably well answered by most candidates.</p> <p>Most candidates knew the relevant requirements and duration for UK UDR, EU UDR and Copyright.</p> <p>Some candidates did not clearly distinguish between the rights in the watch itself and the rights in the online images of the watch.</p> <p>Some candidates wasted a lot of time and effort reciting, for example, the qualification requirements for UK UDR, which were not relevant as there was no UK UDR.</p> <p>Part b) was well answered by most candidates.</p> <p>Part c) was reasonably well answered.</p>
Question 9	<p>Most candidates who attempted this question scored very highly on it.</p> <p>In Part a) marks were awarded for any reasonable advantages of registered rights over unregistered rights.</p> <p>In Parts b) and c) exact wording of the law was not required if the wording provided had an equivalent meaning.</p>