

Examiner's Report January 2017

ICPA – Introductory Certificate in Patent Administration

Introduction

Once again, the majority of candidates performed well in this examination. Overall, candidates' answers showed a good understanding of basic formality principles, such as applicable deadlines and the calculation of relevant due dates.

Whilst forms were generally completed accurately, candidates are reminded to pay attention to the instructions, especially relating to name formatting and the use of the terms United Kingdom, UK, GB, and British.

There were several instances where candidates gave two answers to a question. Candidates are reminded that only the first answer will be marked. Care should be taken to accurately transfer details to the forms.

A calendar was accidentally omitted from the resource pack available to candidates in the examination. This was taken into account during the marking process, and candidates were not disadvantaged as a result. The examination committee apologise for this omission.

Questions

Question number	Comments on questions
<p>Question 1</p>	<p>This question required candidates to extract relevant information from the question and to fill in the PCT Request form.</p> <p>Most candidates accurately used the details provided, and gained good marks. A minority of candidates still appear to have difficulty in providing the correct information in the relevant boxes on the form, and in selecting the boxes to check. Candidates are advised to practice this with the involvement of their mentors. Candidates are reminded not to forget to complete the check list (where the question requires it).</p>
<p>Question 2</p>	<p>This question tested candidates' knowledge of the processing of an International patent application. Whilst the majority of answers picked up on this, some candidates mistakenly believed that a GB patent application had been filed. Good candidates knew what</p>

	<p>action would be taken, though there was a range of answers provided, which indicated that not all candidates are familiar with the formalities associated with international patent applications.</p> <p>Candidates are reminded to read the question carefully. The use of the term 'International patent application' clearly indicated the type of application at issue. Candidates are expected to know that 'international patent application' and 'PCT' are both common terms that relate to the same type of application, and this was covered in the course.</p>
Question 3	<p>This is another PCT application. Most candidates correctly stated the different time periods for entering the national/regional phase. Full marks were awarded to candidates who provided the working to their date calculations, and remembered to check whether the calculated date falls on a working day.</p>
Question 4	<p>Most candidates accurately completed the forms and consequently gained good marks. A minority of candidates submitted incorrect forms.</p> <p>Candidates who failed to indicate in form NP1 at 8(j) that the fee sheet was to be filed missed out on a mark.</p> <p>Again, it is necessary to carefully read the question to know which boxes should be checked on which forms.</p>
Question 5	<p>This question tested calculation of the compliance date. Candidates are encouraged to answer questions fully in writing. Marks cannot be awarded where calculations are not provided.</p> <p>Good candidates demonstrated their knowledge by stating that the application must be in order for grant by the later of the two relevant periods. They gave full calculations for both periods, and then selected the correct answer.</p>
Question 6	<p>This question was generally answered well, with candidates showing familiarity with UK patent formalities.</p>
Question 7	<p>Most candidates demonstrated an understanding of how, and when, extensions of time should be requested at the UK IPO.</p> <p>A minority of candidates mentioned the EPO 10-day postal rule. This is considered a critical point, and it is emphasised that candidates should be aware when this rule applies.</p>

<p>Question 8</p>	<p>This was another form-based question. Again, the majority of candidates accurately identified and copied relevant information into the form. For full marks to be awarded, the required boxes should be completed, and boxes should be left blank where appropriate.</p> <p>Candidates are reminded to check their accuracy when completing the Receipt for documents page.</p>
<p>Question 9</p>	<p>This question identified a number of different dates in a scenario. Good candidates were able to pick out the relevant dates and identify where the application was in the application process.</p> <p>In part a), candidates were expected to identify the next stage in the application and demonstrate knowledge of the required actions to keep the application pending. Whilst this was generally answered well, candidates are encouraged to ensure that they give full answers. For example, answers simply stating that fees need to be paid without further elaboration did not attract marks.</p> <p>In part b), most candidates correctly gave the due date and showed their calculations.</p>
<p>Question 10</p>	<p>This question did not provide the EPO communication as this would have directed students to the answer. This was to test candidates' knowledge of the applicability of the EPO 10-day rule, as well as the deadlines relating to appeal at the EPO. In the course, students were taught those common procedures to which the 10 day rule applies and should have been able to answer this question fully with the information given.</p> <p>Most candidates recognised that the 10-day rule does apply. Correct calculation of both the 10-day period and the subsequent 2-month period and 4-month period were necessary to gain full marks. Marks were however awarded for knowing the 2-month and 4-month periods, where calculations were given that were self-consistent (i.e. where the 10 days was omitted, but a date otherwise calculated appropriately).</p>
<p>Question 11</p>	<p>This question required calculation of a due date for responding to a communication from the EPO. The majority of candidates were able to calculate this without difficulty, and identified that the due date fell on a non-working day.</p> <p>Some candidates incorrectly applied the EPO 10-day postal rule <i>after</i> adding 4 months to the date of the communication. These</p>

	<p>candidates are encouraged to familiarise themselves more thoroughly with the application of this rule.</p>
Question 12	<p>Most candidates knew that renewal fees are only payable to the EPO until grant, and that after grant, renewal fees are paid to the relevant national offices.</p> <p>Good candidates commented on paying the renewal fees to those patent offices in countries where the European patent was validated, though no additional marks were available for this in this question.</p>
Question 13	<p>The first part of this question tested knowledge of the language regime at the EPO, and was generally answered well.</p> <p>The second part of the question required knowledge of the formalities deadlines relating to translations. A variety of time periods were proposed by candidates, with good candidates correctly giving the deadline of 2 months from filing.</p> <p>The date calculation required reference to an EPO closure dates calendar that was accidentally omitted from the resource pack available to candidates in the examination. In light of this, a range of answers were accepted. Where candidates provided (reasonable) suggested EPO closure dates, and calculated the due date accordingly, full marks were awarded.</p>
Question 14	<p>Candidates are reminded to be careful not to confuse the EPO with the EUIPO (formerly OHIM).</p>
Question 15	<p>Candidates are again reminded to read the question carefully. This question does not ask for formal requirement of a patent application.</p> <p>Those candidates who provided patentability criteria gained good marks.</p>