

Intellectual Property Litigation Certificate Module 2 Oral (IPLC2)

References to ‘case’ in the mark scheme refer to the issue of joint liability of the First Defendant for the infringing acts of the Second Defendant.

| Learning Outcomes Candidates will be able to: | Assessment criteria The candidate: | Below Pass standard descriptor The candidate: | At or above Pass standard descriptor The candidate: | Mark awarded |
|---|--|--|---|---------------------|
| LO1 Understand the importance of preparation and the best way to undertake it | a. demonstrates understanding of the facts and issues in the case b. supports the case by drawing on general principles and legal authority | <ul style="list-style-type: none"> appears unfamiliar with the facts and issues in the case identifies general principles or legal authority that are not relevant to the case. <p style="text-align: right;">(0 – 1 marks)</p> | <ul style="list-style-type: none"> appears familiar with the facts and issues in the case identifies the relevant general principles and legal authority to support the case. <p style="text-align: right;">(2 – 3 marks)</p> | /3 |
| LO3 Understand the basic skills in the presentation of cases before courts and tribunals in particular the skills necessary for the presentation of cases before the IPEC | c. acts as an advocate d. differentiates between evidence, submission and argument e. relies upon witness and documentary evidence in an appropriate manner to support their case f. responds appropriately to the formality of the court hearing | <ul style="list-style-type: none"> fails to act as an advocate in an adversarial manner shows limited ability to differentiate between evidence, submission and argument shows limited ability to assess evidence is too discursive or conversational in style. <p style="text-align: right;">(0 – 4 marks)</p> | <ul style="list-style-type: none"> acts as an advocate in an adversarial manner differentiates properly between evidence, submission and argument uses witness and documentary evidence to support the case presents the case in a formal manner. <p style="text-align: right;">(5 – 10 marks)</p> | /10 |

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|--|---|--|---|-----------------------------|
| <p>LO7 Be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner</p> | <p>g. presents a submission that is concise, well-structured, reasoned and coherent</p> <p>h. selects relevant facts, and applies general principles and legal authority to support the case</p> <p>i. delivers the presentation in an authoritative and persuasive manner.</p> | <ul style="list-style-type: none"> • presents a submission that contains some elements that are concise and reasoned, but may lack overall structure and coherence • fails to set out adequately the legal principles and authority relevant to the submissions • fails to set out adequately those facts that are relevant to supporting the submissions • misrepresents the factual evidence or refers to facts not supported by evidence (witness or documentary) • delivers the presentation in a manner which is unclear and lacks authority, pace or effective use of voice. <p style="text-align: right;">(0 – 4 marks)</p> | <ul style="list-style-type: none"> • presents a submission that is mainly concise, reasoned and coherent • sets out the legal principles and authorities that are relevant to the submission • sets out the facts that provide relevant support to the submissions • accurately represents the factual evidence and does not rely on facts not supported by evidence (witness or documentary) • delivers the presentation in a manner that is clear, has authority, is generally well-paced and shows effective use of voice. <p style="text-align: right;">(5 – 7 marks)</p> | <p>/7</p> |
| | | <p>Below Pass: 0 – 9 marks</p> | <p>Pass: 10 – 20 marks</p> | <p>Total mark</p> |
| | | | | <p>Agreed mark</p> |
| | | | | <p>(Max mark 20)</p> |