

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

### Mark Scheme for Assessment of PEB Litigation Skills Component 2 (Oral Examination)