

Introduction

The candidates are to be congratulated on their performance in the examination. Most had obviously worked hard to understand and implement their knowledge of formalities. The date calculations were generally well executed and clear, and good candidates used the calendars provided to recognise where dates fell on weekends or holidays in order to calculate the final date.

The forms questions were completed to a high standard, with most candidates selecting the correct forms. It should be noted that some boxes on the forms give clear instructions as to what details should be entered, and marks were not awarded if candidates failed to enter data as specified. Candidates are well-advised to be familiar with these forms, and the data required.

Question number	Comments on questions
Question 1	<p>A Designs question to test knowledge of distinguishing the difference between priority and filing dates and the calculation of renewals.</p> <p>Most candidates knew that renewals are due 5 years from filing, but did not recall the 6 month extension available. Many candidates mistakenly thought that UK design renewals can be paid at the end of the month. This is not the case in the UK. Marks were not awarded for calculations carried to the end of the month.</p>
Question 2	<p>An EP Renewals question requiring candidates to select the correct base date - filing or national phase entry date - and calculate the first renewal fee. This was generally well answered.</p> <p>This question also required candidates to recognise that for EP applications renewals are due by the last day of the month.</p>
Question 3	<p>The UK Patents Form 1 was completed very well by most candidates. The question required extraction of the correct information from the correspondence provided for completion of the form. Section 7 for Inventorship indication caused some difficulty. As no names for inventors were provided, the applicant was correctly identified as Woolly & Lamb Limited for Box 2. Therefore in Section 7, 'Are all the applicants named above also inventors?' = 'No'. The second check box was not required - 'If <u>yes</u>, are there any other inventors'. A mark was not awarded if both boxes were checked.</p> <p>Section 12 required the email address of the <i>agent</i> as the contact point for the applicant. A mark was not awarded if this included the telephone number of the <i>applicant</i>.</p>
Question 4	Candidates were required to identify the languages accepted by

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	<p>the UKIPO - English and Welsh, and procedures if a UK application is filed in another language. It was not sufficient to state that a translation is needed - the answer required candidates to identify English and/or Welsh. The translation should be filed within 2 months of a request from the UKIPO. Few candidates identified that the UKIPO would issue such a request.</p>
<p>Question 5</p>	<p>A PCT national/regional phase question requiring candidates to demonstrate a knowledge of the 30/31 month deadline and whether this date is calculated from the priority or filing date. Most candidates were aware that the deadline in the US is 30 months, and the deadline at the EPO is 31 months, from the (earliest) priority date. Candidates are reminded to check whether due dates fall on non-working days, and to calculate new due dates as appropriate.</p>
<p>Question 6</p>	<p>A publications question to distinguish between A1, A2 and A3 publications. Most candidates correctly identified the A3 publication as that of the search report only. Marks were not awarded for 'Search Report and Written Opinion'. The written opinion is not published.</p>
<p>Question 7</p>	<p>A basic UK formalities question, generally well answered. Candidates were required to demonstrate knowledge of dates calculated when there is no priority claim, and select the correct base date.</p> <p>The application fee is due the later of 12 months from priority or 2 months from filing. '12 months from filing' was acceptable in this case as there was no priority claim, and therefore 2 months from filing was not applicable. Use of the calendars showed that the calculated date fell on a Saturday, therefore the due date carried over to Monday.</p>
<p>Question 8</p>	<p>The question set a scenario from which candidates were required to extract the correct information for completion of a European Regional Phase application. Most candidates selected the correct form (Form 1200), although completion proved challenging. The PCT application (PCT/GB2015/044221) should have been recognised as having been filed in GB, and therefore the EPO would have been the ISA. As a new set of claims and comments on the Written Opinion were to be filed, the second and third check boxes in Section 6.1 required completion. Although the main box in Section 6.1 should have been checked, this was not needed here to gain the mark. Candidates should, however, be aware that all relevant boxes should be checked.</p> <p>As no demand was filed in the International Phase, the EPO would be the designated office under PCT Chapter I. Therefore box 6.2 was not required, and the mark for 6.1 was not allocated if 6.2 was also checked.</p> <p>Section 14 required the name of the agent printed, as instructed</p>

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	<p>by the form.</p> <p>The Table for section 6 caused some problems. The description comprised pages 1 – 20, 20 pages, which was completed correctly by most candidates. The first claims box should have been left blank, with the amended claims, pages 21 – 23, entered in the lower box 'amendments filed on entry into European phase'. It should be noted that page numbers for drawings in applications are separately numbered from 1, and not sequentially with the description, claims and abstract. Therefore the drawings will have been on pages 1 – 6, or 1/6 to 6/6 (6).</p>
Question 9	<p>This was a straightforward question to test knowledge of priority periods and recognising that these differ between design applications (6 months) and patent applications (12 months). The majority of candidates answered this correctly.</p>
Question 10	<p>An EP Office Action was presented in a scenario rather than presenting a copy of a communication. Both the issue date and date of receipt of the communication were given so that candidates were required to identify from which date the calculations should be made (here, the issue date). Most candidates correctly identified this.</p> <p>In part a) the 10-day rule was correctly applied by most candidates. However, in part b) it was necessary to apply the 10-day rule and add 6 months to that date. No marks were awarded to candidates for simply adding 2 months to the previous answer as this did not demonstrate that they knew the full calculation, i.e. adding 10-days then 6 months. (Although it was not the case for this answer, for some dates simply adding 2 months to the unextended deadline would give an incorrect due date.) Use of the calendar provided would have shown that 3rd April 2016 is a Sunday, therefore the due date would be carried forward to the next working day.</p>
Question 11	<p>The question tested understanding of the Further Processing procedures at the EPO. Most candidates identified the procedure, and implemented the associated formalities correctly.</p> <p>a) It was necessary to state that the Further Processing Fee must be paid (as this constitutes the Request). Marks were not awarded just for 'request further processing'. Simply saying 'pay a fee' in the absence of anything else was considered too vague to attract a mark.</p> <p>The other action required is to respond to the examination report. This mark was also awarded for 'complete the omitted/missing action'.</p> <p>b) The 10-day rule applies to the Communication, which gives a 2 month deadline for response. Use of the calendar showed that the deadline would fall on Easter Monday,</p>

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	and therefore the deadline would be the next working day.
Question 12	<p>The PCT Request (PCT/RO/101) was well executed by most candidates. Most boxes on this form give clear instructions on the information required, and care should be taken when completing forms, paying attention to the correct title of the invention, and full names of applicant, inventor and agent. Marks were not awarded if any of the details were incorrect.</p> <p>For Name and Address boxes, the country (GB/United Kingdom) was required where explicitly stated on the form. No mark was allocated if this was omitted.</p> <p>On page 1, Box No. III - Further Applicant(s) and/or Further Inventor(s) needed to be checked to be awarded a mark for correctly entering the inventor details (including country) in Box No. III on page 2, and checking the box 'inventor only'.</p> <p>Box VI - There were two claims to priority, which was recognised by all candidates. Note that the application number of each priority is required in the section 'Number of earlier application'. This is not the DAS Code.</p> <p>The DAS code information was included in this question to test understanding and knowledge of the procedure for requesting priority documents. This caused some confusion.</p> <p>The second set of boxes were to be checked - 'The International Bureau is requested to obtain from a digital library a certified copy of the earlier application(s) identified above'. This service is free of charge.</p> <p>A mark was awarded here if the first boxes instead were checked - 'The Receiving Office is requested to prepare and transmit ...'</p> <p>Box No. IX required the Language of filing of the international application - English. A mark was not awarded for EP.</p>
Question 13	<p>General knowledge of the procedural stages of a patent was required, and most candidates correctly identified 3 stages. It should be noted that 'Request Examination' and 'Examination Report' were considered the same part of the Examination phase, and therefore only 1 mark was allowed. This also applied to 'Request Search' and 'Search Report' as part of the Search stage.</p>