

Introduction

The standard of answers this year seemed lower than in previous years, and this is reflected in the lower pass rate. This year's paper included slightly more scenario questions than in previous years, but the paper was no harder than previous years.

Many candidates seemed under-prepared: answers were not precise, or did not include enough detail, and candidates missed out on a number of easily available marks. Scenario questions were often not answered clearly or completely (for example missing out a discussion of copyright for question 7, or not discussing the new designs in question 1).

Whilst candidates clearly struggled with answering the scenario questions, other questions that required recollection of the wording of the legal texts also tended not to be answered with full detail. Taking all questions into account, and in view of all candidates' answers, it appears candidates were generally not as prepared as they could have been this year.

Additionally, as happens every year, candidates were observed to waste time by 'knowledge dumping', rather than tailoring their answers to the questions. Some candidates also hedged their bets too much and failed to give a clear, coherent answer.

Marks may be available for discussing relevant issues, but candidates who wrote conflicting answers in the hope of covering all bases were not awarded marks.

Candidates need to demonstrate understanding and writing two conflicting answers does not demonstrate good understanding.

There is no 'negative marking' as marks are not taken away for incorrect answers.

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Question number	Comments on questions
Question 1	The question was fairly straightforward. Many candidates failed to take into account the 'new' designs and lost out on marks by not commenting on these as well as the original bottle design. Some candidates did not calculate the relevant dates, or calculated them wrongly. Although posed as a scenario, the question was asking for basic knowledge of Community designs, and it was disappointing that some candidates did not know that all designs in a multiple application need to belong to the same Locarno classification, for example.
Question 2	This question was generally well answered, with the best candidates clearly providing a 'yes' or 'no' answer, and then explaining how they had reached their conclusion.
Question 3	This question was answered reasonably well for part a). Candidates seemed to focus less on part b) and often failed to give a full discussion of the relevant features and so did not gain the marks that were available for part b). There were 5 marks available for each part a) and b), and so candidates were expected to provide just as much detail for part b).
Question 4	This question was avoided by many – presumably those who had not fully revised the copyright parts of the syllabus. Of those that did attempt it, most performed well with this being one of the better answered questions. It was a pure test of basic knowledge. Some candidates seemed to struggle to recall all of the relevant detail, but many did very well and some candidates achieved high marks on this question.
Question 5	This question posed a series of straightforward questions looking for clear, concise answers. Accuracy let some candidates down. For example 'fair dealing' is not the same as 'fair trade' or 'fair use' or 'fair deal'. It was a popular question attempted by a large number of candidates. Other candidates failed to spot the particular issue at hand for some parts. As the question had so many sub-parts, many candidates managed to get a reasonable number of marks in total.
Question 6	Those candidates with a good degree of recollection of the wording of the Act did well; those who were less well prepared did not. In general candidates did not notice the importance of selling. Marking products per se is not an offence, it is selling products that are falsely marked that is not permitted. Some candidates also seemed muddled over the penalties faced (parts b, c and d) – again the just required recitation of the relevant parts of the Act.

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Question 7	Due to a printing error part b) was incorrectly labelled as part j). This error should not have caused any issues and candidates seemed to deal with it appropriately. A very small number of candidates managed to score highly on this question, many did not. Candidates did not seem to take on board all of the information or address all of the possible points, and therefore missed out on many of the available marks. Although this question may have seemed difficult to some candidates, as can be seen from the mark scheme, plenty of marks were available from a large pool of marks.
Question 8	Another question where some candidates seemed to do very well, or rather badly – depending on how well they knew the wording of the Regulation. This question too was a recall test, on various aspects of the Community Design Regulation. Part c) was by far the best answered part.
Question 9	Candidates seemed to find it difficult to present their answers in a clear and logical manner. Many lost marks for seemingly not thinking about the scenario. Many candidates only discussed textured fabric, and did not talk about the articles made from the fabric. Some candidates appeared to think that the design was jointly designed.
Question 10	This question was not very popular, and candidates' ability to answer it varied quite a lot. As will be seen from the mark scheme, there were many marks available – candidates just needed to think about the scenario, identify the relevant topics to talk about, and then plough through methodically. Candidates failed to gain marks for example by conflating invalidity with entitlement proceeding. Whilst the background points clearly needed to be discussed, some candidates wasted time by discussing action in other forums, when the question specifically asked about the EUIPO.
Question 11	This question was not well answered. The best answers were those that recognised that multiple exclusions can apply to a single product – many candidates stopped discussing when they had determined that one exception applied, rather than continuing to discuss the other possible exclusions too. Candidates should take pointers from the scenario that is set, and methodically go through commenting to make the relevant points to get good marks.
Question 12	This question was probably the one candidates performed worst on – maybe because it was last. Despite part a) clearly asking what actions each of Mary and George can take, some candidates failed to consider both in full. A surprising number of candidates failed to mention the need to check Mary's rights were in force before attempting to sue George for infringement.