

## Introduction

As with previous years, the standard of answers was on the whole high. Most candidates showed a solid understanding of the core areas of the syllabus although in many cases candidates struggled with less common areas.

Examination technique this year was good. Candidates are advised to take a moment before answering each question to make sure they are clear as to exactly what is being asked. A shotgun approach where candidates write down everything they know in the general area of the question is rarely effective. For the longer questions the structure of answers in some cases was poor. In many cases long questions are split into sub parts as an aid to candidates. Candidates are advised to follow the structure of the question in their answers. As a final point, examiners try to keep extraneous information in questions to a minimum. Candidates should check that every fact in the question has been used in the answer.

## Questions

### Part A

Question number	Comments on questions
<b>Question 1</b>	The question sought to test the candidates knowledge of what constitutes prior art. Parts (b) and (c) were answered well. Part (a) was more problematic. Most candidates realised it was a question of what constitutes an enabling disclosure but had difficulty distinguishing between what the box does (for which there was an enabling disclosure) and how it achieves it (for which there was not). A patent for how the box achieves the function may still be possible provided it is inventive over what the box does.
<b>Question 2</b>	This question was not popular with candidates. The question sought to test knowledge of exclusions from patentability. The first part was answered well as this was a simple test of rote learning. Parts (b) and (c) which tested the candidates' knowledge of relevant case law were answered less well.  Part (d) produced some interesting and imaginative answers but on the whole was answered well.
<b>Question 3</b>	This question related to the late addition of a priority claim to an application when the application is filed both inside and outside the 12 month priority period. . The question sought to test if candidates appreciated that the procedure is different in the two cases. This question was popular with candidates and almost every candidate answered it well.
<b>Question 4</b>	This question was a test of rote learning and again was answered well by most candidates. The answer should have been quite short however many candidates elaborated to cover other forms of infringement. Such elaboration attracted no marks.

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<b>Question 5</b>	This question sought to test candidates' knowledge of issues relating to filing a statement of inventorship. Again, this was popular with candidates. The time limit for filing the statement for a divisional application was a difficult question but was successfully answered by stronger candidates. Many candidates seemed to be unaware that the name of an inventor will only be withheld at the discretion of the Patent Office.
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**Part B**

Question number	Comments on question
<b>Question 6</b>	<p>This question sought to test candidates' knowledge of the procedure for requesting an opinion from UKIPO. This question was not at all popular and the few candidates who answered it on the whole did not do well. The question was not particularly taxing. Candidates seemed unfamiliar with Patent Office opinions.</p> <p>The examiner has some sympathy with this as opinions are not something one sees every day. However, they are a useful tool that all patent attorneys should be aware of. Candidates should expect questions on this topic in future years.</p>
<b>Question 7</b>	<p>This was a gift of a question which every candidate attempted and on the whole answered well.</p> <p>Part (a) was surprisingly problematic for candidates. Not all candidates were aware that in such cases the deadline for payment of the first renewal fee is extended to the end of the third month from the grant date. Few candidates spotted that the next renewal fee is due almost immediately after the first.</p> <p>As to part (d), most candidates were able to correctly determine the compliance and divisional deadlines. A small number of candidates missed the need to file a divisional application. Many candidates suggested contacting the Patent Office to expedite prosecution of the parent application due to the impending compliance deadline. Whilst this is good advice one should be careful to file the divisional application before the parent is granted.</p>
<b>Question 8</b>	<p>This question was popular with candidates.</p> <p>For part (a) the question was seeking to determine if the candidates understood the difference between exclusive and non-exclusive licences and also the importance of recording a licence. This part was answered well.</p> <p>Part (b) was answered less well. Many candidates were unaware that the client could run down their stock in a 'reasonably sufficient' period.</p> <p>Part (c) was also answered well. This was a simple test of rote learning.</p>

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<b>Question 9</b>	<p>Question 9 was not popular with candidates, but those who did attempt it scored well. Across all candidates only five different cases were mentioned.</p> <p>Examination technique for this question was poor. The question hints strongly at the expected structure of the answer. Most candidates did not take this into account. Most candidates were able to discuss the precedent set by the cases in detail and scored well. However, many candidates appeared to be unaware of the detailed facts of the cases leading to a decision.</p>
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