

# Examiner's Report January 2023

## ICPA – Introductory Certificate in Patent Administration

### General Comments

The CIPA Introductory Patent Paralegal Course (IPPC) has moved to what is essentially a fully-online course. There are differences in on-line learning compared to conventional classroom learning. Candidates are advised to engage fully with the course content and to ensure they are familiar with it by the time of the exam. The course exercises are provided as a way for candidates to test their knowledge and understanding as the course progresses. The mandatory mentoring structure is to assist candidates in a more traditional way, enabling one-to-one advice and teaching. Mentors are there to help candidates where questions arise, and candidates are advised to take advantage of the mentoring resource.

As a reminder, the IPPC course and ICPA examination are aimed at paralegals with at least one year's experience in the industry. The course builds on this experience. Whilst the course starts each module from basics, it is not necessarily a substitute for experience in the workplace. The examination focusses on practical scenarios, where workplace experience is helpful.

Candidates are strongly advised to familiarise themselves with the advice and guidance issued by PEB on the IT aspects of the examination, and to take the opportunity of the trial examination, to avoid issues impacting on their examination.

Candidates are reminded to start answering each question on a new page. This aids the readability of the answer. Clearly structured answers are more likely to attract marks since, if it is not clear what process a candidate has followed, it may not be possible to award a mark. Examples of the type of structure expected are provided in the mark schemes for previous examinations, and candidates are advised to adopt similar structures in their answers.

Whilst most candidates answered form-based questions well, there remains a significant minority who struggle with filling in the forms. Again, mark schemes for earlier examinations indicate to candidates how these forms should be filled in.

This year's examination tested a range of competencies. Those candidates who achieved higher marks demonstrated knowledge across all areas of the course content.

Candidates are reminded to pay attention to date calculations and to make use of the calendars provided. Marks could not be awarded for what might have been typographical errors or mistakes in calculations.

Overall, a significant proportion of candidates who sat the examination this year did well, and they are to be congratulated.

### Questions

Question number	Comments on questions
Question 1	This was a standard question, asking for the definition from the course materials, or a paraphrase of that definition. This question was typically answered reasonably well.
Question 2	This was another standard question. To gain each mark, it was necessary to state the start date of the relevant period (e.g. the filing date) as well as the length of that period.

	<p>Many candidates omitted this information and could not be awarded full marks.</p>
Question 3	<p>Candidates with knowledge of the deadlines for filing the formal drawings and abstract answered this question well, including showing their working for date calculations.</p>
Question 4	<p>This question was more complex than others. Candidates needed to calculate the compliance date in order to determine the divisional deadline. Some candidates did not show full working for calculating the compliance period and so could not gain all the marks.</p> <p>Full marks could only be awarded where knowledge was shown (and correct calculations given) that the compliance period is the later of 4.5 years from the earliest filing date or 12 months from the issuance of the first examination report.</p> <p>The divisional deadline is three months before the end of the compliance period.</p> <p>Many candidates demonstrated good knowledge in their answers, but a large minority appeared uncertain regarding the calculation of the divisional deadline.</p>
Question 5	<p>Part a) required candidates to calculate the deadline for an as-of-right extension of time. Some candidates did not recognise this. Those that understood answered the question well.</p> <p>Part b) asked candidates what needs to be filed by the extended deadline. The answer required candidates to state that a request for an extension of time and a response to the examination report are both needed. Some candidates omitted that the extension request is necessary.</p>
Question 6	<p>This question asked candidates to fill in a PCT request form (PCT/RO/101). The majority of candidates gained good marks.</p> <p>Some candidates still seem to confuse country codes and names. “United Kingdom” or “UK” are both acceptable in free-text boxes. Where two-letter codes are required, “UK” is not acceptable, and “GB” must be used.</p> <p>Name formatting is another issue that often occurs. Where the form itself specifies a format, that format must be used. For example, box IV requires “<i>Family name followed by given name</i>”. Therefore, the correct name to use in this box is “Ingleby, Lorna” not “Lorna Ingleby”.</p> <p>In box III, some candidates checked the “inventor only” box as well as the “applicant” box, which is contradictory, suggesting those candidates were not familiar with this form.</p> <p>In box IX, candidates are reminded to enter the details carefully, including specifying which items accompany the application (if any) and the number of those items.</p> <p>Overall, the extraction of information from the question, and use of that information in the answer, was done well.</p>

**Examiner's Report January 2023**  
**ICPA – Introductory Certificate in Patent Administration**

Question 7	<p>This question related to languages accepted by the EPO acting as a PCT Receiving Office. Some candidates provided incorrect answers based on EPO translation regimes for a European patent application. Good candidates were aware of PCT language rules, and the languages that the EPO accepts for international filings.</p> <p>Overall, only a minority of candidates were awarded full marks on this question.</p>
Question 8	<p>This was a straight-forward question relating to regional phase deadlines. This was generally answered well.</p>
Question 9	<p>This question related to calculating the deadline for filing a Demand under the PCT. Some candidates were confused about what set the period running and the period itself, and so arrived at an incorrect deadline.</p> <p>Many candidates, however, answered this question well.</p>
Question 10	<p>This was a question relating to EPO opposition. This was answered well overall, but a surprising number of candidates incorrectly applied the 10-day rule to the grant date.</p> <p>Many candidates did not state that an official fee is needed for opposition.</p>
Question 11	<p>This question related to filing an appeal and the deadlines for the notice of appeal and grounds of appeal. The calculations were generally well done.</p> <p>A minority of candidates added two-month extensions of time, showing a lack of familiarity with appeal deadlines.</p> <p>Many candidates did not state that an official fee is needed for appeal.</p>
Question 12	<p>This question tested candidates' knowledge of the renewal regime close to the grant date, and was not well answered.</p> <p>The due date for the renewal fee (4 January 2023) falls before the grant date (19 January 2023), so the fee must be paid at the EPO, despite the ability to pay that fee at the end of the month (or at the end of the grace period), i.e. after the grant date.</p> <p>This situation is occurring more and more in practice.</p>
Question 13	<p>This question related to responding to a Rule 71(3) EPC communication, disapproving the text for grant. It required candidates to know what needed to be filed and the deadline for filing the response.</p> <p>Some candidates incorrectly thought that claims translations were required even when disapproving the text for grant.</p> <p>Overall, this was a relatively well-answered question.</p>

**Examiner's Report January 2023**  
**ICPA – Introductory Certificate in Patent Administration**

Question 14	<p>This was a standard question asking candidates to calculate examination report response deadlines, including with an extension of time.</p> <p>This question was generally answered well, though many candidates apparently did not consult their calendars and so failed to appreciate the existence of an EPO closure date.</p>
Question 15	<p>Part a) was a standard question relating to response deadlines, and was answered well.</p> <p>Part b) asked about further processing and the requirements and timelines. Whilst most candidates answered this question reasonably well, some candidates were clearly not familiar with the further processing requirements.</p>
Question 16	<p>This was a straightforward question relating to EPO divisional deadlines and was well answered.</p>
Question 17	<p>This was a question on UK design renewals and was mostly well answered, but some candidates incorrectly moved the deadline on to the end of the month.</p>