

Examiner's Report January 2024

ICPA - Introductory Certificate in Patent Administration

Introduction

This paper covered many areas within the syllabus, and candidates are reminded that questions can be asked on any topic in the course materials.

This paper was very well answered by most candidates. A good level of knowledge was demonstrated in the Answer documents, with many answers being clearly structured and including full calculations.

Candidates are reminded that where calculations are requested, full marks are likely to be awarded only where all stages of the calculation are set out in the answers.

Most candidates used the calendars provided, appreciating that there are different non-working days at the EPO and at the UK IPO. Some candidates were not able to gain full marks by missing some of these 'roll over' days.

Some candidates were clearly more familiar with some topics than others, but seemed to tackle the paper well nonetheless.

The 10-day rule no longer applies to new communications following the change in procedures at the EPO from 1 November 2023. Last year also saw the introduction of the UPC to the syllabus and teaching materials, and this topic appeared briefly in this examination.

Most candidates performed well and, overall, the pass rate this year was higher than it has been in some recent years.

Questions

Question number	Comments on questions
<p>Question 1</p>	<p>Duty of care</p> <p>Whilst most candidates addressed this question appropriately, many thought it related simply to not making mistakes on forms etc.</p> <p>Good candidates understood how the duty of care relates to the work they do and how they act towards clients.</p>
<p>Question 2</p>	<p>Parts of a patent specification</p> <p>This question was very well answered, in general.</p>
<p>Question 3</p>	<p>GB: procedural stages</p> <p>Again, this question was very well answered, in general.</p>
<p>Question 4</p>	<p>GB priority</p> <p>Most candidates were familiar with 12-month priority periods, but are reminded to show all their calculations to gain all the marks available.</p>

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<p>Question 5</p>	<p>GB procedural deadlines</p> <p>Good candidates showed full workings for both possible deadlines, then selected the later of the two. The last part of the question asked for the actions that are due: good candidates gave full answers to this. Some candidates appeared to miss this part of the question.</p>
<p>Question 6</p>	<p>GB examination deadlines</p> <p>To get full marks, candidates had to know that there is a 6-month deadline, and to calculate it correctly. This was generally well answered.</p>
<p>Question 7</p>	<p>GB: excess claims and pages fees</p> <p>Whilst most candidates knew that excess claims fees are payable for more than 25 claims, there was confusion about how to calculate excess pages fees. Candidates are reminded that the rules differ between the UK IPO and the EPO.</p>
<p>Question 8</p>	<p>GB renewal fees</p> <p>As with other questions where candidates are asked to carry out calculations, full marks can only be awarded where candidates include those calculations in their answer.</p> <p>Generally, this question was well answered with most candidates appreciating that this patent is in the "late grant" situation.</p>
<p>Question 9</p>	<p>EPO divisional deadline</p> <p>This question was generally well answered.</p>
<p>Question 10</p>	<p>EPO examination deadline</p> <p>Candidates had to demonstrate knowledge that the examination deadline is 6 months from publication of the search report. This was generally well answered.</p>
<p>Question 11</p>	<p>EPO: decision to grant</p> <p>Most candidates realised that the deadline for requesting unitary effect is 1 month from the date of grant, but there was some confusion about where to pay the renewal fees.</p> <p>Good candidates knew that there is a 3 month period for validating European patents in Spain.</p>
<p>Question 12</p>	<p>GB: length of design protection</p> <p>Most candidates knew that UK registered designs can last for 25 years, but many did not state that this runs from the registration (or filing) date.</p>

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<p>Question 13</p>	<p>EPO: response to R71(3) EPC communication</p> <p>Most candidates answered this question well. Full marks could only be awarded if all the steps needed for grant and all the steps required for further processing were shown.</p> <p>The date calculations were generally done well, but candidates are reminded to look at the calendars provided to check for national holidays, and to make sure that the correct calendar is checked – i.e. UK or EPO calendars.</p>
<p>Question 14</p>	<p>EPO examination response and extension of time</p> <p>All calculation steps are needed to obtain full marks, and most candidates set out these calculations clearly. Candidates are reminded to check for EPO non-working days.</p> <p>When calculating the extended deadline, it is preferable that a 6-month period is added to the starting date (30 November 2023). Some candidates added 2 months to the date calculated in the first part, but started from the “rolled over” deadline, i.e. 2 April, and so could not gain all the available marks.</p>
<p>Question 15</p>	<p>PCT national phase deadlines</p> <p>This question was mostly answered well. Some candidates did not realise the time periods start from the priority date.</p>
<p>Question 16</p>	<p>PCT Demand</p> <p>This question asked candidates to extract information from the question paper, and to fill in the Demand form. This was generally well done.</p> <p>Candidates are advised to check what details are required in the boxes, for example whether the country name is needed. Candidates should also check the accuracy of the details they have entered.</p>
<p>Question 17</p>	<p>End of the international phase</p> <p>Good candidates knew that the relevant date is the end of the international phase, and that this is 30 months from the priority date.</p>
<p>Question 18</p>	<p>GB registered design - renewals</p> <p>This question inadvertently suggested a GB design could claim priority from another GB design. This is not correct, but did not affect the answer. All papers were reviewed to ensure that no candidates had been disadvantaged by this error.</p> <p>Most candidates appreciated that the first GB design renewal is due 5 years from the date of filing. The UK IPO accept payment on the next working day where the deadline falls on a non-working day (i.e. this deadline does “roll over”). However, the deadline is not extended to the end of the month. Candidates who extended</p>

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	<p>the deadlines to the end of the month could not, therefore, gain full marks.</p> <p>Good candidates recognised that the first month's extension is free, and that a total of 6 months is available for the grace period for late payment (fees being payable from the second month and onwards).</p>
<p>Question 19</p>	<p>Design priority</p> <p>Most candidates knew that registered designs provide for a 6 month priority period, but many did not state that this runs from the registration (or filing) date.</p>