

CIPA ADVANCED PATENT PARALEGAL COURSE (APPC)

POLICIES AND PROCEDURES CONCERNING THE ESTABLISHMENT OF AN ADVANCED PATENT PARALEGAL COURSE

1. Advanced Patent Paralegal Course Qualification

The Advanced Patent Paralegal Course (APPC) is a professional qualification for patent administrators, organised by the Chartered Institute of Patent Attorneys (CIPA). CIPA will issue a certificate to successful candidates having passed the qualification.

2. Responsibility

Responsibility for the organisation and administration of the APPC lies with the CIPA APPC sub-committee.

The CIPA IP Paralegal Committee will appoint the members of the CIPA APPC sub-committee. CIPA and the CIPA IP Paralegal Committee will lay down the amount of fees related to the APPC. CIPA will be responsible for the organisation and conduct of the assessments for the APPC.

3. APPC Sub-Committee

The members of the APPC sub-committee will be appointed by the CIPA IP Paralegal Committee. It is not necessary for members of the APPC sub-committee to be members of the CIPA Administrator's committee; they are appointed based on their experience in the IP fields being assessed.

4. Eligibility

In order to be eligible to undertake the CIPA Advanced Patent Paralegal Course, candidates must have passed the PEB Introductory Certificate in Patent Administration or any equivalent qualification or experience, as determined by CIPA IP Paralegal Committee from time to time.

5. Enrolment

Registration for the APPC must be made before the published closing date. Registration details will be published on the CIPA website. Payment must be received before CIPA can process registration. A registration application acknowledgement email will be sent by CIPA; however, this is NOT a confirmation of registration.

CIPA will inform each candidate of their successful enrolment.

If a candidate withdraws from the APPC, the course fee paid is neither refundable nor transferable after receipt by the candidate of confirmation of registration.

6. Registration Fee

The APPC registration fee comprises two components: the course fee and the assessment fee. The registration fee is due at the time of registration for the course. The registration fee covers all the four core modules of the core.

7. Information On Examination

CIPA will publish on its website and within its notifications and journals, the date of the examination, the date by which the request for enrolment must be filed, enrolment fee(s) paid, and any other information pertaining to the examination.

8. Examination Syllabus

The qualification will demonstrate that the candidate has the required knowledge and skill to deal with filing, prosecution, grant and maintenance of PCT, EP and GB applications, including post-grant procedures, as well as demonstrable understanding of the necessity for professional conduct.

The APPC sub-committee will draft and adopt a syllabus that will be published before the opening of the enrolment period.

9. Completion of the Course

Candidates must complete all mandatory units and achieve a pass mark in all assessments for the mandatory units in order to be awarded the qualification. If a candidate fails any assessment, they will be able to retake the assessment the following year. They will not have to retake the whole course, unless they fail two or more of the assessments.

If the candidate fails two or more of the mandatory assessments, they will be required to retake the course in its entirety.

10. Withdrawal from the APPC and Exceptional Circumstances

Candidates who fail to complete any of the assessments at the prescribed time for whatever reason, will not be allowed to take the assessment at a different time in the current course cycle.

A refund of whole or part of the assessment fee may be given to candidates who, due to exceptional circumstances (e.g. illness, pregnancy-related circumstances), withdraw from the APPC assessment(s). Candidates should apply to CIPA for a refund accompanied by suitable evidence (e.g. a medical note) as soon as possible and, in order to be eligible for a refund, no later than 15 working days from the date of the assessment. Any granted refund will be at the discretion of CIPA and will be less an administrative charge as shown below. The administrative charge is designed to cover the costs incurred by CIPA. The refund for each module will be 25% of the full assessment fee.

11. Reasonable Adjustments

Reasonable adjustments are the principal way in which CIPA complies with its duty under the Equality Act 2010 to provide fair access to assessment for candidates with special educational needs, health issues, disabilities, temporary or permanent injuries or other specific needs.

Reasonable adjustments should ideally be agreed before the start of the course. They allow candidates to access the course and the assessments, and to show what they know and can do.

This policy provides additional support for the following categories of candidates:

- Those with a permanent physical, sensory or mental disability that is likely to affect the candidate throughout their life.
- Those with temporary physical, sensory or mental disability that is likely to affect the candidate for less than one year and is likely to improve. Examples of a temporary disability could include broken limbs or injury to hands which could impair a candidate's ability to write.

Any adjustment requested must be reasonable and not give the candidate an unfair advantage. Adjustments that would alter the nature of the assessment and/or undermine the integrity of the assessment cannot be granted.

Examples of the adjustments or arrangements that may be granted are:

- supervised rest breaks
- additional time for candidates with physical injuries or other conditions and for nursing mothers, or for candidates with dyslexia or other specific learning need or physical impairment
- use of readers or scribes
- modified question papers, for example braille, printed on coloured paper and/or in an enlarged size (A3), for candidates with visual impairment
- provision of specialist equipment, for example laptop, specialist software
- permission to use items, such as tinted reading overlay or magnifying equipment, for candidates with specific needs.

Examples of adjustments or arrangements that cannot be granted are:

- changes to the nature or content of the assessment, for example, changes to the style of the assessment, or the number of questions
- question papers in a language other than English.

It is important that reasonable adjustments are requested early so that CIPA can make the necessary arrangements.

It is expected that candidates should submit their request together with supporting evidence with their course registration.

Nevertheless, and exceptionally, it is acknowledged that a need for a reasonable adjustment may arise after the course has begun, and in these circumstances, CIPA will consider requests as long as they are submitted within two weeks of the need for a reasonable adjustment arising.

Applications received in these circumstances will only be considered by CIPA if:

- there was an unforeseeable, unavoidable circumstance(s) beyond the candidate's control that meant they were mentally or physically incapable of submitting their application to request a reasonable adjustment by the deadline, and/or;
- the circumstances or condition stated in the reason for the adjustment request could not have been known to the candidate earlier, and;
- there is sufficient time remaining to accommodate the specific adjustment that has been requested, and;
- there are valid and evidenced reasons why the candidate did not submit the application earlier.

12. Special Consideration

Special Consideration is the process whereby possible adjustments to the candidate's mark are considered. It cannot remove the difficulty faced by the candidate and will only result in an adjustment to the total mark awarded, where there has been a material detrimental effect on the candidate's examination performance.

An application for Special Consideration may be made, following an examination, if the candidate's examination performance may have been impacted by a temporary illness, injury or indisposition, or an event or incident which:

- was outside the candidate's control;
- could not reasonably have been predicted; and
- was likely to have had a material effect on the candidate's ability to demonstrate their normal level of attainment in the assessment.

The result awarded must reflect the candidate's actual performance in the assessment. Only minor adjustments can be applied, and it may be that a candidate should consider withdrawing from an assessment rather than seeking special consideration.

Circumstances for Special Consideration are generally incidents or crises occurring between the date of registration and the end of the assessment, for example:

- death of an immediate family member or close friend within the previous two months or longer if there are ongoing implications such as a court case at the time of the examination;
- serious and disruptive domestic crisis;
- diagnosis of terminal illness of an immediate family member or close friend;
- significant incapacitating illness of the candidate or immediate family member;
- major surgery;
- disease;
- car accident;
- permanent bodily injury;
- severe asthmatic attack;
- flare-up of congenital conditions such as epilepsy or diabetes;
- physical assault/trauma.

Circumstances include events or incidents outside the candidate's control, such as:

- major disturbances during the assessment.

If a candidate has a long-term illness, permanent disability or condition, unless another significant illness affects them at the time of the examination, they should use reasonable adjustments (see above).

Technical equipment failure of IT/communications equipment, systems or software that the candidate uses to carry out the assessment will not be considered eligible for special consideration.

A candidate that is affected as a consequence of committing a crime or using alcohol or drugs cannot use special consideration.

Deadline for applying for Special Consideration

Special Consideration must be applied for no later than one week after the assessment. Special Consideration cannot be requested after the results have been issued.

An application must be submitted to CIPA at appc@cipa.org.uk, and should:

- include the candidate number and the assessment reference/title;
- confirm that the candidate understands the APPC Special Consideration Policy and Procedure;
- explain fully the circumstances the candidate believes impacted on their examination performance; and
states what the candidate believes the impact on their assessment performance to have been.
- Include supporting evidence, wherever possible.

For medical and health-related applications, the supporting evidence should be a letter from a doctor, hospital, or appropriately qualified health professional. If the circumstances relate to sitting an assessment at an office or place of work, an independent report should be provided by an appropriate member of staff. Candidates are advised to submit evidence at the time of application. If supporting evidence is not available, they should state when they intend to submit it. Evidence cannot be considered if it is received after an application has been processed.

In cases where the candidate has experienced more than one form of disadvantage, Special Consideration will be applied only to the most serious indisposition or circumstance.

13. Malpractice

Malpractice is any deliberate action or practice that threatens the integrity of any assessment. CIPA strives to prevent the occurrence of malpractice in its assessments, in order to safeguard their consistency and integrity.

Examples include:

- Copying from another candidate.
- Collusion – working collaboratively with other candidates.
- Disruptive behaviour including the use of offensive language.
- Failing to abide by the instructions or advice of a mentor, supervisor or CIPA.
- Impersonation – pretending to be someone else or arranging for another to take one's place in an examination.
- Attempting to influence CIPA decisions by inappropriate or unethical means.

Candidates accused of malpractice will be made fully aware in writing at the earliest opportunity of the nature of the alleged malpractice. Candidates will have the opportunity to respond in writing to any allegations. Such responses should be submitted within 14 days of receipt of the allegations. The severity of the penalty for malpractice will depend on the nature of the malpractice and the extent of any mitigation but may include:

Failure of the course or a module where malpractice was adjudged to have occurred.

Permanent exclusion from the course.

If the candidate is a CIPA member, sanctions under the Code of Conduct may arise.

14. Announcement of Results

Each candidate will be individually informed of their result. Successful candidates will each receive a certificate.

15. Communications and Queries

Organisational queries relating to the examination must be addressed to CIPA via

 appc@cipa.org.uk.

16. Anonymity

The marking of assessments will be conducted in such a way that the anonymity of the candidate is preserved.