

Patent Examination Board**Foundation Certificate****External Examiner's Report**

Name of External Examiner	Professor David Musker
External Examiner's institution	Queen Mary University of London
Programme(s) being examined	Foundation Certificate
Award meeting(s) attended	Award Meeting 20 February 2025

1. Programme Structure

Please comment upon:

- any particular strengths and weaknesses of the Foundation Certificate programme;
- the balance and content of the programme(s) followed by candidates;
- the coherence of programmes, and the appropriateness of syllabus content in relation to the Foundation Certificate aims;
- the suitability of methods and the adequacy of training as reflected by the standards achieved by the candidates.

I note that the Certificate program has been accredited by IPReg and was assessed externally by the QAA in 2020. The examinations and syllabus are generally appropriate to the Certificate aims (though these aims could usefully be reviewed periodically).

Training issues are not under PEB's control, but it is evident that candidates sit these examinations after very diverse types and levels of preparation. One common issue is that some candidates appear familiar with European Patent Office prosecution but unfamiliar with UK Patent Office procedures (which are the primary focus of these UK qualification examinations), suggesting that they are relying on work experience in the absence of training in UK law and practice. Many have memorised almost verbatim much of the Patents Act, but do not necessarily know how it applies in practice. Candidate comments suggest that much of the preparation is based on previous examination papers, but the syllabus is wider than can be tested in any one year, so this type of preparation inevitably leaves gaps where a part of the syllabus is tested for the first time in several years.

2. Standard of candidate performance

- 2.1 Is the standard of candidate achievement at Pass level and above comparable with that of equivalent Level 6 programmes and/or qualifications in similar subject areas in UK higher education institutions with which you are familiar?

YES (If 'no', please state the reasons they fall short.)

- 2.2 Are there any other points on candidate performance that you wish to raise?

Candidate performance was not as good as last year (which was probably an exceptional year) across all papers but not so far down as to merit concern.

3. Assessment Process

- 3.1 In your view, are the processes for assessment, examination and the determination of results sound and fairly conducted?

YES (If 'no', please state the reasons they fall short.)

3.2 Please also comment for PEB on:

- strengths and weaknesses in the assessment process;
- the appropriateness of the assessment method (i.e. examinations) to the learning outcomes for the programme;
- the mark schemes;
- the quality and achievements of the candidates.

The assessment process involves several levels of scrutiny in setting and in marking papers, which appears to provide a commendably robust mechanism for dealing with large exam teams and supporting less experienced Examiners. The examination papers are generally suitable and the mark scheme is suitable for the Part A questions. As noted in previous years, in marking the Part B questions it is important to ensure that there is enough flexibility in the scheme to assess Level 6 competencies in analysis, application to facts and writing, rather than just possession of legal knowledge.

3.3 Was the Foundation Minimum Pass Descriptor applied when marginal scripts were considered at Awarding?

Yes. But there were few truly marginal scripts this year.

3.4 Was the standard of assessment for the Foundation Certificate consistent with that of UK higher education establishments, where applicable, at QAA Level 6?

YES/NO (If 'no', please state the reasons it falls short.)

The papers themselves are fit for purpose, but the mark scheme (of Part B of each paper) should provide more scope for assessment of Level 6 (Honours Degree) characteristics such as: *· demonstrating conceptual understanding that enables the student: to devise and sustain arguments, and/or to solve problems, using ideas and techniques, some of which are at the forefront of a discipline, · demonstrating an appreciation of the uncertainty, ambiguity and limits of knowledge, · being able to critically evaluate arguments, assumptions, abstract concepts and data (that may be incomplete), to make judgements, and to frame appropriate questions to achieve a solution - or identify a range of solutions - to a problem, · communicate information, ideas, problems and solutions to both specialist and non-specialist audiences.* Some moves in this direction have been made in the last year or so.

4. Other Quality Issues

If the answer is 'no' for any of the following questions, please give details in the comment box at the end of this section.

Question papers		Delete as applicable
4.1	Were you satisfied with the arrangements for consulting you on the structure and content of the question paper(s)?	Yes
4.2	Were your comments on the question paper(s) properly taken into account?	Yes

Marking and Standardisation		
4.3	Were you satisfied with the arrangements for your moderation of question papers?	Yes
4.4	Did you have sufficient information on the mark scheme(s)?	Yes
4.5	Did you feel that you could fairly assess the quality and consistency of the marking?	Yes
4.6	Was the quality of the marking satisfactory?	Yes
4.7	Were you satisfied with the arrangements for standardisation of examiner marking (where required)?	Yes
The Awarding Meeting		
4.8	Were you satisfied with the arrangements for, and conduct of, the Award meeting?	Yes
4.9	Were you satisfied with the decisions and recommendations of the Award meeting?	Yes
Assessment		
4.10	Was the assessment consistent with the requirements of the IPReg Accreditation Handbook, so far as you could tell?	Yes
Please detail any concerns regarding 4.1 – 4.10.		

5. Issues of Procedure

If applicable, how did procedures/arrangements compare this year with previous years? Were suggestions that you made last year acted upon? (If not applicable, please go to question 7.)

Comparable to previous years.

6. General Comments

6.1 In your view, are the standards set at unit level for the Foundation Certificate appropriate for qualifications at this level in this subject?

YES If 'no', please state the reasons they fall short.)

--

6.2 Are there any other points that you wish to raise? In particular, PEB would welcome your comments on any aspects of exemplary practice in the area for which you act as external examiner.

Unfortunately for personal reasons I was unable to attend the Awarding Meeting this year. However I read all the meeting papers, and had no grounds for concern.

6.3 If appropriate, please provide a short statement or bullet points of any particular strengths or distinctive or innovative features in relation to standards and assessment.

PEB currently has a sound set of general principles and procedures which allow it to deal with inevitable changes in personnel, and a robust process for review and standardisation of examination marks.



Signed: David Musker

Date: 25 March 2025