

Patent Examination Board

Final Diploma

External Examiner's Report

Name of External Examiner	Fernando Barrio
External Examiner's institution	Queen Mary University of London
Programme(s) being examined	Final Diploma
Award meeting(s) attended	Awarding Meeting 4 March 2025

Your completed report should be submitted by email to Angelina Smith, PEB Head of Qualifications, at peb@cipa.org.uk within 21 days of the Awarding meeting.

Your report is intended for PEB use only and will contribute towards aspects of PEB's annual reporting procedures. Your report will be read widely and may be published on the PEB website. **Please do not include personal information (such as your home address) or identify individual candidates.**

If you would like to raise any issues of a sensitive or confidential nature directly with the Chair of the PEB Governance Board, please feel free to do so. The address is: Chair of the PEB Governance Board, Chartered Institute of Patent Attorneys, 2nd Floor, 20-23 Holborn, London EC1N 2JD. Please do NOT use this form for this purpose.

1. Programme Structure

Please comment upon:

- any particular strengths and weaknesses of the Final Diploma 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 Final Diploma aims;
- the suitability of methods and the adequacy of training as reflected by the standards achieved by the candidates.

The structure of the programme remains solid, and steps have already been taken to tackle some identified concerns through a comprehensive review of its various components. Discussions aimed at updating the papers have not only taken place but have also resulted in concrete actions that are currently in progress. This ongoing work highlights a clear intention to ensure the programme evolves in line with educational and professional expectations.

Candidates are engaging with content that is generally well-rounded, with the recognised gap in how some papers address international themes being actively addressed. These changes aim to strengthen the relevance and responsiveness of the programme to international developments.

Pass rates have remained on par with previous years. This level of consistency, when considered alongside the improvements being introduced, indicates that the instructional approach and the overall training model continue to support strong outcomes. The programme appears to be delivering a stable and effective learning experience while embracing necessary updates.

2. Standard of candidate performance

- 2.1 Is the standard of candidate achievement at Pass level and above comparable with that of equivalent Level 7 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?

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.)

It needs to be noted that, even when markers follow an agreed and detailed marking criteria, differences in marks can still arise for exam answers that rely heavily on narrative and interpretation. This is because such answers often involve elements, such as how well an argument is constructed, the originality or insightfulness of the interpretation, or the coherence

and persuasiveness of the narrative. While the criteria provide a shared framework, they still leave room for professional judgement in assessing the depth and quality of a candidate's engagement with the material.

In subjects or questions that do not have a single correct answer but instead invite analysis, discussion, or evaluation, two examiners might reasonably interpret the same response differently, even after having several standardisation meetings. One might place more weight on the clarity and structure of the argument, while another might focus more on the range of perspectives considered or the use of evidence. These variations are not only common but also a natural part of academic assessment in areas where critical thinking and interpretation are key.

Rather than being a flaw, this variability reflects the richness and complexity of assessing interpretative work and the value placed on diverse academic judgement.

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 current discussion around whether traditional exams are the most suitable assessment method for certain papers in the qualification process to become a Patent Attorney remains both relevant and timely. While the existing examination process is widely regarded as robust and appropriate, this does not preclude the potential for meaningful improvement. A key point raised is that exams, particularly those relying on strict time constraints, may not always reflect the realities of professional practice, where careful analysis and considered drafting are essential skills.

There is a view that some components of the qualification process, especially those that test applied legal reasoning or the drafting of patent documents, might be better assessed through practical exercises completed in a home or workplace setting. This format could allow candidates to demonstrate their abilities in a context that more closely resembles actual working conditions, where accuracy, strategic thinking, and depth of understanding are valued over speed. Such an approach could also reduce the artificial pressure imposed by timed exams, providing a clearer picture of a candidate's true capabilities.

Importantly, exploring alternative assessment formats does not undermine the integrity of the process; rather, it reflects a willingness to evolve in line with the demands of the profession. A mixed assessment model, combining traditional exams with practical, real-world exercises, could enhance both the fairness and the relevance of the qualification pathway, ensuring that candidates are not only knowledgeable but also well-prepared for the practical demands of a career in patent law.

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

YES

3.4 Was the standard of assessment for the Final Diploma consistent with that of UK higher education establishments, where applicable, at QAA Level 7?

YES

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.

Examination 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
4.10	Was 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.)

NA

6. General Comments

- 6.1 In your view, are the standards set at unit level for the Final Diploma appropriate for qualifications at this level in this subject?

YES

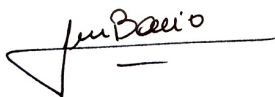
- 6.2 Are there any other points that you wish to raise? In particular, PEB would welcome your comments on any aspects of exemplary practice in the area for which you act as external examiner.

The points were raised and explained in section 3.2

- 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.

NA

Signed: Fernando Barrio



Date: 16 April 2025