

Examiner's Report 2026

FC4 – Design and Copyright Law

Introduction

Part A of the question paper comprised straightforward questions that addressed statutory provisions in copyright and design law. Part B comprised problem-based scenarios where candidates were expected to apply design and copyright law.

The mean marks for all questions can be found below the feedback on individual questions.

Questions

Part A

Question number	Comments on questions
Question 1	Unfortunately, this question related to a topic that was not on the syllabus in that candidates were asked to state the “permitted purposes” in a communication concerning a threat of infringement proceedings in respect of design right. The PEB applied procedures to ensure that no candidate was disadvantaged by this question. Candidates were awarded the higher mark of either the mark for their answer or a calculated mark based on their performance on the other questions. Scripts just below the Pass mark were reviewed carefully against the Minimum Descriptor, which can be found in the Foundation Certificate Programme Specification https://www.cipa.org.uk/patent-examination-board/information/foundation-certificate/.
Question 2	This question is straightforward and was answered well by candidates. It is about particular requirements for UK design validity of component parts of complex products as set out in Section 1B(8) and Section 1B(9) RDA.
Question 3	This question is straightforward and was answered well by candidates. It is about right to object to derogatory treatment and what is meant by “derogatory treatment” according to Section 80 CDPA.
Question 4	This question is straightforward and was answered well by the candidates. It comprised two sub-questions, namely who may be regarded as an innocent infringer under Section 24B RDA and the effect of a finding that an alleged infringer is indeed an innocent infringer.

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Question 5	This question is straightforward and was answered well by the candidates. It addressed the design protection under UK Law for a new coat and what is meant by “exclusive” licence.
Question 6	This question is straightforward and was answered well by the candidates. It is about the acts that constitute infringement of copyright by “copying” in accordance with Section 17 CDPA.

Part B

Question 7	This question was answered well by many candidates, although candidates who were weaker overall appeared to be unprepared for an area of the syllabus that is in most years. The question required candidates to apply design law and discuss the proprietorship of the design and actions to mitigate risks for infringement of the registered design.
Question 8	Almost all candidates attempted this question, which was also very well answered, with several very strong responses achieving almost full marks. This area of the syllabus is tested regularly and only a small proportion of candidates appeared to be inadequately prepared. The question required candidates to apply copyright and design law and discuss alternative forms of protection of a new shape of bottle as well as identifying the relative advantages and disadvantages of their suggestions.
Question 9	All candidates attempted this question. Overall, they answered it very well with the marks awarded being the highest for the Part B questions. Many candidates dealt highly effectively with the issues relating to the registrability of the curling tongs design and providing advice on the relevant procedure for registration in France, Germany, China and USA. It was clear that candidates
Question 10	Very few candidates answered this question and the marks awarded were disappointing. It required candidates to consider the nature of any rights that might have arisen from the construction of the hotel in Japan; what action may be taken in Japan, the UK, Germany, China; the nature of any rights that may have arisen from the scale model, in Japan, the UK, Germany and China; and the nature of any rights

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	that may have arisen from the drawings given to the hotel owner in Japan, the UK, Germany and China. Unfortunately, the candidates who attempted the question appeared to be poorly prepared on this area of the syllabus.
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Mean Marks by Question

FC4	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9	Q10	Total
Mark available	6	5	4	9	9	7	20	20	20	20	100
Mean mark	3.6	3.4	1.8	3.1	5.9	2.9	12.7	13.1	13.6	6.2	59.4