

FD1 Advanced IP Law and Practice

Monday 27 October 2025

10:00 to 14:25 GMT

Examination time: 4 hours 25 minutes plus 10 minutes upload time

The 4 hours 25 minutes is allocated as follows:

10 minutes – Downloading and printing the question paper;

4 hours – Answering the questions;

15 minutes – Three screen breaks of 5 minutes each.

At 14.25 you MUST immediately stop answering the questions. You then have **10 minutes** in which to upload your Answer document to the PEBX system.

You MUST upload your Answer document to the PEBX system by 14.35. After 14.35 you will not be able to upload it and your examination will be void.

INSTRUCTIONS TO CANDIDATES

1. You should attempt **all six questions** in Part A and **two questions** in Part B. There are nine questions altogether, six in Part A and three in Part B.
2. The marks for each question in Part A are shown next to the question. Each question in Part B carries **25** marks.
3. If more than two questions from Part B are answered, only the first two presented will be marked.
4. The total number of marks available for this paper is 100.
5. You must use the Answer document for your answers.
6. Do not attempt to change the font style, font size, font colour, line spacing or any other pre-set formatting.
7. Start each question on a new page. Press the control key and the enter key simultaneously to begin a new page.
8. When you begin a new question, type in the question number at the top of the page.
9. Do not state your name anywhere in the answers.
10. This question paper consists of **13 sheets** in total, including this sheet.

AT THE END OF THE EXAMINATION

11. Save your Answer document to your hard drive and follow the instructions for uploading your document onto the PEBX system.

Part A

Question 1

You are sole practitioner with a long-standing client, a UK firm called PINNIT, which manufactures and sells electronic padlocks. You receive a brief telephone call from the CEO of a potential new client, another UK firm called TAKKIT. The CEO of TAKKIT tells you that they wish to set up a meeting with you to discuss the filing of a patent application for a new invention of theirs for an electronic padlock. They are excited about it because they believe it will enable them to gain the biggest share of the market. (No details of the new electronic lock are divulged on the call.)

Explain the situation and any actions you would take.

3 marks

Question 2

You receive a call from a UK client, Jordan, who owns a UK company selling homeware. They explain that another UK-based company (D-Zine) has recently started selling a product that looks very similar to an idea Jordan had a few years ago. In July 2020, Jordan had approached D-Zine to manufacture the product, but did not go through with it because Jordan did not raise enough money through an online crowdfunding campaign.

You check your records and see that a UK design was filed and registered by Jordan in June 2020.

D-Zine's activities have come to Jordan's attention because Jordan now has the funds to manufacture and sell a new version of the product with an updated design, which Jordan's company intends to sell in Europe if the planned UK launch is successful.

Write notes for a meeting with Jordan, considering design rights only.

10 marks

Question 3

Your client, Dom, has invented an air fryer which is capable of simultaneously cooking two different foods at different temperatures and for different durations, as compared with known air fryers, which are intended for a single type of food. You filed a UK patent application GB1 relating to this invention in July 2024 and an international application PCT1 12 months later claiming priority from GB1.

However, due to manufacturing problems unrelated to the invention, the applications were specifically withdrawn in September 2025, prior to publication, with a view to allowing future patent filings should the problems eventually be resolved.

Dom has heard rumours of an upcoming launch by a rival of the original product (he does not know how long they have been developing this).

Dom tells you he has continued to develop the invention and has devised an improvement which allows cooking of the two different foods to be synchronised such that both foods are ready at the same time despite different cooking durations. Dom asks if there is anything he can do to make use of his original application, whilst seeking patent protection worldwide for both the original invention and for the improvement, since both are expected to be important for many years.

Prepare detailed notes for a discussion with Dom, analysing the situation and advise ways to improve his position.

8 marks

Question 4

On your first day as the sole in-house patent attorney at a UK manufacturing business, you receive a call from the Managing Director. The Managing Director is really pleased to have you with the team and mentions how useful it will be to get more guidance on IP issues. The Managing Director then proceeds to relate how she recently received a call from MajorTech, the owner of a UK patent application which is exclusively licensed to your employer and which protects your employer's main product:

MajorTech informed me that a complication has arisen around inventorship of the patent application. There was a contractor who had been working with MajorTech's research team at the time the invention was created. It seems this contractor has been grumbling about the unfairness of not being mentioned as an inventor ever since the application was filed and is now threatening to dispute the inventorship. Obviously, I feel the application is critical to our business, so I asked the licensor if there was anything we need to be concerned about – but they assured me there is no need for any concern. Can you think of anything which might be a problem for us?

Make notes regarding issues which need to be considered by your employer as a licensee.

10 marks

Question 5

Your client, Ali, has a UK patent application GB2 relating to a garden tool which is made and sold in the UK. GB2 was filed in August 2025 validly claiming priority from an identical earlier application GB1 filed 12 months previously. Formalities were completed and GB2 is expected to publish in February 2026. Ali is concerned because a trade magazine has printed this week with an article promoting a similar garden tool made by a German company, Natur, and referring to an unpublished international application PCT1. Ali is concerned whether they will be able to continue selling the tool in the UK and whether they will be able to prevent Natur competing with them in the UK.

Advise Ali regarding the possibilities for patent protection and freedom to operate in the UK.

9 marks

Question 6

Your client, a UK company, calls you today asking for urgent assistance. Whilst sorting through papers, it came across a letter, addressed to the company, from the UKIPO, drawing attention to the non-payment of the fifth-year renewal fee in the UK in respect of one of its important patents, EP1. The letter is dated 5 September 2025.

EP1 is a granted patent which covers an important commercial product. There is a significant market for this commercial product in the UK. EP1 was filed on 16 November 2020 and the date of publication of the mention of grant was 12 October 2024.

Having looked back through the files for this case, the client has found minutes from a Board Meeting held in November 2023 which report a decision that EP1 should be validated in FR, DE and GB. However, it has also found correspondence instructing you to validate EP1, but only FR and DE were mentioned. You've checked your own records and note that these instructions were received and followed, and EP1 was validated in FR and DE.

The client is keen to understand whether there is anything that can be done.

Advise your client, including any actions.

10 marks

Part B

Question 7

You work in-house for a small UK cosmetics company which specialises in innovative nail varnish compositions with improved hardness due to the use of a particular polymer, Polymer A. The CEO has contacted you to say that, at a conference they attended last week, your main competitor announced plans to launch a new product in the UK, EP and US early next year, which “will give them a leading position in the cosmetics market”. The CEO was so annoyed by this news that they were not able to focus on any of the details given about the new product, but believes it may also be a chip-resistant nail varnish. The CEO is concerned about the impact this may have on market share, especially as the competitor has a lot of money and can afford a big marketing campaign. The CEO asks what can be done to stop the competitor.

You have only recently joined the company and are unfamiliar with the patent portfolio. However, you find the following:

1. A PCT application claiming priority to a now abandoned application, GB1. GB1 was filed on 15 July 2024 and described Polymer A and its use in nail varnish. The PCT was filed on 14 July 2025 and, as well as the contents of GB1, included a number of examples showing good results are achieved when Polymer A is used at ranges of 1–6 units and 4–9 units, with the optimum best result being achieved at 5 units.

The PCT has 3 claims:

1. Polymer A
2. A nail varnish composition comprising Polymer A at a range of 1–6 units
3. A nail varnish composition according to claim 2 comprising Polymer A at 5 units

The ISR report, dated 5 March 2025, cites a literature article published in 2023 which describes Polymer A generally and its use as a surface coating in the health and cosmetic industry, e.g. for toothbrushes, due to its non-toxic properties.

Cont...

2. A pending UK application, GB2. A file note explains that GB2 was filed after a discussion with the lead scientist, who realised that above 9 units of Polymer A, the data showed that Compound B was needed to make the varnish harden. Compound B had been known in the automotive industry for many years for use in car paint. The scientists showed that it added exceptional hardness to the nail varnish at any level (of units). However, it was a high-cost ingredient and unnecessary at the lower number of units, so it was decided not to pursue it. GB2 was filed in a hurry on 24 September 2024, without claims or abstract, and you have not taken any action on the case since you joined the company, as you had previously thought that the invention was not going to be pursued further.

Make notes to determine courses of action available in preparation for a strategy meeting with the CEO.

25 marks

Question 8

A new client, Blueberry (a UK company that designs and makes sleep products for babies), has contacted you. It is undergoing due diligence in preparation for acquisition by a US-based company, Tulip, which is looking to consolidate its US position and expand to the UK.

Blueberry's most popular product is a baby monitor kit with a clip-on sensor which can be attached to a baby's clothes over their chest to monitor vital signs (heart rate, breathing rate, temperature). The sensor interfaces with an application, which is downloaded to a mobile device, to report the vital sign information.

The kit also includes an optional add-on pressure sensor pad that is placed on the mattress under the baby to monitor movements whilst the baby is asleep to confirm that they are breathing properly. The pressure sensor pad also interfaces with the application, which can sound an alarm if undesirable changes in the baby's breathing patterns are detected.

Blueberry has experienced high demand for versions of the kit with the pressure sensor pad, due to a new roll-prevention mechanism in the pressure sensor pad which minimises false alarms resulting from the baby rolling off the pressure sensor and increases the accuracy of the monitoring results.

Its previous representative filed a UK application GB1 on 8 August 2021 (with no priority claim) describing the baby monitor kit, including the optional add-on pressure sensor pad with the roll-prevention mechanism. GB1 was filed with claims directed to the combination of the clip-on sensor and the mobile device implementing the application. The search report indicated no prior art documents of relevance, and the first communication from the examiner was issued in 2023 and a Notice of Intention to Grant issued on 24 October 2025.

Blueberry has also forwarded a prior art search that it received from Tulip. The search found published UK patent application GB-X, which claims priority from a US application US-A. US-A was filed on 7 August 2021 and describes a wearable sensor that can be worn around a baby's foot and a standard pressure sensor pad. GB-X was filed on 7 August 2022 and its contents are identical to those of US-A. On further investigation, you find that US-A is itself a continuation of another US application US-B, which was filed on 8 January 2020 and has an identical description to that of US-A.

Cont...

Blueberry has also recently developed a complex novel computer program that allows the clip-on sensor and the application on the mobile device to operate with increased sensitivity and indicate that the baby is demonstrating early cold/flu symptoms.

To reduce costs, Blueberry drafted and filed its own application GB2 on 16 January 2025, with a detailed description of the new computer program and how it works in combination with the clip-on sensor and the mobile device. GB2 includes three independent claims:

1. The computer program as such
2. A method of detecting whether a baby has a cold using the computer program and the clip-on sensor
3. A system comprising the clip-on sensor and mobile device implementing the computer program to detect whether a baby has a cold

Advise your client regarding how to ensure that its portfolio can be placed in the best position for the acquisition.

25 marks

Question 9

You have recently joined MashTun Co. (MT), a small whisky distillery. You have been given the following information on three matters, in advance of a discussion with the director this afternoon.

Matter 1 – Sugar Extraction

MashTun's pending GB application (GB1) was filed in November 2023. GB1 relates to an improved process for extracting sugar from barley grains soaked in water, based on a combination of water temperature and water-to-grain ratio. GB1 describes one example with a specific temperature and ratio, as well as a process for agitating the soaked grains at particular time intervals.

- Claim 1 recites an extraction process using a water temperature and water-to-grain ratio in respective ranges.
- Claim 2 is a dependent claim additionally requiring the agitation process.

GB1 claims priority from an earlier GB application (GB2) filed in November 2022 in the name of its inventor. GB2 has a single claim specifying the temperature and ratio used in the same specific example described in GB1 (it does not describe the agitation process). GB2 was withdrawn before publication.

The IPO has forwarded third-party observations on GB1 from a rival company, Washback (W). Washback alleges that the claimed subject-matter lacks novelty over EP application EP-W. EP-W was filed in December 2022 and published in February 2024, but claims priority from a US continuation-in-part application (US-W) filed in August 2022. EP-W describes a process with a number of example combinations of water temperature and water-to-grain ratio.

Matter 2 – Fermentation

There is an unfinished draft application for a process for quicker fermentation of extracted sugar.

The process was invented in a collaboration between a researcher employed by MashTun and a student (S) at a local university. The student was temporarily employed by MashTun during their summer break.

Cont...

On reviewing the file, you find a note that the application should be filed by the end of November 2025 because the student plans to give a presentation on the project as part of their course.

Matter 3 – Adhesives for Labelling

MashTun has two GB patents (GB3 and GB4) claiming improved adhesives for attaching labels to bottles. Use of the adhesives significantly reduced MashTun's bottling costs, as well as providing revenue through licensing the patents to other companies. Both GB3 and GB4 name a MashTun employee (E) as the sole inventor. GB3 granted in January 2023, while GB4 granted in December 2023.

The employee was promoted from Research Scientist to Head of Research shortly after the patents were granted. However, the director has now received an email from the employee, saying that they will leave the firm to join Washback, and take the rights to GB3 and GB4 with them, unless they get a significant pay increase and bonus to reflect their contribution to MashTun.

Write notes setting out potential issues with each matter and any further information needed for the discussion.

25 marks