

Patent Examination Board

Qualifying Examinations

Final Diploma

Programme Specification

PEB

2nd Floor, Viaro House
20-23 Holborn
London EC1N 2JD

Tel: 020 7440 9378

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1 Programme information

Examination Agency:	The Patent Examination Board (“PEB”)
Accrediting body:	The Intellectual Property Regulator (“IPReg”)
Title:	The Final Diploma (Qualifying Examinations).
Mode of study:	Self-study with support from employer
Normal duration:	2-3 years part time

2 Introduction

The Patent Examination Board is an examination-only agency which has been accredited by IPReg to offer an examination-only route for the Final Diploma Qualification for patent attorneys.

The Final Diploma is the final stage of academic training prior to admission as a patent attorney in accordance with the Rules for the Examination and Admission of Individuals to the Registers of Patent and Trade Mark Attorneys 2011 (“Examination and Admission Rules”) which are currently found at https://ipreg.org.uk/pro/getting-qualified_

3 Aims of the PEB Final Diploma

The aim of the Final Diploma examinations is to assess whether a candidate has built on knowledge gained at the Foundation level and reached a minimum level of competency at which the candidate will be safe to practice and admitted as a patent attorney.

The programme therefore aims to ensure that candidates meet the requirements of IPReg as to the knowledge, understanding, skills, values and attitudes that a patent attorney should possess. These attributes are those set out in the versions of the IPReg Accreditation Handbook and Examination and Admission Rules that are in force at the time of the assessment.

In order to achieve the aim of the programme candidates will have to pass each of the following examinations which meet IPReg’s core requirements and so are mandatory to qualification as an attorney:

FD1 Advanced IP Law and Practice

FD2 Drafting of Specifications*

FD3 Amendment of Specifications*

FD4 Infringement and Validity

* Information on the EQE examinations that, at the time of publication of this Specification, were recognised by IPReg for exemption purposes can be found at https://ipreg.org.uk/pro/getting-qualified/qualifying-courses-and-examinations_.

4 Outcomes of the PEB Final Diploma

4.1 Benchmarks

The Final Diploma examinations are benchmarked within The Frameworks for Higher Education Qualifications of UK Degree-Awarding Bodies (published in February 2024) as being at Level 7, which is the standard for a master's degree. The QAA Level 7 descriptor can be found at <https://www.qaa.ac.uk/quality-code/qualifications-frameworks>

The Final Diploma is a professional qualification. The Final Diploma examinations are therefore based on the core competencies that are expected of a patent attorney. In particular, they reflect the general and technical skills set out in IPReg's Competency Framework – Patent. These can be found at: https://ipreg.org.uk/sites/default/files/IPReg-Skill-Set-Table-Patent_FINAL1.pdf

The attributes that a candidate would be expected to achieve across the Final Diploma as a whole are set out below. Further details of what a candidate would be expected to achieve in the individual components are set out in Section 5 and in the syllabi for the individual components which are available at: <https://www.cipa.org.uk/patent-examination-board/support/syllabi-for-2020/>

4.2 Outcomes

On successful completion of the Final Diploma, candidates will be able to:

Knowledge and understanding	• Demonstrate a systematic knowledge and understanding of the current law relating to the practise of a patent attorney. In particular candidates will need a full knowledge and understanding of the following areas: ○ Intellectual property law governing the UK and basic patent law in Europe, the United States and Japan ○ The law and practice of patentable inventions and convention priority for UK patent applications ○ The examination procedure and the amendment and correction of patent applications ○ The law and practice and technical requirements of patent specifications in the UK ○ The law and practice of patent infringement and validity issues in the UK • Recognise novel and inventive concepts: • Analyse an invention for essential and non-essential features and distinguish features of an invention from those of prior art; • Analyse and prepare advice on UK infringement and validity issues that are appropriate to the facts provided and the client's needs; • Demonstrate an awareness of the business environment that a client works within; • Demonstrate an understanding of the risks, costs and benefits of alternative courses of action for the client; • Demonstrate an understanding of the impact of their decisions on the client and others
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Skills	• Deal with issues met in practice both systematically and creatively by practical application of relevant current law and legal procedures; • Analyse their client's instructions in the light of the available data and information, which might be incomplete, in order to make a sound judgement on the client's case; • Identify the needs, objectives and priorities of their client; • Evaluate the risks, costs and benefits of alternative courses of action for the client; • Provide clear and commercially relevant advice to their client and others on the available options, a practical and achievable plan of action and next steps that can be taken in the client's case; • Provide logical and considered reasoning for the conclusions they reach • Identify mitigating actions for any risks that might arise as a result of proposed course of action; • Identify further information or evidence that may be required for a final opinion but, where necessary, propose actions on the basis of limited information; • Take account of the impact of proposals on others; • Demonstrate an ability to select and provide appropriate information to others as required by law; • Use clear, accurate and unambiguous language in their communication taking into account the needs of the recipient where relevant; • Represent the best interests of their client through effective use of communication and other skills • Apply the relevant law and procedure to produce appropriate documentation. In particular they will be able to draft the following documents: ○ A complete patent specification of reasonable and appropriate scope, based on the information available, for the United Kingdom Intellectual Property Office ○ A response (including amended claims) to a UK examination report • Demonstrate the skills of amendment and argumentation to support such amendment for UK patent applications
Values and attitudes	• Appreciate the pervasive nature of professional conduct and ethical considerations as specifically represented in the IPReg Code of Conduct • Apply the rules of professional conduct in an appropriate manner in practical situations where they might face ethical dilemmas • Manage the relationship with their client in an appropriate manner including situations where their client's objectives are unrealistic. • Ensure that they always act within the limits of the law • Understand the need to avoid discrimination and promote equality and diversity • Apply, in a practical manner, their understanding of equality and diversity issues

	• Evaluate their professional skills and legal knowledge so that they can understand the limits of their skills and knowledge • Understand situations when they will need to undertake legal research including knowing which sources to consult and how to ensure that the results of their research are up-to-date • Take initiative and personal responsibility for their actions.
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4.3 Minimum Pass Descriptor

The syllabus for each individual subject contains Learning Outcomes which specify what candidates must know, understand and be able to do in that particular area. These Learning Outcomes reflect the generic Learning Outcomes set out above. The questions set in the examinations are designed to specifically test candidates' ability to meet these Learning Outcomes.

The PEB uses the minimum pass descriptor set out below to determine whether a candidate has demonstrated sufficient knowledge, understanding and skills to be awarded a Pass in the examination. The elements of the pass descriptor are generic and must be applied in the context of the unit syllabus content.

Minimum Pass Descriptor

The minimally competent script will:

- evidence adequate ability to apply legal reasoning to practical situations;
- present appropriate solutions to problems;
- demonstrate the ability to assimilate data and information provided to extract most of the major issues;
- usually differentiate between different forms of evidence and information;
- discern the primary points but not always the overall picture;
- show adequate familiarity with appropriate and accurate legal and technical language;
- provide written work that generally advises and informs the client, with proposals that are largely practicable and achievable;
- present most key information;
- provide argument that is comprehensible, structured and reasoned;
- contain written material which mostly suits requirements (e.g. letter, brief, recommendation, statement of facts).

A candidate who achieves the level of minimal competence:

- will have met all the major learning outcomes of the assessment as evidenced by a general knowledge and application of fundamental aspects of law and practice within the script but not necessarily within every answer;
- demonstrates a satisfactory performance overall, weaknesses are limited to areas such as patchy coverage of relevant material, minor inaccuracies and irrelevancies;
- will not have produced contradictory statements, or other statements, that would undermine advice provided or a client's rights;
- will not have produced unethical advice, proposals or statements.

5. Assessment

5.1 The examinations

In order to complete the Final Diploma programme, candidates will have to pass each of the examinations shown in Table 1 below.

The pass mark for each assessment is 50%. There is no compensation within or between assessments.

Detailed information on the Final Diploma examinations, including assessment regulations, syllabi, past question papers and mark schemes is available at <https://www.cipa.org.uk/patent-examination-board/>. The document “How Qualifying Examinations are Marked” explains how the examinations are marked and awarded <https://www.cipa.org.uk/patent-examination-board/policies-and-procedures/procedures/examination-procedures/>.

Table 1 Length of the examinations

Paper reference	Paper Title	Examination Length
FD1	Advanced IP Law and Practice	4 hours
FD2	Drafting of Specifications	4 hours
FD3	Amendment of Specifications	3 hours
FD4	Infringement and Validity	5 hours

Please note that the duration of the examinations is for those candidates who have not been approved for the Reasonable Adjustments of extra time and/or rest breaks for their assessments. Details of the arrangements for candidates who require extra time or other reasonable adjustments in their examinations are set out in the PEB’s Reasonable Adjustments Policy and Candidate Guidance (at <https://www.cipa.org.uk/patent-examination-board/policies-and-procedures/policies/>).

Candidates are not required to sit all of the assessments in one examination session.

5.2 Unit Syllabi

Each unit has a syllabus which contains the following sections:

Guidance for Candidates
The Syllabus
Reading
The Examination

The Syllabus section contains:

- A **summary** which gives an overview of the examination content and scope
- A **content** section which states the topics which are covered and gives the related IPReg patent law topics in brackets.

- A **learning outcomes** section which describes what the candidate will have to demonstrate in the examination to show that the candidate have the required knowledge and transferable skills
- Lists of the key sections of the legal provisions relevant to the content and learning outcomes (where relevant).

A summary of each unit is set out below. Candidates should read the full syllabus for each unit before embarking on the study for the assessment. These are available at <https://www.cipa.org.uk/patent-examination-board/information/syllabi-final-diploma/>.

Candidates should also read the Candidate Guidance for each Unit <https://www.cipa.org.uk/patent-examination-board/information/examination-guidance/>.

5.2.1 FD1 Advanced IP Law and Practice

Candidates will need to demonstrate a thorough understanding of intellectual property law governing the UK and basic patent law in Europe, the United States and Japan.

Candidates will be able to recall the relevant principles, laws and rules. The candidate will be able to demonstrate their knowledge and skills by giving commercially relevant advice to a client together with their reasoning in response to a given scenario. A scenario may require analysis in respect of more than one of the content groups listed in the syllabus for the subject.

5.2.2 FD2 Drafting of Specifications

To complete this examination successfully, candidates will need to demonstrate a full understanding of the law and practice and technical requirements of patent specifications in the UK.

Candidates will also need to be able to draft patent specifications in line with the needs of lay clients.

5.2.3 FD3 Amendment of Specifications

To complete this examination successfully, candidates will need to demonstrate a full understanding of the law and practice of patentable inventions and convention priority for UK patent applications.

Candidates will also need to demonstrate a full understanding of the examination procedure and the amendment and correction of patent applications. The candidate will need to be able to draft a response (including amended claims) to a UK examination report and the candidate will need to justify their choice of action to lay clients

5.2.4 FD4 Infringement and Validity

To complete this examination successfully, candidates will need to demonstrate a full understanding of the law and practice of patent infringement and validity issues in the UK.

Candidates will also need to demonstrate an ability to advise lay clients on their best course of action in matters related to patent infringement and validity.

6. Professional Ethics

The IPReg Accreditation Handbook Schedule A specifies the Intellectual Property professional ethics subjects that intellectual property law Foundation level qualifications must cover, including:

- IPReg's Overarching Principles and Code of Conduct;
- standards of care and duties to clients
- conflicts of interest;
- client confidentiality
- financial activity
- professional integrity.

In the Final Diploma, professional conduct and ethical issues, specifically those which are covered by the IPReg Code of Conduct, are considered to be pervasive. They could therefore be assessed implicitly in any of the FD examinations. Scripts which include unethical advice, proposals or statements will not have met the Minimum Pass Descriptor (Section 4.3) and cannot be awarded a Pass.

Professional ethics are explicitly tested in Unit FD1. The syllabus requires candidates to be able to demonstrate knowledge and understanding of:

- the ethical, legal and financial responsibilities of a Registered Patent Attorney: as set out in the IPReg Core Regulatory Framework, particularly Chapter 1 - Overarching Principles and Chapter 2 - Code of Conduct (Client care, Competence, Managing your practice, Client money, Complaints handling;
- IPReg Rights To Conduct Litigation And Rights Of Audience And Other Reserved Legal Activities Certification Rules 2012
- Authorisation given to a Registered Patent Attorney under the Legal Services Act 2007 to conduct litigation and the right to privilege in communications with clients under the Legal Services Act 2007 s.190, Schedules 2 & 3; CDPA s.280;

In the FD1 examination, candidates will be required to analyse a scenario and provide reasoned advice taking into consideration:

- the best interests of the client
- duties with respect to financial matters including client monies
- situations where a conflict of interest arises
- supporting equality, diversity and inclusion
- confidentiality
- the duty of care.

7. General and Examination Policies and Procedures

PEB Policies and Procedures can be found at <https://www.cipa.org.uk/patent-examination-board/policies-and-procedures/policies/>.

7.1 Eligibility/Admission

Candidates should check the PEB's Eligibility Policy at <https://www.cipa.org.uk/patent-examination-board/policies-and-procedures/policies/examination-policies/> to ensure that they have the necessary qualifications before embarking on the programme.

Candidates are also advised to refer to the IPReg website <https://ipreg.org.uk/pro/getting-qualified> for details of current IPReg requirements.

8. Study requirements

The PEB is an examination-only agency and does not provide any form of training for the examinations. Candidates should therefore discuss preparation for the examinations with the person who has responsibility for training in their organisation.

The Candidate Guidance for each Unit contains guidance on preparing for the examinations (<https://www.cipa.org.uk/patent-examination-board/information/examination-guidance/>). The guidance is informed by the PEB's analysis of performance by candidates over the years as well as the requirements of IPReg and the credit framework used by the QAA.

8.1 Credit Values and Notional Learning Hours

Table 2 below sets out the credits and notional learning hours that candidates can be expected to undertake for each unit. Under the QAA's Credit Framework, 1 credit is equivalent to 10 hours of study/notional learning hours.

The notional learning hours are based on the amount of study that an average candidate would be expected to undertake before successfully completing the related examination. There may therefore be variations in the time spent by each candidate.

Candidates should also view the programme as a whole. Preparation for one examination will support preparation for other examinations within the programme. Experience from professional practice is an essential part of preparation for the examinations.

Nonetheless, the figures in Table 2 should be taken as indication of the time candidates will need to devote to the programme and they should plan for this accordingly.

Table 2 Credits/notional learning hours

Unit	Title	Credits/notional learning hours
FD1	Advanced IP Law and Practice	30 credits/300 notional learning hours
FD2	Drafting of Specifications	15 credits/150 notional learning hours
FD3	Amendment of Specifications	15 credits/150 notional learning hours
FD4	Infringement and Validity	40 credits/400 notional learning hours

8.2 Duration of the programme

The expectation is that the candidate will devote 1,000 hours of study to this programme. It is therefore expected that candidates will spend at least two years on this programme before successfully completing it. This will allow proper preparation for the examinations given the academic and practical requirements of the programme and the demands of candidates' own day to day work roles.

9. Award/professional recognition

The PEB is subject to external review by the Quality Assurance Agency but is not QAA-accredited to provide qualifications.

Candidates who pass all four unit examinations (or have achieved recognised exemptions) will have satisfied the academic requirements for entry on to the Register of Patent Attorneys.

10. Quality Assurance

The PEB's Assessment Strategy <https://www.cipa.org.uk/patent-examination-board/policies-and-procedures/procedures/qualifying-examinations-qe/#accordion-3> sets out the framework for the quality assurance of PEB Qualifying Examinations.