

### **Examiners' comment on candidates' performances in QE 2006 Paper D**

- There appears to be poor time management for the candidates. Some candidates obtained marks for quoting the correct legal references but failed to elaborate their answers and vice versa. Some candidates did not obtain the full marks for their legal references as they quoted the general sections but did not provide the specific legal references i.e. the sub-sections were not provided.
- Some candidates are not directing their time to answering the questions which are problems posed and gave arguments for all options.
- Whilst most candidates scored on the renewal question, some candidates lost marks by not giving the correct dates or official fees.
- Application of facts to the sections to derive a conclusion was done poorly.
- 2 candidates were confused by what was meant by 2010 annuity. As a result they discussed lapse.
- Overall, the candidates showed that they had good basic knowledge of the relevant Act and Rules but what may be lacking is practical experience.
- It was obvious that a few candidates did not appear to understand the questions and went totally off tangent. Better handwriting and exam technique would be desirable as well. It is notable that many candidates did not do well on question 5, probably because of the time factor.
- There was quite a big disparity in the quality of the candidates. A few were obviously not prepared to sit for the examinations and scored far below the passing mark.
- Candidates generally did relatively well for the question 3 (the “renewal” question) and question 1, although in question 1(c), candidates did not show an understanding of the operation of Section 14(2) and 14(3) and how there was a difference if the patent

application was filed in Malaysia only. In question 3, the few candidates who counted the annuities from the wrong date obviously scored very poorly for this question. Otherwise, the other candidates tended to pass this question.

- One candidate skipped answering question 2 entirely. This candidate failed overall. The candidates who passed also passed this question. One of the candidates (who unfortunately failed overall) in fact scored very well on this question, showing that this question was not difficult if the candidates had studied and understood the topic well.
- Candidates overall had some difficulty with question 4, especially 4(c) and (d). Both the candidates who passed the Paper D unfortunately failed this question. The difficulty with question 4 also did affect the borderline candidates adversely.
- For question 5(a), candidates tended to miss out entirely, the discussion on PF 13, having touched briefly on PF 23. There was no clear understanding of the limitations of PF 23 because candidates seemed to argue that the Australian priority claim was a valid basis for the proposed correction being allowed. This is wrong. Further, candidates who skipped answering parts of this question unfortunately did not pass overall.