

## **Examiners' Comments on Candidates' Performances in QE 2009 Paper D**

### **General Comments**

1. As a whole, the candidates did reasonably well except for those who failed due to lack of familiarity with patent law. It appears that the candidates are now quite familiar with the structure of the questions and the examiner's expectations.
2. The passes were much higher, which perhaps indicates the quality of candidates is improving.
3. It is clear however, that the weaker candidates were below par for the majority of the questions. By far, Q1 was handled best, which suggest that candidates lose less marks when they are not required to identify as many sections / rules.
4. As with previous years, candidates tend to fare better in relation to questions relating to computation of prosecution deadlines and typical prosecution processes. However, where questions demand deeper analysis of issues, many falter and stray off-tangent. The PCT issues (at International phase) also present a challenge to significant number of the candidates which suggests that these are relatively less familiar to them.
5. Candidates appear to be more prepared and there were more borderline cases. It appears that candidates were not sufficiently prepared for issues relating to PCT, which is in fact a fundamental part of the Singapore patents practice.
6. It is essential for candidates to review the past-year resources available on IPOS' website.
7. Candidates should take note of pointers which examiners had stressed in the past few years eg. Handwriting should be improved / legible, specific sub-sections should be stated, issues should be specifically identified.
8. Poor language – one candidate answered mostly in point form and lost marks as it was difficult to follow the line of argument/logic in his/her answer.
9. Poor time management – several candidates spent an unduly large amount of time on the first question and clearly showed signs of haste in completing the rest of the questions. They could probably have done better if they had allocated their time more equally amongst the questions.
10. A number of candidates skipped answering questions. This is very surprising. This either shows bad time management or total lack of knowledge for the unanswered questions.

### **Individual Questions**

11. On question 1, most candidates did quite well for this question. However, a number of candidates failed to identify the restriction on relief in view of the non-related claim. Also, there were some candidates,, who failed to discuss whether or why the situation described in the question constitutes a national emergency.
12. On question 2, most candidates were able to identify that the application is pending and cannot be revoked. They were able to point out the risk of amending post grant to capture the infringing article and that it is not possible to file a divisional at this late stage. A number of candidates also failed to appreciate the restrictions on relief for innocent infringement.
13. Most candidates did not do too well for Question 3. For example, for part (c), the candidates are required to discuss the chances of restoring priority, but this was not handled well in general. What is worrying is that most candidates did not know that for early Singapore national phase entry for which the PCT application has not been published and an English translation is required, the English translation needs to include the abstract and PCT Request together with the PF37. Likewise, a number of candidates do not know the effect of section 87(1)(b) for the part (e) of the question. Also, some candidates do not know that provisional rights from publication is modified for PCT applications not published in English in that a request for publication of the English translation during national phase needs to be made.
14. Question 4 deals with the issues of allocation of filing date, missing parts, and the right to call oneself a patent agent in Singapore.
15. Question 5 was well handled by candidates.