Examiners' Comments on Candidates' Overall Performance in QE2010 Paper D

General comments

Some candidates generally did quite well for the first 3 questions, but may have run out of time towards the end as the candidates failed the last 2 questions. Candidates could have done better with proper time management.

Question 5 was particularly badly done as the question requires some degree of creativity to come up with practical solutions to the problems encountered. A part of the question also requires knowledge of the Registry's practices, for which a candidate who does not have the necessary knowledge and experience would have difficulty answering.

Comments on candidates

1. The candidates this year generally did not perform well. They essentially do not display an adequate knowledge of the area of law concerned. Most answers provided are simply a regurgitation of the legal basis without application of the legal basis to the facts of the question to come to a conclusion or recommendation to the client.

2. It seems a majority of the candidates are only comfortable with administrative/routine know-how. Candidates have to realise that a patent agent's competence must extend beyond that.

3. Sections/rules/provisions or the exact sub-provisions were not cited. Where provisions were properly cited, the course of action or explanation required was not properly stated/ described. Some questions require the relevant provision or part thereof to be set out in brief, followed by application of the facts to the relevant provision. Candidates may not get all the marks by hastening a conclusion without an analysis which demonstrates an understanding of the law.

4. It appears that candidates were not sufficiently prepared, especially for topics which were not previously already tested in previous years. Candidates were not familiar with new areas of patent law referenced in the questions.

5. A number of candidates did not read the questions properly resulting in answers which were way off the point or deadlines which were wrong. Candidates sometimes did not answer the question posed at all.

6. Another problem is also the illegible handwriting of some candidates.