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

General comments

In general, candidates should have paid more attention to the core problem of drafting a claim under Singapore Jurisdiction, instead of spending much time on the proper wording of a specific claim element. Given the time pressure of an exam, the marking very much emphasizes the first issue while being generous with respect to the latter aspect.

Comments on candidates

1. Some candidates presented - following the request of the client - a claim for a throwing weight/ball, which is obviously not novel. By doing so, they have shown that they did either not read the entire exam papers, explicitly stating that the ball has already been known before, or they do not know what "novelty" is.

   All candidates, however, have presented 10 claims or less than 10 claims. This means that they have read the remarks about the maximum number of 10 claims and they also must have seen the nearby remark about the ball being prior art.

   The question arises for them – with respect to the claim for a ball – the request of the client prevails over the legal requirements.

   For the purpose of passing the exam, the legal requirements definitively have priority.

2. All candidates in general handled well the formal requirements with respect to the description.

3. Few candidates recognized the core issue of this year's paper, the problem of the inter-related products which is so important for SG patents, because the Singapore Patents Act does not explicitly provide for contributory infringement.

   More specifically, for the device claim quite a few candidates included the ball and/or the line, which led to deductions.

4. None of the candidates was able to present a method claim that provides an antenna that actually works. All but one candidate missed the essential method claim element of providing an insulating section between the high object 45 and the antenna wire 41. As stated in the client's letter, such a subject matter would not work in practice and the method claim without this essential element is therefore not acceptable. This led to severe deductions. When a dependent claim was directed to obtaining a working antenna, fewer marks were deducted.

5. Many candidates correctly presented claim features in a rather abstract and general language but they then often failed to provide a link between the abstract wording of the claims and the wordings of the concrete embodiments in the description. This led to some deductions.

6. Many candidates also failed to present non-trivial dependent claims that provide reasonable fall back positions. A desirable dependent claim would not only be non-trivial but it would also be supported by a description of its essence in the specification, which may according to the law include advantageous effects of the invention.