Examiners' Comments on Candidates' Overall Performances in QE2012 Paper D

- Generally, the candidates found difficulty with the damages aspect of Q3 and the patent agent's duties aspect of Q4. The former required some practical knowledge and the latter required study of the Code of Conduct, which appeared in a question for the first time. Most could pick up the main issue in the licence agreement but had difficulty with elaborating on this answer. For question 4, many candidates were not aware of, or did not cite the Code of Conduct, or could not identify clearly which acts give rise to breaches.

- It cannot be over-emphasized that candidates should properly plan their answers. They should also organize their time better and allocate sufficient time for answering all the questions

- It appears that a number of the candidates were not prepared for the exam. They were poor in knowledge and did not understand the questions. Exam technique was surprisingly poor. Handwriting in some cases was poor and illegible. The management was also poor. A number rushed through the last question and spent too much time in the first few questions. The results managed by the papers marked in this batch should be sufficient to indicate that one is unlikely to be able to just "pull through" Paper D without detailed preparation.

- Candidates are generally aware of the need to spot the issues correctly and to get to the essential points required by the questions without wasting too much time. Alarm bells should automatically ring for the candidates if, for instance, they have to allocate a lot of time to an answer where marks indicated for the answer is not commensurate with the amount of writing involved.

- Candidates should be aware by now they should be well-prepared, and have a broad knowledge of all the Patent Agents Code of Conduct. In particular, candidates should be very familiar with the Search and Examination options for Singapore patent applications, which are important in practice as well as being historically important for Paper D.

- This batch of candidates is that they may have some basic knowledge, but they do not have sufficient understanding to handle more difficult parts of the question. Also, most candidates could not set their answer properly (even if they may have understood the concept).

- On question 1, although not difficult, a number of 1 candidate were not able to answer this question in a systematic manner, and also many showed no understanding of what a corresponding application was.

- For those who were not able to obtain close to 10 marks or more on each question (for example less than 5 marks), it was not possible to pick up the additional marks required on the other questions as that may have required near full marks. Also, it was apparent that even if the sections were cited, the application of the law was wrong showing lack of understanding.

- It would appear that most of the candidates were not really prepared for the exams although admittedly there was some basic knowledge of the Patents Act displayed.

- From the performance of the candidates marked, QE2012 Paper D was an overall balanced Paper. Candidates could perform evenly throughout all questions showing that there was no particularly hard or easy question. It appears that candidate paid attention to the briefing especially on time allocation for each question; answering directly and writing legibly. No strong exam techniques deficiencies were detected. This is good news.

- The answer were often written in incomplete sentences and strayed off tangent. Citation of provisions are often not exactly what was expected (e.g missing subsection numbers) which lead to loss of marks. Some questions require citation of a good number of provisions due to the nature of the topic and candidates actually missed out on "easy" marks this way. Perhaps contrary to conventional wisdom, where citation of provisions is given too much weight in a question, it makes it harder for candidates to score marks. Some food for thought here.

- The candidates this year appear insufficiently prepared to tackle the question. The paper for 2012 can be considered to be tougher as compared to previous years, on account of the higher profile given to PCT rules and regulations.

- The quality of candidates is noticeably improved. Even the candidates who failed, though they did not provide the answer that the examiners were seeking to elicit, they managed to display knowledge of other laws and procedures. The biggest problem was failing to address the questions on point.

- I would recommend that candidates should work in the area of patents for at least a period of time (e.g. 1 year) before attempting Paper D. This would increase the pass rate for this paper.