

Examiners' Comments on Candidates' Overall Performances in QE2013 Paper D

- The major change for this year's exams was the submission of typed answers. Out of the 8 papers that I marked, only one candidate chose to submit a written answer. Whilst the written answer was by far the lengthiest, it was also quite illegible in parts, which made it more difficult to mark.

The typed answers were obviously legible and generally more concise and to the point. This made the, easier to mark. In so far as the candidates are competent enough in their typing skills to submit typed answers, this change should be very welcome for the markers.

In comparison with historical results, this batch of candidates certainly performed very well. one of the candidates even scored 18.5 marks for one question, which is a first in this marker's experience. Conversely, the proportion of unprepared candidates was notably lower.

Arguments were generally well-supported with reference to the relevant legislation. An overall improvement in the quality of answers had been observed, although there is no substantial difference in the difficulty of the questions compared to previous years.

This may be because the candidates are now able to better prepare with reference to past-year questions and other guidance provided by the examiners.

- Very good group of candidate compared to previous years. However, candidates remained inclined towards performing better on prosecution typed question.

First time using typed answer script. Much easier for reading by examiner but perhaps a more controlled format should be implemented to ensure consistency and easier reading.

- Clear demarcation between questions (eg, separate page)
 - Clear numbering of questions (eg, number on a title to each answer)
 - Margin space sufficient for marking purposes.
- Question 2 and 4 were done well by candidates and those who pass managed to do so because of the high marks obtained on these questions. This shows that those with strong prosecution and renewal knowledge were better placed to pass the paper, even though they may not have answered the remainder of the questions well.

However, the other questions were not done to the same standard, especially questions 1 and 3. I have a concern that this may not be a good indicator of whether passing

candidates have sufficient knowledge for practice, given the great disparity of marks encountered.

Question 4 – it was observed that many candidates may have understood the slow track but they did not mention it was non extendible.

Question 5a- a number of candidates were not able to answer this question concerning the eligibility of an applicant to file a PCT application. This is a basic concept and it was surprising that candidates had difficulty with this.

Best Paper

I had three candidates who passed comfortably.

- Most of the candidate (who prepared) scored well for the Singapore Patents procedure questions, which test their basic understanding (Question 2 & Question 4).

Appears that candidates may have been "spotting" questions (as these questions were similar to some past year questions)

- The candidates seem to be better prepared this year. At least we do not see very bad failures.

Generally however, those who failed should not be re-considered as borderline candidates for passing purposes.

The questions this year were not that difficult. If a candidate has failed, he/she should try again next year, even if he/she is a borderline failure.

- From a marker's standpoint, the allowance of typed answers was very welcome!

This paper had 2 very generous "gift" questions on procedural routes (Qn 2 & Qn 4)

Qn 1 tested professional conduct and the limits of patent agency practice. Only 2/7 passed. This is surprising and signals a weakness in the training of would-be professionals.

Q3 tested the statutory language concerning infringement and almost all candidates failed. Again it is surprising that a basic understanding of the language of the Patents Act is not present and signals a weakness in training and preparations.

Q5 tested non-PCT countries, basic amendment & entry into national phase. Only 1/7 passed. These are basic practice areas. I detected time management as an issue for 3/7 candidates.

6/7 candidate demonstrated competency in only 1,2 or 3 questions.

A passing candidate demonstrated competency in 4 questions (while lacking in the last question). Again this pattern point to weakness in training.

This was a passable paper but it showed up areas of weakness in candidates.

- The candidates this year are generally not well prepared, as even those who managed to pass did not do so with a good margin.

Common problems are essentially incorrect or inadequate understanding and knowledge of the law, non-identification of relevant issues, insufficient discussion of issues identified, exact statutory provisions (and sub-provisions) not stated, legal bases not stated.

- With the exception of two candidates, it appears that the rest of the candidates were not prepared for the question set. 1 candidate performed very well and I am confident that the candidate will be a worth addition to the ranks of Singapore Patent Agents.
- Many candidates did not read the questions properly, and answered off topic. Citation of relevant sections, rules and articles were sometimes absent. Those are easy marks to obtain so always cite fully.

Responses to questions should always be direct. For instance, applying the law rather than merely stating the section / rule is important.

There is also a general lack of understanding the transactional aspect of patents as evidenced by the poor results for question 3.