

Examiners' Comments on Candidates' Overall Performances in QE2014 Paper D

- A good number of the candidates failed to score ample low hanging marks by failing to quote relevant provisions completely and/or stating a summary of such provisions, before jumping into application of the provisions.
- Most candidates I marked appear weak in relation to seemingly open-ended application of legal /provisional provision.
- Overall standard of the candidates marked in this batch of papers was not good, as only one out of five deserved/achieved an overall pass.
- There is a general lack of broad-based knowledge (except for one candidate in this batch), such that it is difficult for the candidates to pass the paper if he/she fails three or more questions out of five.
- None of the questions were attempted particularly well in general, although the highest average marks were achieved for Q1, and the lowest average marks were achieved for Q4.
- Q4 on the various search and examination options was surprisingly not well-attempted (the fail marks averaging around 5 out of 20), given that this is bread-and-butter knowledge. Perhaps this is due to the fact that the questions is not divided into structured parts, and that the candidates require greater guidance.
- There is a tendency for some candidates to use undefined short forms/ abbreviation which should be frowned-upon. (eg. "file request of either S&E or E report", " US apps a corresponding app", "DoF of SG app"). This is a reflection of tardiness, and is also not an approach to be encouraged in practice.
- With recent changes to the law, some candidates overly focussed on whether the old/new laws applied, and in general, there is some confusion as to which parts of the new/old laws should apply.
- I believe candidates should have a better understanding of basic legal concepts. Eg. The circumstances that may lead to formation of an employer–employee relationship since these are issues that a patent attorney will encounter and they are referred to in our legislation.
- The candidates should also have skills in statutory interpretation and not advise based only on previous discussions or exposure, especially since legislation will continue to undergo changes after any candidate qualifies to practice.
- While I have given marks according to the marking schedule, my sense, from the way answers were given is that the candidates that only barely passed are not ready to practice.

- The candidates this year are generally not so well prepared, as even those who passed only managed to do so with borderline passes. The usual problems are incorrect or inadequate understanding of the law, non-identification of the relevant issues, insufficient discussion of the issues identified, exact statutory provisions (and sub-provisions) not stated, legal bases not stated.
- It was a balanced paper. Candidates did best in Q1 - the ownership question which is good in showing grasp of this fundamental. The toughest question was Q4, the shortest question which arguably gives the least guidance. This is a real-world scenario where we are often asked for options after a short brief- this is a concern. The next toughest question was the one on infringement- perhaps candidates struggled with the far-ranging answers required. The guided easier procedural question of Q2 and Q5 had balanced results from candidates.
- This year, time management did not appear to be too much of a problem (except for one candidate). It was noted that for Q1, some candidates were not aware that legally binding contracts can be made orally i.e ; writing is not required where specifically provided for in the statute (i.e the Act). > A candidate gave a really excellent answer for Q1.
- Overall, I find the same issues arising as in previous years. The candidates who have not passed have either not understood the questions properly and/or failed to cite the appropriate provisions to garner the full marks on offer.
- A candidate however has performed admirably and in particular, question 1 was well answered.
- Many candidates jumped straight into conclusions without explanation. Candidates should always state the law which lays the basis of their responses.