

Examiners' Comments on Overall Performance of Candidates in QE2020 Paper D

scripts with less than 25 marks and several scripts are above 40 marks. The patent infringement Question 1 is well attempted by many candidates. It is disappointed that Question 2 on minimum filing requirements, inventorship and ownership issues, which are common topics tested, were not as well tackled by the candidates as expected. When tackling the PCT Question 3, many candidates failed to identify the relevant PCT regulations and went off-track to focus on local laws instead, leading to loss of marks. For Question 4, it is regrettable that some candidates lost marks due to errors in the calculation of dates. For Question 5, it is disappointed to see the topics on patent search and examination, and amendments after issuance of notice of eligibility to grant, which are common issues faced in our work, not as well attempted by the candidates as expected.

That said, considering the higher marks obtained on average by candidates this year, the candidates who failed should pass in time if they continue to persevere and study hard.

The paper this year had a lot of long questions, which also gave it more structure. Overall this seems to help candidates to have a smaller difference between the highest and lowest points of the papers marked. It smoothed things out v having extremes. Or it may be that the candidates were better prepared this year.

All candidates managed to pass the infringement question, Q 1, some very well. However, this was evened out by most candidates failing badly in the PCT question, Q3.

This is a cause of concern, that candidates are not familiar with the PCT.

There did not seem to be too much sign of poor time management, so perhaps the message on this is getting through.

However, candidates generally suffered from raising irrelevant material, sometimes long paragraphs worth, which is of no use.

Some candidates appear to be clearly unprepared and this is shown very clearly in the answers provided. However, a number of candidates appear to be prepared but missed on points as questions are not read carefully – in particular those that requests for options or are two parts questions.

Most of the candidates struggle with question 3, which relates to PCT.

Most candidates did not do well in Q3, which requires an understanding of the PCT provisions. Candidates who pass, generally do well in other questions such as Q4, Q2 or Q1 to push up the overall score.

Several of the questions this year asked the candidate to discuss possible options in relation to the scenario. However, most of the time the candidate is only able to discuss one option.

Some of the candidates have lost marks as they did not state the legal basis that leads to their explanation and analysis.

A few candidates appear to be not prepared for the paper as they only provided short answers without sufficient discussion and analysis.

Candidates should not indicate their identity in the answer scripts. Q3 and Q5 are underperformed.

Better than previous years. Some answers were implied PCT questions (03) seems to be difficult for the candidates.

Suggest minimum practice year (eg 1 year) requirement before taking exams. One candidate was very ill prepared.

As always, questions related to PCT provisions are answered poorly. For some candidates, if they had done just a little better on the PCT question, they could have passed. This shows that the strategy where candidates decide to forego the PCT (or even the Paris Convention) provisions altogether and try to pass by only focussing on the SG Act & Rules does not work.

This point is repeated every year - candidates also need to be more specific when it comes to citing the relevant provisions. For example, if you are citing a Section of the SG Patents Act which has many subsections, or the subsections have further sub-subsections, simply quoting the Section itself is not sufficient. We cannot determine whether you actually know which of the sub-subsection is the relevant one, and as a result you would not get a mark for it.

Candidates should be (very) familiar with the Act and Rules as well as with the PCT Regulations by the time they are sitting for Paper D. As marks are awarded for the citation of each correct provision, candidates should maximise their marks by citing the relevant provisions in the Act and Rules (and in the PCT Regulations, where applicable) in support of their answers.

To gain the maximum number of marks however, citation of provisions must be accompanied by an explanation which refers to the circumstances provided in the questions. For example, simply saying that a 6-month grace period is still available without referring to how this grace period is calculated, the actual deadline and the actions to be taken by the client, based on the issues contained in the question, is unlikely to gain the maximum marks.

It is also important to allocate sufficient time to attempt every part of each question and all 5 questions. Some of the candidates submitted relatively long answers for some questions and skipped parts (or no answers even) for the remaining questions. Such candidates very often do not pass the Paper.

There are usually a number of parts (and even sub-parts) to a question. Candidates should take care to number their answers according to the question parts provided in the question paper. The absence of proper numbering may result in getting no marks because an Examiner will not know which paragraph or statement contained in the answer script is intended to address which part (or sub-part) of a question.

The overall performance of the candidates is below expectations, with no candidates passing the paper (based on the stack marked).

Candidates generally scored the highest marks for Question 1, which is on the topic of infringement. It also appeared that candidates were better prepared in this area with 8 out of 10 candidates passing or getting a near pass for this question.

It appeared that many (8 out of 10) of the candidates did not prepare well for the paper with a score of low 30s and below, which may have led to the poor performance of the remaining Questions 2 to 5. It was also surprising to see a few candidates leaving out/did not attempt entire questions leading to no marks awarded. It may be due to a combination of poor time management and not preparing well for the paper.

Many candidates score better for one or two questions (above 10 marks) but poorly for the remaining questions (below 5 marks). This appears to indicate that many

candidates did “selective preparation”, spotting topics to focus on for the Examination. Like previous year, it appeared that candidates did not prepare well in the area of PCT and the interplay between general patent prosecution in Singapore and PCT.

Candidates are reminded that PCT is part of the examination syllabus as mentioned in the Examination Administrative Instructions.

It was also surprising to see that many candidates had difficulty identifying and advising on procedural/prosecution options in Singapore (e.g. securing of filing date, review of examination report, supplementary examination, late renewals, etc.) – Questions 2, 4 and 5.

Whilst some candidates recited the relevant provisions without clearly setting out their reasoning, opinion/conclusions on the issues identified, leading to the loss of marks, it was encouraging to see that many candidates this year did not simply cite entire sections or rules without applying them to the facts given (as compared to the previous year).

A reminder that the purpose of the Examination is to assess whether the candidate being examined is fit to practise in Singapore as a Patent Agent, advising the public concerning patents and related matters. Sound advice is expected from a Patent Agent entered on the overall performance of the candidates is below expectations, with no candidates passing the paper (based on the stack marked).

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the Patent Agent Register. Therefore, it is important that candidates should present answers which reveal their ability to act as responsible Patent Agents.

Overall, being prepared in just a few areas/topics alone without a good understanding

of the remaining core patent concepts and practice under Singapore patent law, PCT, Paris Convention, Singapore case authorities, etc. is NOT enough to pass the paper, and such candidates would unlikely be fit to advise the public. Candidates who failed showed significant weaknesses in two to three of the questions. Candidates are encouraged to attempt Paper D only after serious preparations have been made.