

Paper C 2015

Examiner's Comments

Overall the exam was well answered as reflected by the high pass mark.

Question 1: The question tested candidates knowledge of the allowability of computer implemented inventions in three main territories (EP, USA and AU) and was answered reasonably well by most candidates. Only a very few candidates demonstrated clear understanding of the law and leading cases.

Question 2: Generally well answered although surprisingly few candidates understood that type (iii) claims were specific EPC2000 format (use limited compound claims). Also, while candidates were aware of the XS claim fees, few gave useful strategic advice about how and when to reduce the claim number to reduce costs (part c). Part b) (grace periods) was well answered.

Question 3: No candidate mentioned the requirement to file the name of the applicant in Chinese characters and few candidates understood the strict examination regime. Most candidates were aware of the HK registration regulations.

Question 4: This question tested Australian law around gaining early patent protection and was generally well answered and most candidates scored well.

Question 5: This question tested options available to challenge grant/enforcement of patents in Asian countries and was generally poorly answered, most candidates didn't know the procedures available in each country.

Question 6: Part a) was to test the applicants knowledge of post final office action procedure in the USPTO – the majority of candidates did not understand the options available or time frames involved. Parts b) and c) of this question were better understood and answered reasonably well.

Question 7: part a) of this question was to test candidates knowledge of when the specification can be amended from national phase entry to grant in a number of commercially important territories – few candidates knew the differences in each country/region and overall candidates did not score highly. Part b) was better understood by most candidates (pre/post grant opposition in EP/US).

Question 8: Again this question tested the law and procedure before IP Australia and was one of the better answered questions.

Question 9: This question tested candidates knowledge of commonly used terms in USA patent law and was generally well answered by most candidates.

It is worth noting that one candidate failed to submit an answer to Q.1 – having answered all other questions fully, it appears this may have been an error in bundling the pages for submission at the end of the exam. If so, the error cost the candidate what may have been a pass mark!