

Paper C 2009 Marker Comments

The overall results in the exam were disappointing given that the majority of the exam covered basic information important in day-to-day practice. Only a few questions were included to stretch the candidate's abilities.

Question 1 represented relatively easy marks for most candidates. Candidates lost marks in not stating the actual due date (question was to advise the client) and not stating specifically that an extension of time was not available.

Question 2 was either known by the candidate or not known at all (the majority of cases).

Question 3 was surprisingly poorly answered with basics of Australian patent law not understood including who the nominated and eligible persons are. Most candidates missed the option of re-examination under Australian practice.

Question 4 was poorly answered, particularly part (b) with few candidates understanding options available to respond to a final office action even though this was also examined in 2008.

Question 5 was generally answered well with most candidates recognising the issue of entity status although, many candidates failed to note the subtle differences between US and Canadian law on this issue. Most candidates did not state what the advantage was of claiming small entity status (50% reduction in official fees).

Question 6 resulted in some creative responses. Candidates either knew the answer or had no idea.

Almost all students knew of the PPH examined in question 7, but most candidates failed to note the importance of the priority application.

Question 8 was very poorly answered. Many candidates spelt out the full European process in detail including deadlines and even extensions but did not answer the question regarding how to address the infringement issues.

Fundamentals were tested in question 9 but again many students did not get this correct with even the 12 month time period not being recognised.

Most candidates realised to check the nationality and residency in part (a) of question 10. Part (c) of question 10 was also well answered. Very few candidates realised the process of how non-payment is handled in question 10 part (b).

Question 11 again elucidated some highly creative answers but only three candidates knew about this addition to Korean practice.