

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

Unit Title: FD1 Advanced IP Law and Practice

1 Aims of the PEB Final Diploma

The aim of the PEB Final Diploma is to assess whether a candidate has built on knowledge gained at the Foundation level and reached the minimum level of competency at which the candidate will be safe to practice and be admitted to the Register as a patent attorney.

The four Final Diploma examinations are designed to ensure that candidates meet the requirements of IPReg as to the knowledge, understanding, skills, values and attitudes that a patent attorney should possess. These attributes are those set out in the versions of the Admission and Authorisation requirements in the IPReg Standard Operating Procedure that are in force at the time of the assessment.

In order to achieve the aims of the qualification candidates will have to pass each of the following examinations which meet IPReg's core requirements and so are mandatory to qualification as an attorney:

FD1 (P2) Advanced IP Law and Practice

FD2 (P3) Drafting of Specifications*

FD3 (P4) Amendment of Specifications*

FD4 (P6) Infringement and Validity

* Information on the EQE examinations that IPReg recognises for exemption purposes can be found at <https://ipreg.org.uk/>.

2 About this Unit

In order to pass the FD1 examination, candidates will need to demonstrate:

- understanding of patent law governing the UK;
- ability to give suitable advice on global patent strategy with reference to China, Japan, Europe and the USA.
- the ability to provide a lay client with commercially relevant advice, including the strategic creation and management of patent portfolios, supported by reasoning.

3 Qualification Level

The level descriptors shown in the table on page 2 below are those used for Level 7 in the Regulated Qualifications Framework (RQF) and the European Qualifications Framework (EQF). Levels 4-8 are intended to be consistent with the five levels within the Framework for Higher Education Qualifications in England, Wales and Northern Ireland (FHEQ).

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

RQF Level 7	Knowledge descriptor (the holder ...)	Skills descriptor (the holder can ...)
	<ol style="list-style-type: none"> 1 Reformulates and uses practical, conceptual or technological knowledge and understanding of a subject or field of work to create ways forward in contexts where there are many interacting factors. 2 Critically analyses, interprets and evaluates complex information, concepts and theories to produce modified conceptions. 3 Understands the wider contexts in which the area of study or work is located. Understands current developments in the area of study or work. 4 Understands different theoretical and methodological perspectives and how they affect the area of study or work. 	<ol style="list-style-type: none"> a. Use specialised skills to conceptualise and address problematic situations that involve many interacting factors. b. Determine and use appropriate methodologies and approaches. c. Design and undertake research, development or strategic activities to inform or produce change in the area of work or study. d. Critically evaluate actions, methods and results and their short- and long-term implications.

The table on page 3 below shows the FHEQ Level 7 Descriptor.

- The shaded areas in the table are those elements of the Level 7 Descriptor that the candidate who has passed all four Final Diploma examinations would not have evidenced. However, they could potentially have evidenced them in a training programme undertaken as part of relevant employment.
- The unshaded areas in the table are those elements of the Level 7 Descriptor that the candidate who has passed all four Final Diploma examinations would have achieved.

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

FHEQ Level 7	<p>Students will have demonstrated:</p> <ul style="list-style-type: none"> • a systematic understanding of knowledge, and a critical awareness of current problems and/or new insights, much of which is at, or informed by, the forefront of their academic discipline, field of study or area of professional practice • a comprehensive understanding of techniques applicable to their own research or advanced scholarship • originality in the application of knowledge, together with a practical understanding of how established techniques of research and enquiry are used to create and interpret knowledge in the discipline • conceptual understanding that enables the student: <ul style="list-style-type: none"> ○ to evaluate critically current research and advanced scholarship in the discipline ○ to evaluate methodologies and develop critiques of them and, where appropriate, to propose new hypotheses.
	<p>Typically, holders of the qualification will be able to:</p> <ul style="list-style-type: none"> • deal with complex issues - both systematically and creatively, make sound judgements in the absence of complete data, and communicate their conclusions clearly to specialist and non-specialist audiences • demonstrate self-direction and originality in tackling and solving problems, and act autonomously in planning and implementing tasks at a professional or equivalent level • continue to advance their knowledge and understanding, and to develop new skills to a high level.
	<p>And holders will have:</p> <ul style="list-style-type: none"> • the qualities and transferable skills necessary for employment requiring: <ul style="list-style-type: none"> ○ the exercise of initiative and personal responsibility ○ decision-making in complex and unpredictable situations ○ the independent learning ability required for continuing professional development.

4 Prior knowledge, skills or understanding

The Final Diploma is the final stage of academic training prior to admission as a patent attorney in accordance with the Rules for the Examination and Admission of Individuals to the Registers of Patent and Trade Mark Attorneys 2011 (“Examination and Admission Rules”) which are currently found at <https://ipreg.org.uk/pro/regulations/rules-for-examination-and-admission-of-individuals-2011>

In order to be eligible to undertake any of the PEB Final Examinations candidates must have passed either:

- the Foundation Certificate examination FC1 (set by the PEB); or

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

- the Foundation level examinations set by any other examination agency approved by IPReg listed in Rules for Examination and Admission of Individuals 2011 (link above).

5 Notional Learning Time

Under the QAA's Credit Framework, 1 credit is equivalent to 10 hours of study/notional learning hours. The table below shows the credits and the notional learning hours that candidates are expected to undertake before sitting the FD1 examination.

The notional learning hours are based on the amount of study that an average candidate would be expected to undertake before successfully completing the examination. There may, however, be variations in the time spent by each candidate.

Notional learning hours includes all time expected to be spent by a student in pursuit of the qualification. This may include:

- on-the-job training
- work in professional practice;
- independent/self study and reading
- attendance at training courses
- coursework, revision and assessment (formative and summative).

Unit	Title	Credits/notional learning hours
FD1	Advanced IP Law and Practice	30 credits/300 notional learning hours

Candidates are recommended to devote a minimum of 1,000 notional learning hours, over at least two years, to preparing for the Final Diploma examinations.

Candidates should view preparing for the Final Diploma as a whole: study for one examination will support preparation for the other examinations.

The Final Diploma examinations assess candidates' professional competence: experience gained in day-to-day professional practice provides numerous learning opportunities and forms an essential part of preparation for the examinations.

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

6 Syllabus Content

Learning Outcomes The successful candidate will:	Assessment Criteria The successful candidate can:	Knowledge and understanding	
1. apply knowledge and understanding of patent law and practice	For a UK patent case: Apply the law and practice governing patentable inventions in relation to: <ul style="list-style-type: none"> • patents, confidential information and know-how • the right to apply for and obtain a patent • determination of inventors • ownership of a patent • the relationship between employer and employees 	The Patents Act 1977 (PA) PA 1 – Patentable inventions PA 2 – Novelty PA 3 – Inventive step PA 4 – Industrial application PA 4A – Methods of treatment or diagnosis PA 76A and PA Schedule A2 – Biotechnological inventions	Rules
		PA 12 – Determination of questions about entitlement to foreign and convention applications	<u>Implementing Regulations to the European Patent Convention (EPR) EPR 14</u>
		PA 13 – Mention of inventor	PR 10, 11
		PA 14 – Making an application	PR 12, 15, 16, 103, 104, 113 to 115
		PA 15 – Date of filing application	PR 17 to 22
		PA 16 – Publication of application	PR 26
		PA 17 – Search	PR 27

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

	PA 18 – Substantive examination and grant or refusal of patent	PR 28 to 30
	PA 20 – Failure of application	
	PA 20A – Reinstatement of applications	PR 32
	PA 20B – Effect of reinstatement	
	PA 36 – Co-ownership of patents and applications for patents PA 37 – Determination of right to patent after grant PA 39 – Rights to employees' invention PA 40 and 41 – Compensation of employees for certain inventions PA 42 and 43 – Enforceability of contracts relating to employees' inventions	
	PA 117B – Extension of time limits specified by Comptroller	PR 107, 108,109
	PA 119 – Service by post	PR 111
	PA 120 – Hours of business and excluded days	PR 110

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

Learning Outcomes The successful candidate will:	Assessment Criteria The successful candidate can:	Knowledge and understanding	
2. critically analyse and evaluate information from a range of sources	For a UK patent case a. determine an appropriate course of action for the client in relation to: <ul style="list-style-type: none"> • inventorship • the right to apply for and own a patent • co-ownership and the implications thereof • employee compensation b. determine if a UK patent application is entitled to its filing date c. advise a client on the implications of the search and/or examination results d. determine the actions to be taken on a UK patent application, including obtaining extensions of time if necessary	PA 7 – Right to apply etc. PA 8 – Determination before grant of questions about entitlement to patents PA 10 – Handing of applications by joint applicants PA 11 – Effect of transfer of application under Sections 8 or 10 PA 15, 15A, 16-18, 20, 20A and 20B as above	
		PA 117B – Extension of time limits specified by Comptroller	PR 107, 108,109
		PA 119 – Service by post	PR 111
		PA 120 – Hours of business and excluded days	PR 110
		e. differentiate between an amendment and a correction of a patent application or patent	PA 19 – General power to amend
	PA 27 – General power to amend specification after grant		PR 35, 75

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

	f. advise a lay client whether an amendment and/or a correction may be carried out and, if so, when	PA 75 – Amendment of patent in infringement or revocation proceedings	
	g. advise on a course of action taking into account: <ul style="list-style-type: none"> • term • restoration • surrender h. advise on a course of action taking into account: <ul style="list-style-type: none"> • licensing • assignment • registration of transactions • obtaining information about patents and patent applications • inspection of documents 	PA 76 – Amendments of applications and patents not to include added matter	PR 49, 50, 105
		PA 117 – Correction of errors in patents and applications	
		PA 117A – Effect of resuscitation of a withdrawn application under Section 117	
		PA 24 – Publication and certificate of grant	
		PA 25 – Term of patent	PR 36 to 39
		PA 28 – Restoration of lapsed patents PA 28A – Effect of order for restoration of patent	
		PA 29 – Surrender of patents	PR 40
		PA 30 – Nature of, and transactions in, patents and applications for patents PA 32 – Register of patents etc PA 33 – Effect of registration PA 118 – Information about patent applications and patents, and inspection of documents	
		i. advise on a course of action in relation to potential infringement, taking into account: <ul style="list-style-type: none"> • available remedies 	PA 60 – Meaning of infringement PA Schedule A1 – Derogation from patent protection in respect of biotechnological inventions

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

	<ul style="list-style-type: none"> • impact of partial validity • right to continue use • effect of publication • burden of proof 	<p>PA 61 – Proceedings for Infringement of patent PA 62 – Restrictions of recovery of damages for infringement PA 63 – Relief for partially valid patent PA 64 – Right to continue use begun before priority date PA 65 – Certificate of contested validity of patent PA 66 – Proceedings for infringement by a co-owner PA 67 – Proceedings for infringement by exclusive licensee PA 69 – Infringement of rights conferred by publication of application PA 100 – Burden of proof in certain cases PA 70, 70A-70F – Remedy for groundless threats of infringement proceedings PA 71 – Declaration as to non-infringement</p>	
	<p>j. advise on a course of action in relation to challenging UK patents and patent applications</p>	<p>PA 21 – Observations by third parties PA 26 – Patent not to be impugned for lack of unity PA 72 – Power to revoke patents on application PA 73 – Comptroller's power to revoke patents PA 74 – Proceedings in which validity may be put in issue PA 74A and 74B Opinions by Comptroller</p>	

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

		PA 125 – Extent of invention	
		Paris Convention (PC) PC 4 Priority of right	
		PA 6 – Disclosure of matter, etc., between earlier and later applications	
		PA 5 – Priority Date	
	<p>In respect of the law and practice relating to European patents and patent applications and their effect in the UK:</p> <p>k. advise on the effect of a European patent or application in the UK, taking into consideration:</p> <ul style="list-style-type: none"> • ownership • patentability • scope • the application process • opposition • central limitation/revocation • amendment and correction 	European Patent Convention Article (EPC Art) 2 – European patent	EPR 14
		EPC Art 52 – 57	
		EPC Arts 58 to 62 – Persons entitled to apply for and obtain European patents – Mention of inventor	EPR 16, 17
		EPC Art 68 – Effect of revocation of the European patent	
		EPC Art 69 – Extent of protection	
		EPC Art 70 – Authentic text	
		EPC Art 71 – Registration of transfer of a European patent	EPR22 & 85
		EPC Art 79 – Designation of contracting states	EPR 39
		EPC Art 93 – Publication of a European patent application	
		EPC Art 94 – Examination of a European patent application	EPR 70, 70a

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

	EPC Art 97 – Refusal or grant	
	EPC Art 99 – Opposition	
	EPC Art 100 – Grounds for opposition	
	EPC Art 105a to c – Request for limitation or revocation	
	EPC Art 121 – Further processing	
	EPC Art 122 – Re-establishment of right	
	EPC Art 123 – Amendments	
	PA 77 – Effect of European patent (UK)	
	PA 77 – Effect of European patent (UK)	
	PA 78 – Effect of filing an application for a European patent (UK)	
	PA 79 – Operation of s. 78 in relation to certain European patent applications	
	PA 80 – Authentic text of European patents and patent applications	
	PA 81 – Conversion of European patent applications	
	PA 82 – Jurisdiction to determine questions as to right to a patent	
	PA 89 – Effect of international application for patent	

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

		PA 89BA – Adaptation of provisions in relation to international application	PR 65 to 70
		PA 89AI – International and national phases of applications	
	<p>l. In respect of the law and practice relating to patent protection in the UK, EPC, China, Japan and USA, apply knowledge and understanding of strategically-important considerations, such as:</p> <ul style="list-style-type: none"> • what is patentable • what constitutes prior art • types of patent applications • grace periods • patent term <p>m. Apply knowledge and understanding of the PCT including:</p> <ul style="list-style-type: none"> • PCT procedure during the International Phase • principles of the PCT National Phase including time limits for UK, EPC, China, Japan and USA 	<p>Patent Cooperation Treaty (PCT) Chapters I and II</p> <p>PA 1 – Patentable inventions</p> <p>PA 2 – Novelty</p> <p>PA 3 – Inventive step</p> <p>PA 4 – Industrial application</p> <p>PA 4A – Methods of treatment or diagnosis</p> <p>EPC Art 52 – 57</p> <p>35 US Consolidated Patent Laws (USC) 101 – 103</p> <p>35 USC 119 to 121</p>	

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

<p>In respect of the law and practice for obtaining a patent via the EPC for a UK invention:</p> <p>n. recommend a course of action taking into consideration:</p> <ul style="list-style-type: none"> • disclosure requirements for specifications • divisional applications • designation of EP contracting states, including extension states • deadlines for requesting examination • grace periods 	PA 23(1)(a) – Restrictions on applications abroad	
	EPC Art 76	EPR36
	EPC Art 79	
	EPC Art 93	
	EPC Art 94	
	35 USC 119 to 121	

Syllabus provisional pending consultation

PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session

Learning Outcomes The successful candidate will:	Assessment Criteria The successful candidate can:	Knowledge and understanding
3. independently synthesise information and ideas to create a response to a problem	a. Provide an opinion on a course of action b. Identify and evaluate the available procedures c. Assess any other issues pertinent to the facts presented taking into account: <ul style="list-style-type: none"> • IPReg's Core Regulatory Framework • a Registered Patent Attorney's contractual, tortious and fiduciary duties to clients, including the duty of care • authorisation given to a Registered Patent Attorney under the Legal Services Act 2007 to conduct litigation, and as set out by IPReg • professional ethics applicable to IP practitioners d. Summarise conclusions from the analysis	IPReg's Core Regulatory Framework Chapter 1 Overarching Principles Chapter 2 Code of Conduct IPReg Rights To Conduct Litigation And Rights Of Audience And Other Reserved Legal Activities Certification Rules 2012 Legal Services Act 2007 s.190, Schedules 2 & 3 CDPA s.280
4. proficiently communicate the results of the analysis	a. Based on conclusions drawn, summarise the options for a lay client b. Recommend and justify action(s) to strengthen the client's legal position	

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

7 Form of Assessment

This unit is assessed by a 4-hour closed-book examination.

The examination tasks will assess all the learning outcomes. All tasks will be compulsory.

The maximum available mark is 100.

Candidates are awarded either a Pass or a Fail result.

The pass mark is set for each examination based on the difficulty of the examination using the Minimum Pass Descriptor.

7.1 The Examination

The examination will comprise:

Section A: three scenario-based questions (total 25 marks)

Section B: three longer scenario-based questions each worth 25 marks (total 75 marks).

All questions are compulsory.

7.2 Minimum Pass Descriptor

Once the mark for the script has been determined, the script should be reviewed against the Minimum Pass Descriptor to determine whether it demonstrates sufficient knowledge, understanding and skills to be awarded a Pass in the examination. The elements of the pass descriptor are generic and must be applied in the context of the unit syllabus content.

Minimum Pass Descriptor

The minimally competent script will:

- a. evidence adequate ability to apply legal reasoning to practical situations;
- b. present appropriate solutions to problems;
- c. demonstrate the ability to assimilate data and information provided to extract most of the major issues;
- d. usually differentiate between different forms of evidence and information;
- e. discern the primary points but not always the overall picture;
- f. show adequate familiarity with appropriate and accurate legal and technical language;
- g. provide written work that generally advises and informs the client, with proposals that are largely practicable and achievable;
- h. present most key information;
- i. provide argument that is comprehensible, structured and reasoned;
- j. contain written material which mostly suits requirements (e.g. letter, brief, recommendation, statement of facts).

A candidate who achieves the level of minimal competence:

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

- a. will have met all the major learning outcomes of the assessment as evidenced by a general knowledge and application of fundamental aspects of law and practice within the script but not necessarily within every answer;
- b. demonstrates a satisfactory performance overall, weaknesses are limited to areas such as patchy coverage of relevant material, minor inaccuracies and irrelevancies;
- c. will not have produced fundamentally contradictory statements, or other statements, that would undermine advice provided or a client's rights;
- d. will not have produced unethical advice, proposals or statements.

7.3 Results

Candidates are advised in a results letter of their Pass/Fail result and the percentage mark achieved.

7.4 Law and Technical Content

Each year the PEB publishes the Law Changes update on the PEB website <https://www.cipa.org.uk/patent-examination-board/>.

The PEB Qualifying Examinations are based this year on legal texts and case law which were in force on **1 April preceding the examination**.

Candidates will not be penalised for basing their answers on any amendments to the law enacted after 1 April, or any case law published after 1 April, and before the date of the examination. However, candidates must be consistent in their application of any recent changes in the law and are advised to mention in their answer if they are relying on provisions of law enacted or published after 1 April in the year of the examination.

When answering questions in the Final Examination papers, candidates should not need to use technical knowledge which extends beyond that provided in the question paper i.e. the examination scenario is to be taken in context and external knowledge is not to be used.

8 Suggested Resources

8.1 PEB website <https://www.cipa.org.uk/patent-examination-board/>

The following resource materials are available on the PEB website:

PEB Policies and Procedures

Syllabi for next session (FD1, FD2, FD3 and FD4)

Examination Information

Past Examination Materials

Sample Assessment Materials

Examination Guidance (FD1, FD2, FD3 and FD4)

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

8.2 Reading

The Acts and Rules referred to in this unit syllabus are essential reading.

Candidates are advised to ensure they spend time reading the law reports on decided infringement cases. The CIPA Journal is a useful source.

Suggested reading: Other books and resources can be used to support your study. This list is not exhaustive.

UK

Manual of Patent Practice, IPO <https://www.gov.uk/guidance/manual-of-patent-practice-mopp>

IPReg Rights To Conduct Litigation And Rights Of Audience And Other Reserved Legal Activities Certification Rules 2012

CIPA Guide to the Patents Acts (2022) Ed. Paul Cole, pub. Sweet and Maxwell (The Black Book)

Russell-Clarke and Howe on Industrial Designs (10th ed. 2022) Martin Howe QC, pub. Sweet and Maxwell

Terrell on the Law of Patents (2023) Lord Justice Colin Birss; Douglas Campbell KC; Tom Hinchliffe KC; Tom Mitcheson KC; Andrew Waugh KC, pub. Sweet and Maxwell

Study Guide to the Patents Acts, Doug Ealy, pub. CIPA

PCT

[*PCT Applicant's Guide \(WIPO\)*](#)

[*The Cross-Referenced Patent Cooperation Treaty*](#), Cees Mulder, pub. Helze BV

International

Manual for the Handling of Applications for Patents, Designs and Trademarks Throughout the World (updated by subscription) Ed. Arnold & Siedsma, pub. Kluwer Law International (The Brown Book)

USA

[*Manual of Patent Examining Procedure \(uspto.gov\)*](#)

China

Gowling WLG China Patent Law Guide (online) <https://gowlingwlg.com/en/insights-resources/guides/2022/protecting-your-inventions-in-china-patent-guide/>

Japan

Laws and Guidelines – Japan Patent Office
<https://www.jpo.go.jp/e/system/laws/rule/>

**PEB Qualifying Examinations Final Diploma
Unit 1: Advanced IP Law and Practice
For first examination in the October 2025 session**

Europe

[Guidelines for Examination in the European Patent Office](#)

[National Law relating to the EPC](#)

[An Annotated Guide to the European Patent Convention](#), Derk Visser, pub. Wolters Kluwer

[References to the European Patent Convention](#), Jelle Hoekstra, pub. Deltapatents

8.3 Training

The PEB is an examination-only agency and does not provide training for the Final Diploma examinations. It is expected that FD1 candidates will be employed as a trainee patent attorney and that their employer will provide a formal training programme. Candidates should seek guidance on preparing for the examinations from the person who has responsibility for training in their organisation.

In listing organisations that offer training in the field of IP, the PEB is not providing endorsements or making recommendations. Candidates should seek guidance from their training lead as to whether attending external training would be appropriate.

The Chartered Institute of Patent Attorneys (CIPA) <https://www.cipa.org.uk/events/> offers support for trainees through the “Informals”, an informal association of younger, unqualified members of the profession. All student members of CIPA automatically become part of the Informals. The Informals provide a UK-wide support network for trainees, organising lectures and tutorials directed towards the examinations.

FICPI <https://ficpi.org/>

JDD Consultants <https://jddcourses.co.uk/>