

PEB Qualifying Examinations, Candidate Survey, November 2018

1. Introduction

Every year CIPA seeks candidate feedback on the PEB Qualifying Examinations. For the 2018 examinations, there are a small number of positive comments about the process / difficulty of the exams, and many positive comments about the venues. However, there is a considerable amount of negative feedback.

Previous themes were repeated by many candidates this year:

- The difficulty, length, stress and time-pressure of the FD4 (P6) exam
- Perceived inconsistency of marking and difficulty of knowing how to prepare and what to expect, based on past papers
- Errors in the papers
- Perceived lack of relevance of the exams in testing fitness for the job of patent attorney
- Frustration that they feel CIPA is not taking on board candidate feedback.

A significant new theme which emerged this year was around the lack of transparency and accountability in delivery of the exams. Several candidates raised concerns about the perceived lack of transparency around the whole exam process, the lack of moderation and appeal process.

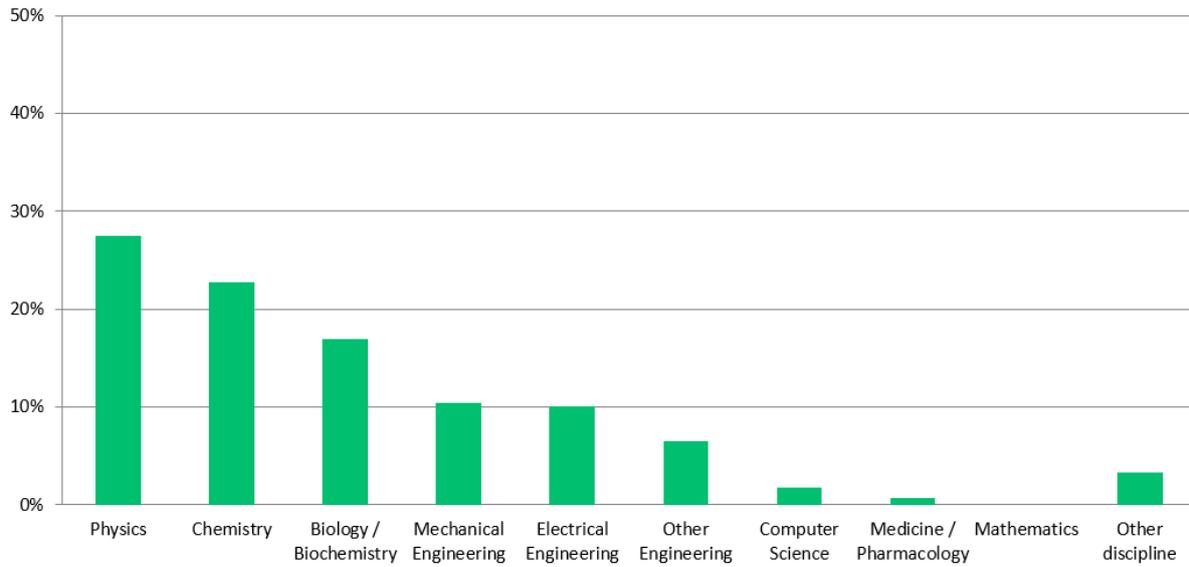
54% of candidates who completed the survey felt that the PEB examination processes lead to fair outcomes (11% of respondents felt strongly confident that the processes are fair. 43% considered it to be moderately fair.) 46% of candidates felt that it was only a little fair or not fair at all.

The graphs in this summary give detailed information on how each question was answered.

2. Candidate Profile

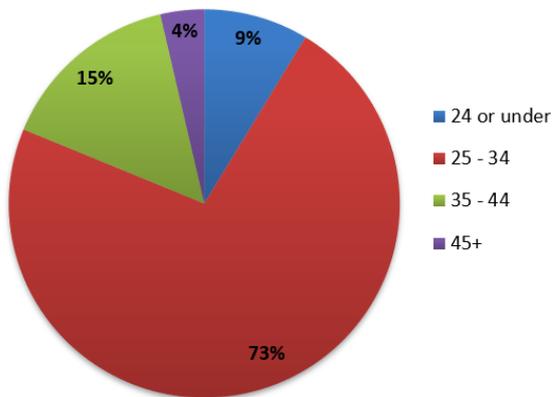
Candidate profile was very similar to previous years. The majority of candidates came from a physics background. Other disciplinary fields were Civil Engineering, Computational Materials Science, Materials Engineering, Materials Science, Microbiology, Telecoms, Theoretical Chemistry and Computing.

What is your disciplinary background?

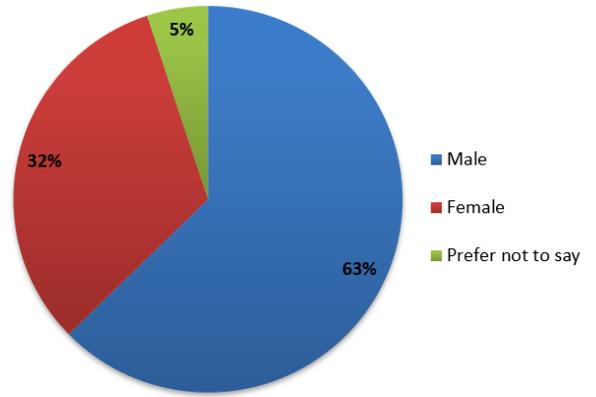


The majority of candidates were aged between 25 and 34 (73%), male (63%) and white (75%).

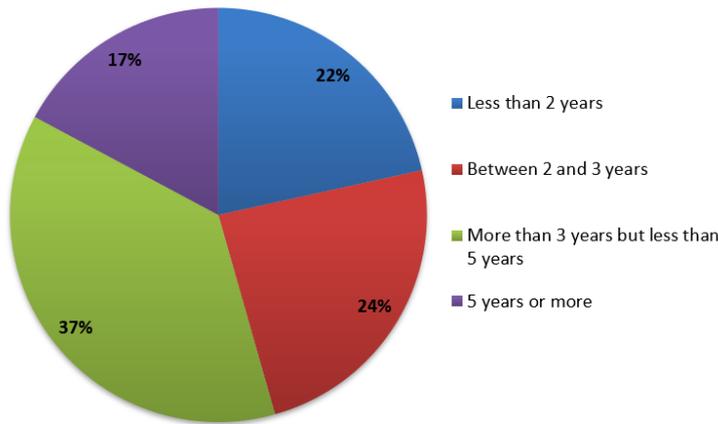
What is your age group?



What is your gender?



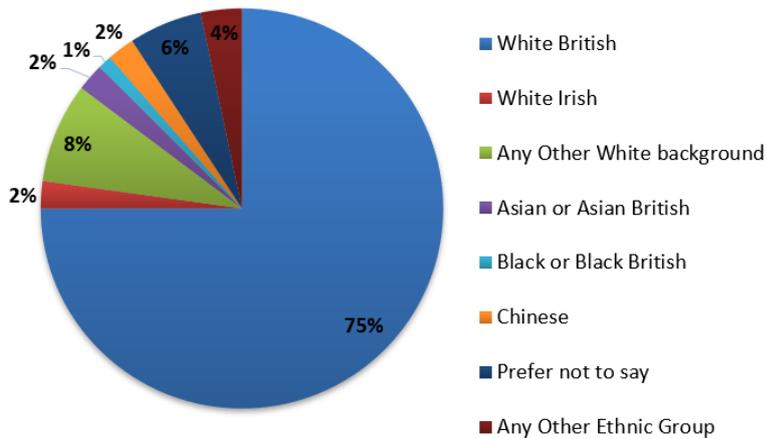
How long have you been working in the patent profession?



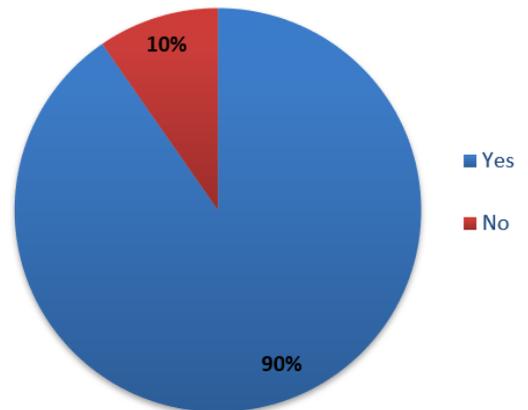
Just over a third of candidates have worked for 3 – 5 years, 17% have more experience, and nearly half of candidates have less than three years' experience.

90% of candidates speak English as their first language. Other first languages spoken are Chinese, Danish, Dutch, Finnish, French, Greek, Gujarati, Hebrew, Hindi, Italian, Korean, Polish, Romanian, Spanish, Swedish and Turkish.

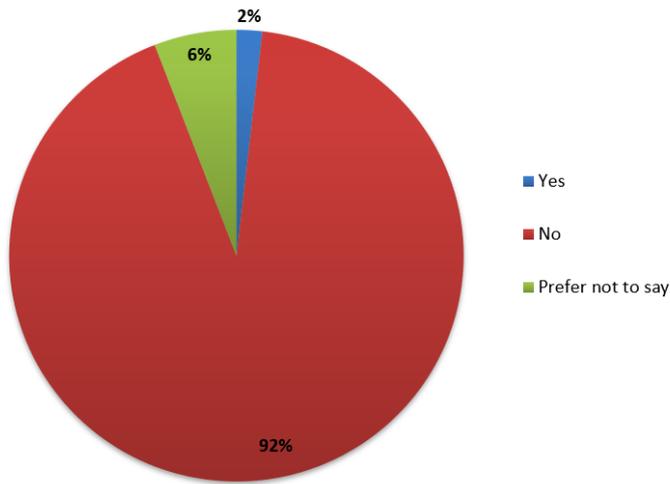
What is your ethnic origin?



Is English your first language?

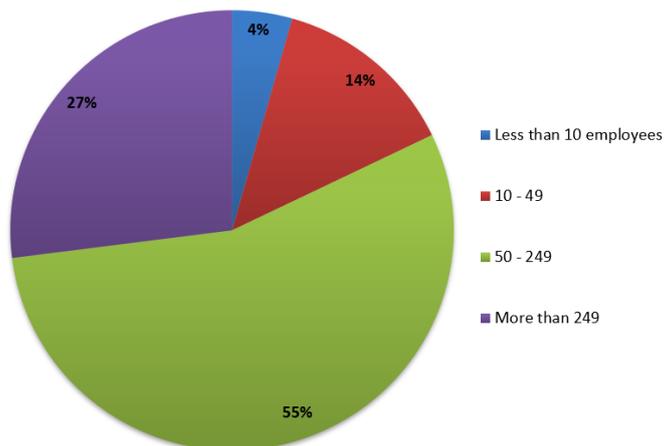


Do you consider yourself to be disabled?



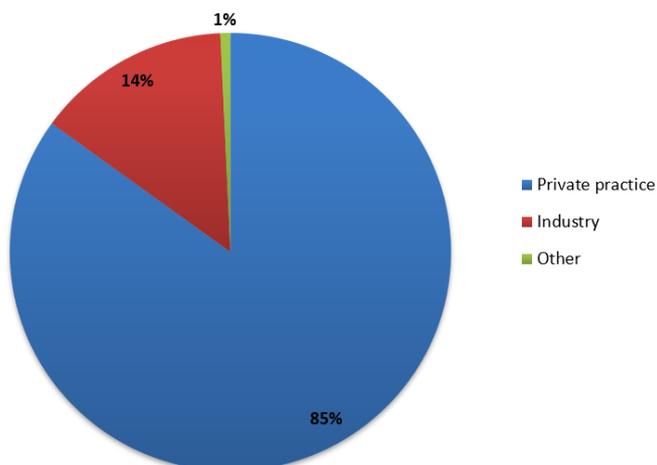
6% of candidates have a disability, and 2% prefer not to say.

What is the approximate size of organisation you work for?



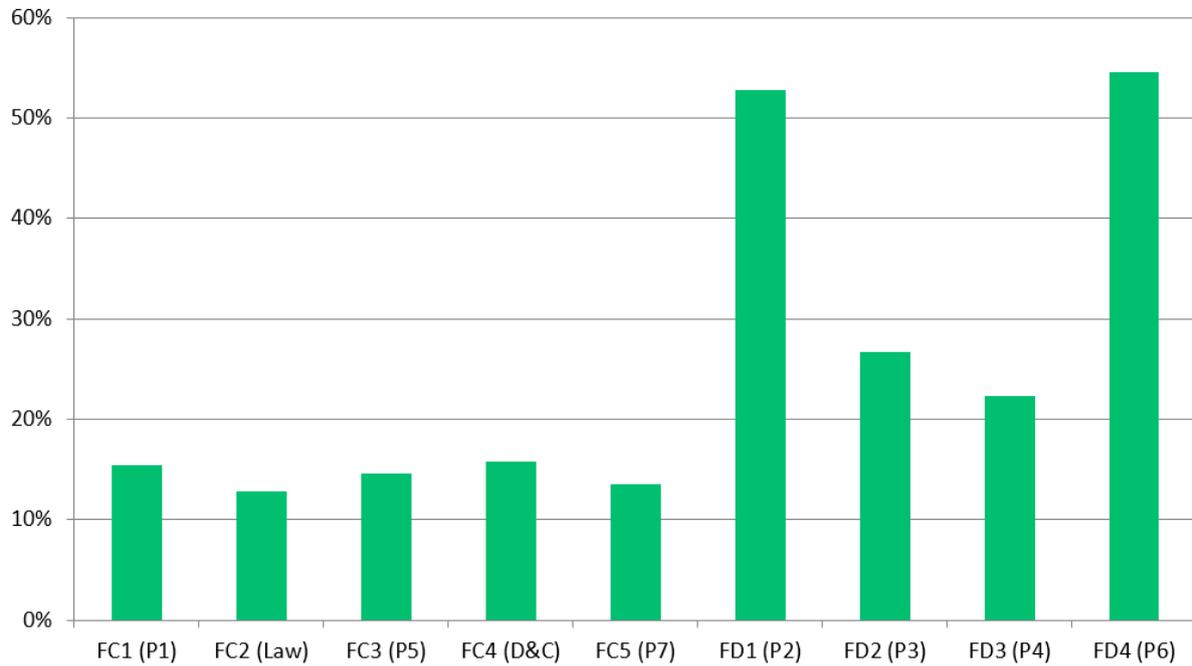
The majority of candidates work for firms with 50 – 249 employees, and in private practice.

What type of organisation do you work for?



3. Candidates' registration for exams

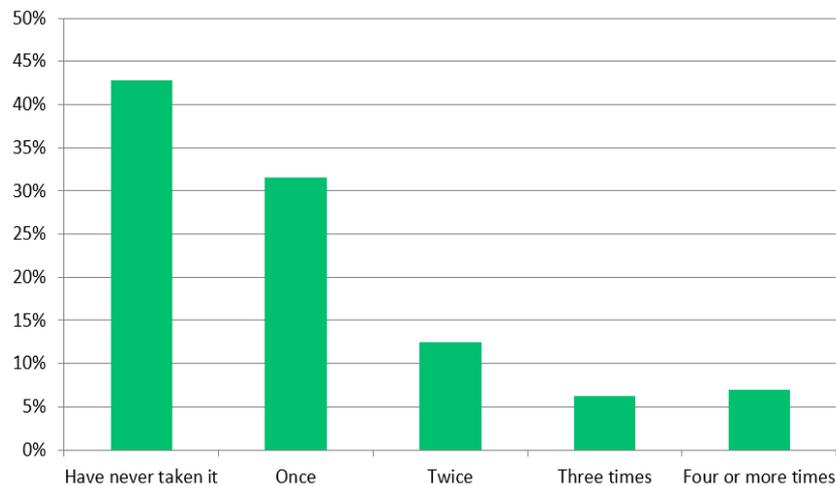
Which exams were you registered for?

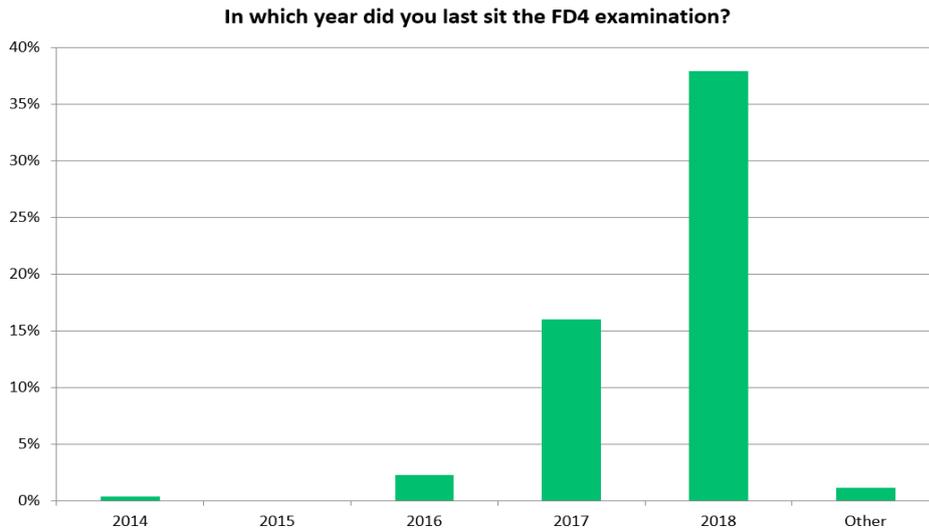


Just over half of candidates were taking the FD1 and FD4 exams, and other exams were taken by between 10 and 30% of candidates.

12% of candidates were re-taking the FD4 exam for the first time, and a further 13% had taken it three or more times.

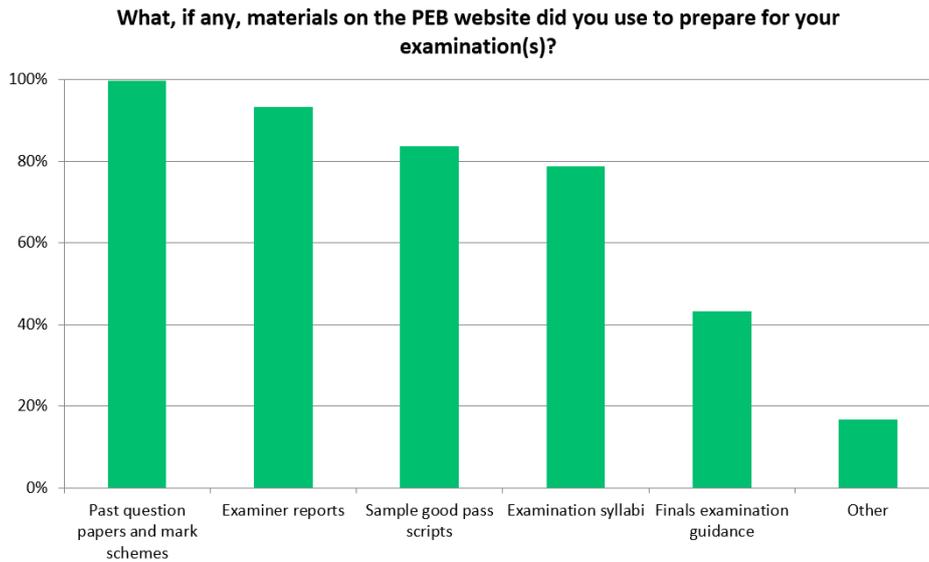
How many times have you taken the FD4 exam?





4. Use of supporting materials to prepare for exams

Every respondent said they used the past papers and mark schemes, and 93% used the examiners' reports. Less than half used the finals examination guidance.



The most-used additional materials mentioned by candidates include:

Material	Number of candidates mentioning
JDD	8
Doug Ealey	7
Manual of patent practice	5
P2 Study Guide	2
FD4 CIPA guide + webinar	2

Nigel Frankland	2
In-house tutorial notes	3
CIPA mentor	4

Also mentioned were:

Study Guide to the Patents Acts

Residential courses

Changes to the syllabus document

CIPA (black book) Terrell and decided cases

Reference materials listed in the syllabus

Iain Russell's website; Tim Allsop's book

Study Guide to FD1

Peer support, Red, Green & Black Books

Law update and the 2018 update to syllabus document

Mocks created by Philip Barnes

"How to pass P6" book

Philip Barnes's FD4 book

Tim Allsop's FD3 book

Iain Russell's blog on FD2

51% of candidates said they found the materials useful, nearly half (46%) said "yes – somewhat".

Only 10% of survey respondents attended the CIPA FD4 webinar. Of those who attended, 18% said they found it very useful in preparing for the exam, and the rest said it was somewhat useful.

5. Rating of individual exams

In the open comments section, key issues raised relating to specific papers were:

- FC5 exam questions seemed to be outside of the syllabus
- For FD1, many felt that it was significantly harder than in previous years, especially Part B
- FD4 had a large number of complaints as in previous years, regarding the difficulty, time constraints and relevance of the paper.
- FD1 elicited a few positive comments.
- For FD2 and FD3 there were a small number of negative comments, but no major complaints

Candidates were asked to rate each of the exams according to three aspects:

- To what extent do you feel that the paper provided the opportunity to demonstrate your knowledge and understanding?
- To what extent do you consider the paper fairly represented the learning outcomes provided for the exam?
- To what extent do you consider that you had sufficient time to complete the paper?

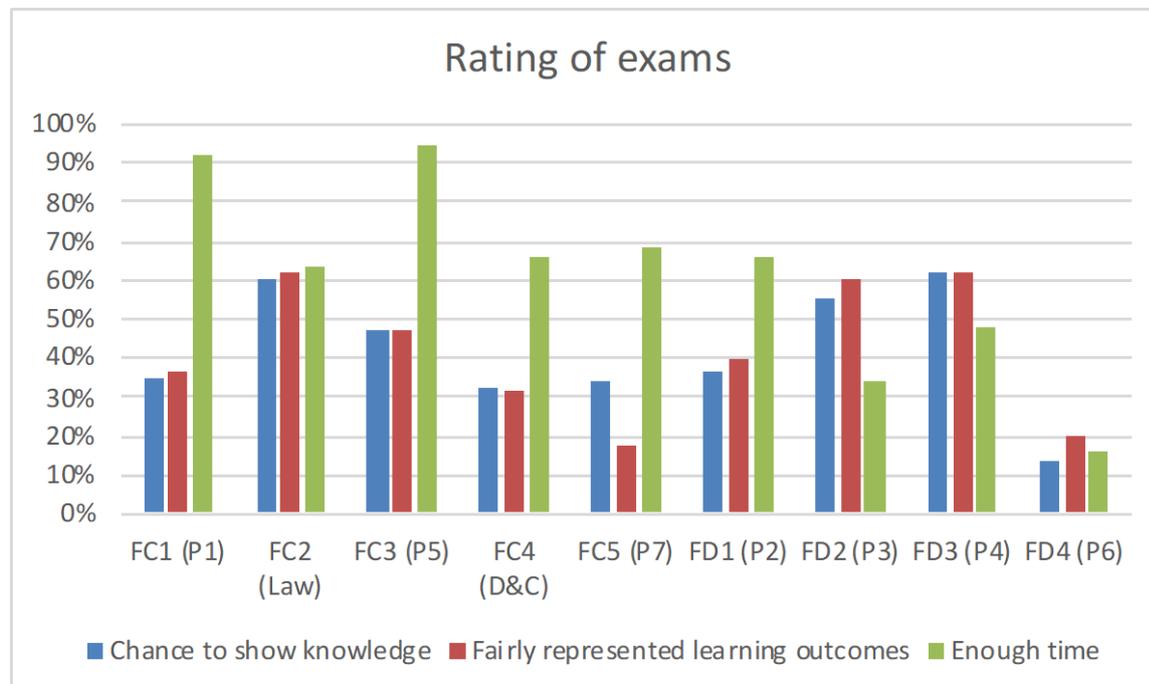
FC2, FD2 and FD3 were rated highest on the opportunity to demonstrate knowledge and understanding, and fairly representing the learning outcomes for the exam. Between 50 and 60% of candidates answered 'a great deal' or 'a lot' to these questions.

Concerns about the FC5 exam highlighted in the comments were reflected in the scores, as only 18% of respondents felt the paper fairly represented the learning outcomes for the exam.

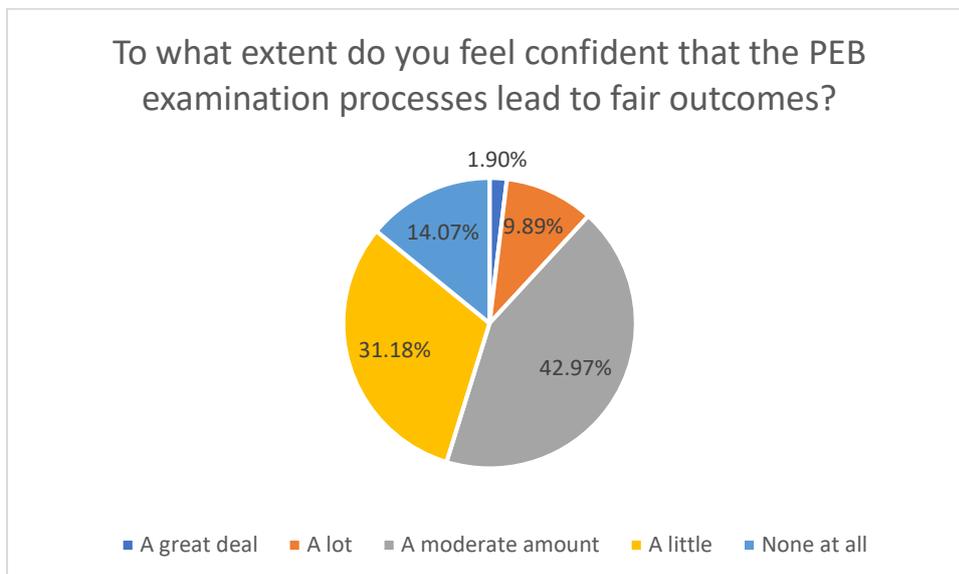
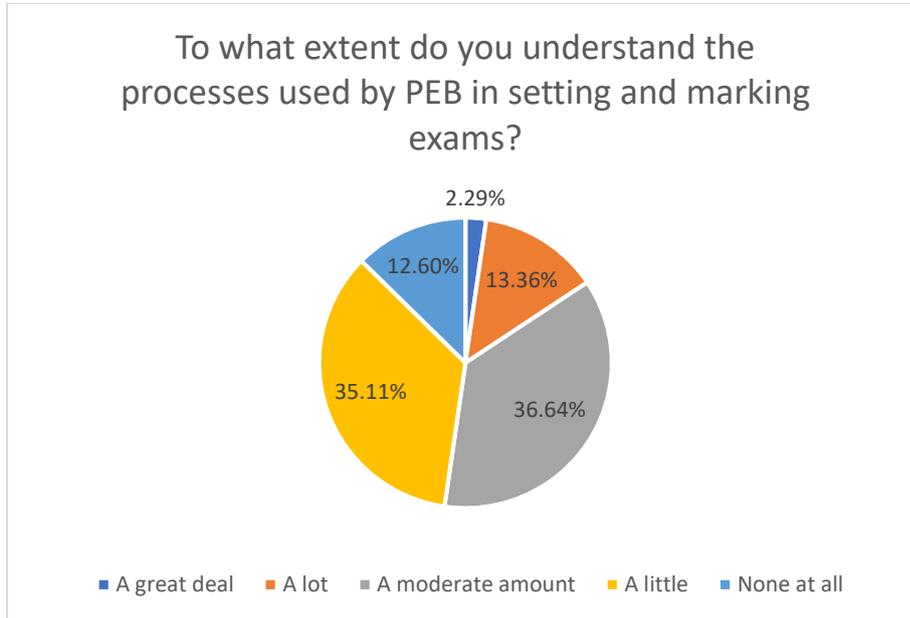
FD4 had the lowest satisfaction rating, with only 20% of candidates saying the exam fairly represented the learning outcomes (a great deal or a lot), and 14% that it gave them the opportunity to demonstrate their knowledge and understanding.

For all papers, a further 30-50% of candidates felt that the exams gave them a moderate amount of opportunity to demonstrate their knowledge and understanding.

For FC1 and FC3, over 90% of candidates felt that they had enough time, and for FC2, FC4, FC5 and FD1, around 60% of candidates felt they did. The most time pressured papers were FD4 (as is well known) where less than 20% of candidates said they had enough time, and FD2, where under a third said they had enough time.



Candidates were asked - to what extent do you understand the processes used by PEB in the setting and marking of examination papers, and awarding of final marks? 15% said they understood a lot or a great deal and 37% said they understood a moderate amount. Broadly a third said they understood a little and 13% said 'none at all'.



6. Candidates' comments - examples

Candidates took time to share detailed comments in the survey, explaining their dissatisfaction with the exams. Concerns included the perceived relevance of the exam to the profession, inconsistency between years, and clarity of the marking. Candidates wanted more flexibility for examiners to award points for good answers, even if they were not the exact answers the examiner was expecting. However, others felt that the degree of subjectivity was too great because it allowed too much variation between individual markers and also between years. Clearly there is a difficult balance to be struck.

Several candidates raised concerns that the accountability mechanisms within the CIPA examinations process fall short of the expected professional standards. A sample of representative comments are included here.

General

I think I am biased towards thinking the exam is “unfair” because, despite putting lots of work in, I have failed the exam multiple times before. However, as I have become more experienced, I can see why I failed in previous years and have put a lot of work in to the specific areas which I think I need to improve. Hopefully I pass this year!

I have confidence in the integrity and diligence of the Examiners but as I know little about the processes themselves then it’s hard to have complete confidence that there will always be fair outcomes for every candidate who sits an exam.

I believe that nobody setting or marking the papers wants people to fail who are competent, but I feel that there is not (in the mark schemes I have seen) any flexibility to give marks where they may be due, for people demonstrating or giving sound advice. It seems to me that the mark schemes are far too narrow and rigid (particularly for FD1) and that many competent attorneys fail the exams because marks are only awarded for a few specific bits of advice which are in the mark scheme (apart from FD4 where I believe there is some discretion).

I think there's a formula, and if you get the formula correct, you'll probably pass, but the exams don't reflect real life, and the formula changes each year so pass/fail is a bit of a lottery.

The full processes used by the PEB in the setting and marking of examination papers are not codified in any document I have read. Without this important element of transparency, very little confidence can be had.

Papers

As in all of the recent FD4 exams, this year’s paper was again much more of a test of how quickly you can read and write and less of a test of how competent one is on the topics of validity and infringement. Either the PEB exam board need to allow more time in order to complete the paper or provide fewer pages for the candidate to read,

The examinations are a very useful preparation tool for the profession, but they do not reflect the differences in technology and in my opinion candidates who do not work in mechanical fields are disadvantaged in the drafting and infringement papers. Previous years the inventions were simpler with no multiple and moving parts.....

Venues

Examination venues have improved over recent years :)

Why is there not an examination site in the midlands? Surely it would not be unreasonable to have one in the Birmingham/Coventry area?

It would be nice to allow those sitting multiple examinations to sit them from the same venue. For those staying in hotels, it is entirely awkward to have examinations liberally spread around a city.

In preparing this report, all the candidate comments are reviewed by PEB, the examiners and the Governance Board.