

## Patent Examination Board

### 2022 Qualifying Examinations

#### Candidate Survey Report, June 2023

This report consolidates candidate feedback for the Patent Examinations Board (PEB) Qualifying Examinations from 169 survey respondents.

In general, satisfaction with the technical arrangements for examination invigilation was higher for 2022 than in 2021, and several candidates remarked how much the system had improved since the previous year. 70% said the PEBX system was easy to use, and a quarter (26%) partly agreed and candidates were also mainly satisfied with Zoom invigilation (Final Diploma) and ProctorExam (Foundation Certificate).

“ProctorExam was easy to use this time as no need for mobile phone. Much better than 2021. Strikes a nice balance between ease of use and making sure the examinations are legitimate. The PEBX system (where you download/upload papers) is really great. Simple to use and good functionality. I wouldn't change anything about it and hope you continue using that system going forward.”

Some technical difficulties still arose, particularly with the time alerts, scanning, the annotation tool and uploading scripts. Candidates' recommendations are included in this report.

Satisfaction with the fairness of the marking process was slightly lower than 2021, with 9% of candidates saying they are very confident in the process (down from 17%) and 65% having some confidence, (though not all candidates answered this question).

Satisfaction was high for most examinations, except FD1 and FD4 which were rated lower and attracted most of the criticism in candidates' comments. Candidates continue to raise concerns about the difficulty of the examinations, consistency of marking, and overall how relevant the examinations are in testing fitness to practise.

“As it stands, I don't think many people believe that the foundation examination are particularly useful in terms of determining best patent attorney practices.”

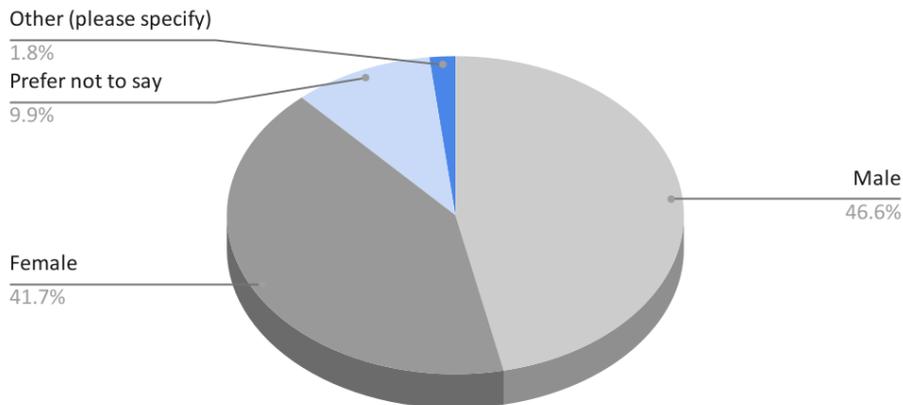
While appreciating the significant improvements to the online system in 2022, candidates also asked the PEB to recognise the significant stress they are under to ensure they comply with the technical requirements. Several candidates asked for improvement in the clarity and tone of communications from the PEB.

## Section 1: Profile of respondents

### 1. Personal characteristics

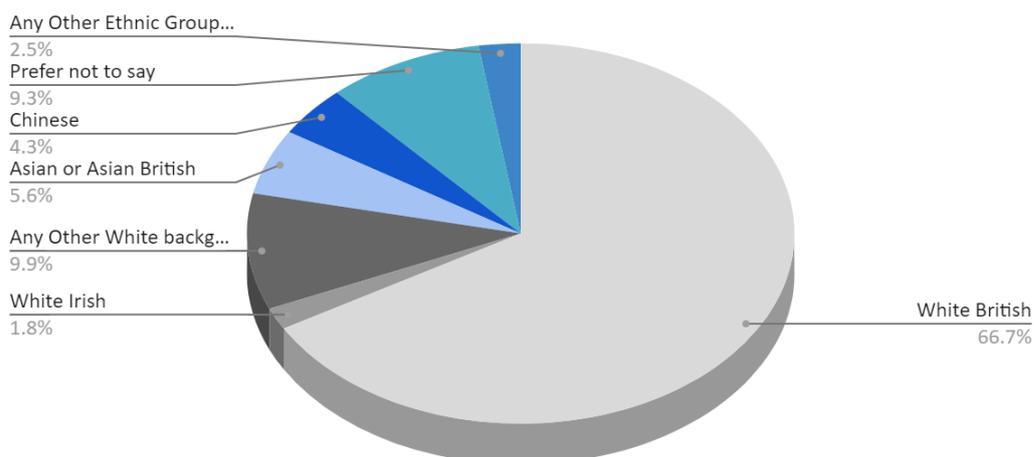
Participation in the PEB Qualifying Examinations is nearly gender balanced, with 47% male respondents responding to the survey, 42% female, 10% preferring not to say and 2% selecting 'other'.

#### What is your gender?



Survey respondents were predominantly White British (67%) or other White (10%). After this, the next most selected option was 'prefer not to say' (9%), Asian British (6%) and Chinese (4%).

#### What is your ethnic origin?



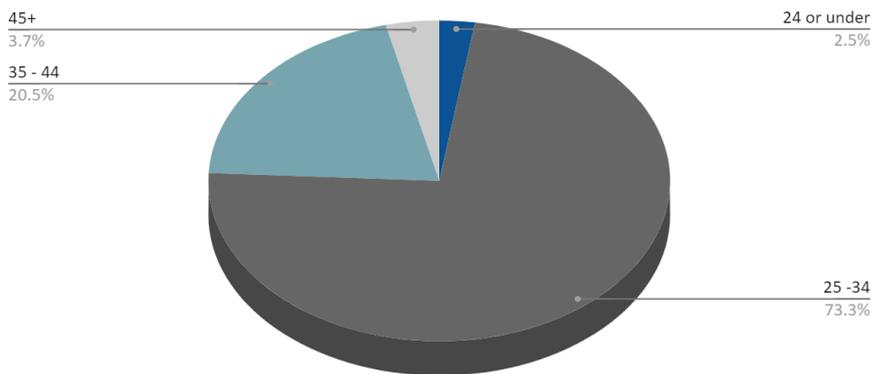
English was the first language for 88% of candidates. Some candidates noted that second-language English speakers were disadvantaged in the examination. Comments included:

“More clearly use pointers towards issues to be solved like in the European examinations, after all various people with disabilities such as dyslexia and people whose first language is not English sit these examinations, passing or failing should not depend on the subtleties of the English language.”

“As a non-native English speaker, it felt nearly impossible to complete the papers within the given time. Personally, I believe allowing candidates enough time to finish their answers would lead to fairer outcomes than putting candidates in a race against time.”

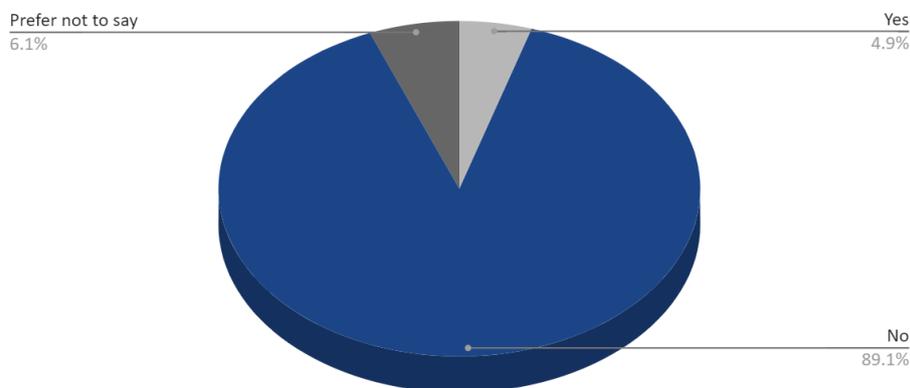
The majority of candidates are aged 25 - 34 (73%) and a further 21% are aged 35 - 44.

What is your age group?



5% of respondents said they have a disability and 6% prefer not to say.

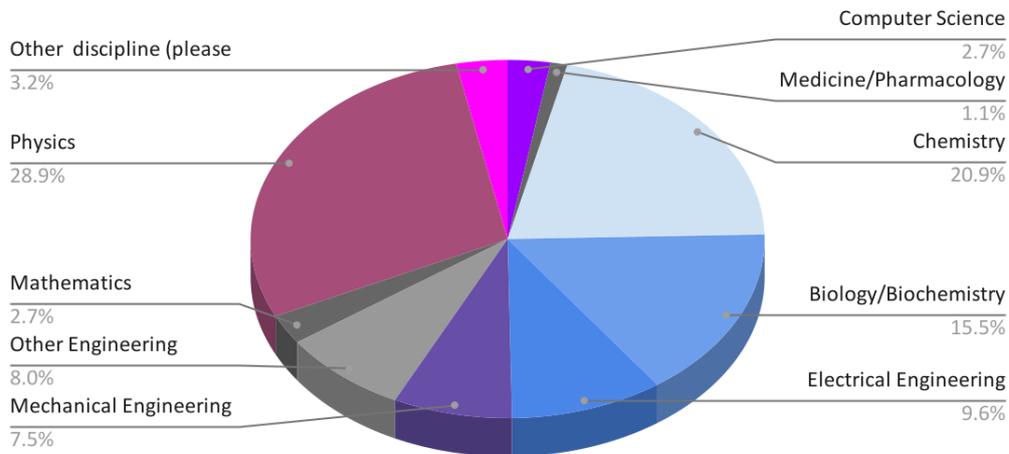
Are you disabled?



## 2. Academic Background

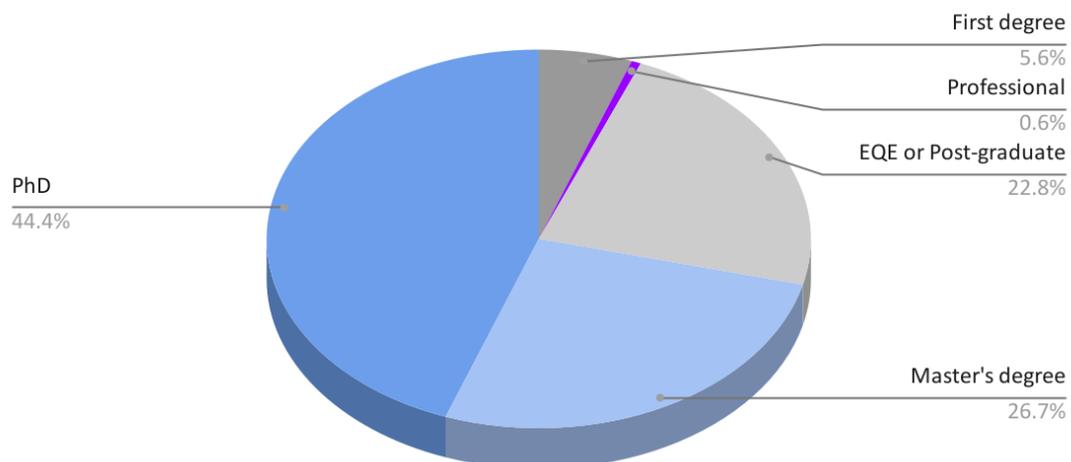
Most respondents had a background in Physics (29%), Chemistry (21%), Biology (16%). Electrical Engineering and Mechanical Engineering comprised 18% of respondents.

What is your academic background?



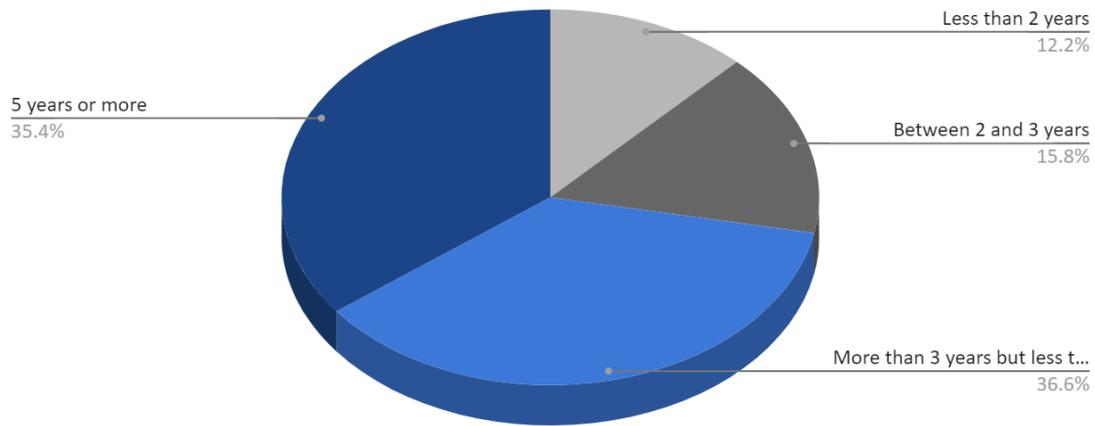
44% of respondents had a PhD and a further half had a Master's Degree (27%), EQE or post-graduate qualification (23%).

What is your highest level qualification?



Over a third (37%) have been working in the patent profession for 3 - 5 years, and 35% for over five years.

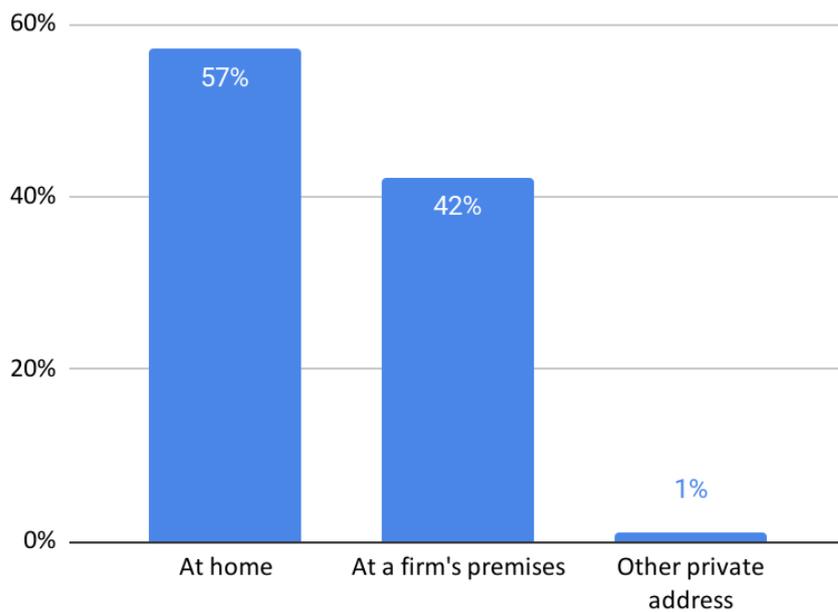
How long have you been working in the patent profession?



### 3. Examination location

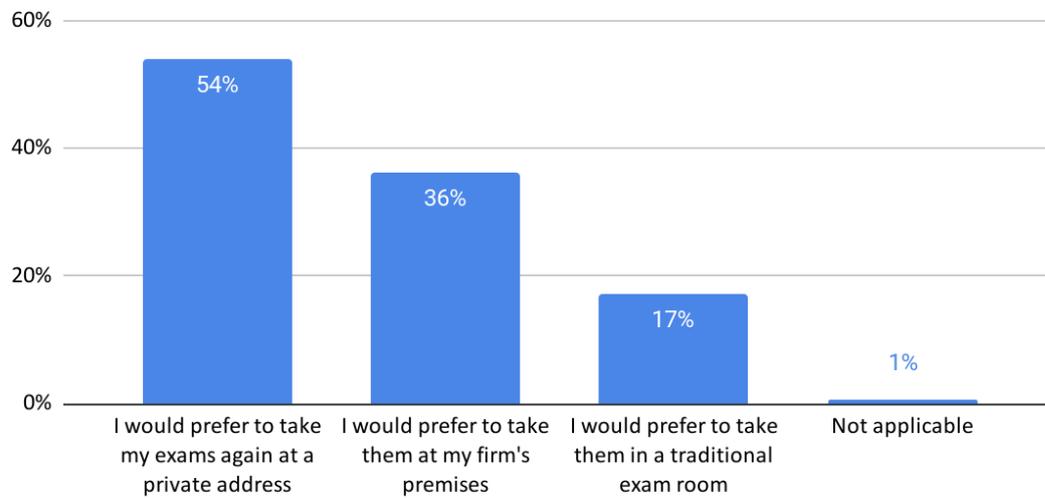
More than half of candidates took the examination at home (57%) and 42% at their offices.

Where did you take your examination(s)?



More than half of candidates expressed a preference for taking the examination at home (54%), and around a third of candidates (36%) preferred to take the examination at their office location (42%).

If you take PEB examinations in the future, where would you want to take them?



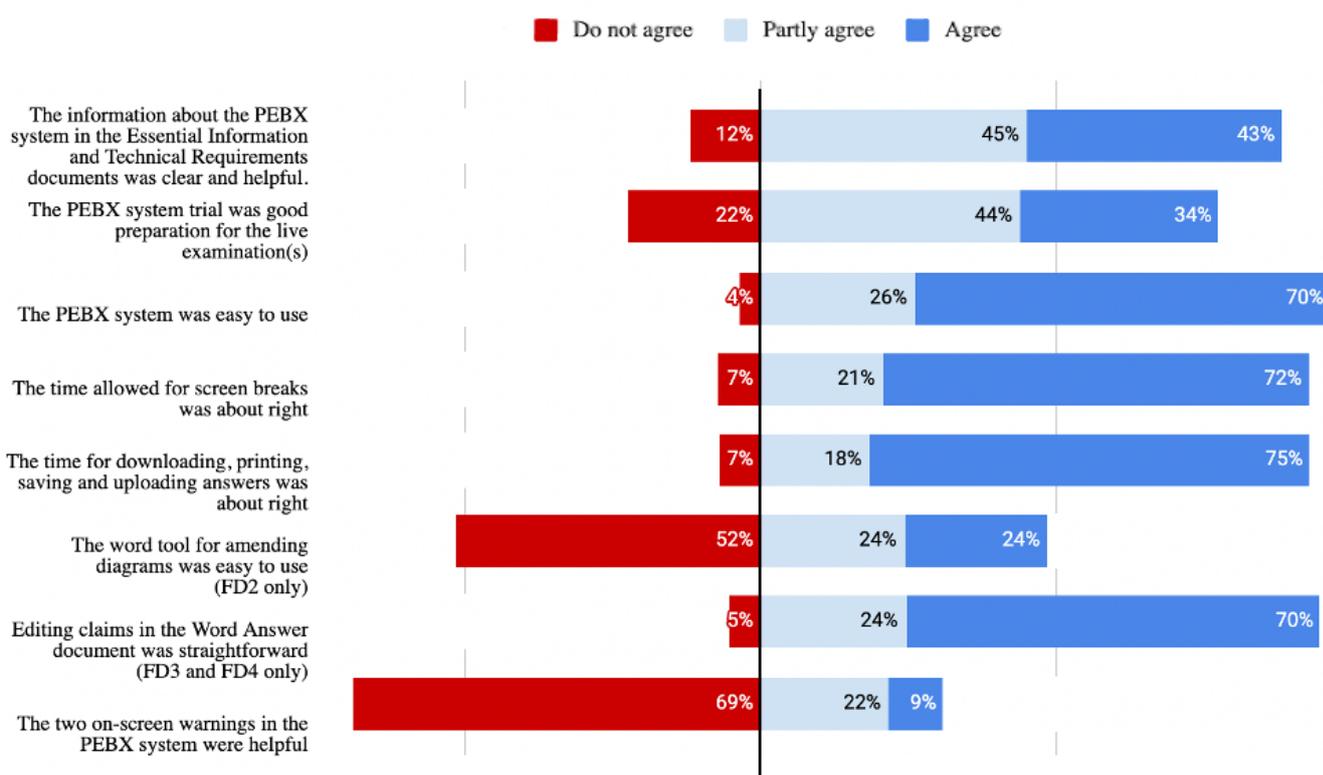
## Section 2: Feedback on the examination process

### 1. Views on the PEBX online examination system

Candidates were asked to evaluate the PEBX online examination system, and satisfaction was generally high. Around three quarters of respondents said that the PEBX system was easy to use, the time for screen breaks was about right and the time for tasks from downloading to uploading final answers was about right.

Satisfaction was lower with the information provided about the system, with under half (43%) of respondents saying they agreed, and 45% saying they partly agreed. 12% did not agree that the documents were clear and helpful.

#### Satisfaction with the PEBX online examination system



There was most dissatisfaction with the on-screen warnings with 69% saying the warnings were not helpful. Twenty-eight respondents also mentioned this in the comments, explaining that: ***“Visual warnings on the PEBX system are not helpful. Given that candidates are only able to use 1 screen, it is likely that candidates will only have the answer document and question paper open (with PEBX minimised in the background)”***.

22% of respondents were not satisfied with the PEBX system trial, and in the comments many mentioned that it would have been helpful to have trialled using Zoom beforehand in order to become more familiar with using it for the examination, as well as being able to identify and address procedural issues that were only discovered during the examination itself.

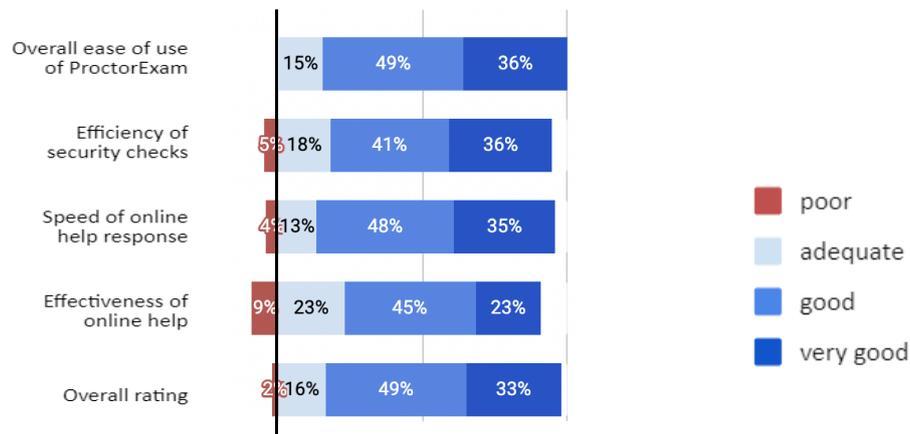
There were also concerns about the Word tool for amending diagrams used for FD2 (from half of the 33 candidates for whom this question was relevant), as one candidate explained:

“Putting numbers on the figures was very time consuming using the PEB arrows and text boxes. This took up around 15 mins of my time drafting, whereas on paper it would be much simpler. I think we were told we could use phones to take pictures and upload but I am unsure how this would work if we were asking to do a sweep of the room and had a phone on the table? So I avoided using this. The other option of scanning images was impossible for people sitting in offices without access to a scanner in the room. Based on the examination paper having figures already filled in with numbers, it seems unnecessary to make a candidate copy this all out, as it is not testing any skill at all.”

## 2. Views on the ProctorExam system

Satisfaction with ProctorExam was high, with over 80% of respondents saying that different aspects of the system were ‘good’ or ‘very good’ and only 2% of respondents giving an overall rating of ‘poor’. Satisfaction was lowest for the effectiveness of online help, with 9% of respondents saying it was poor and 23% only adequate.

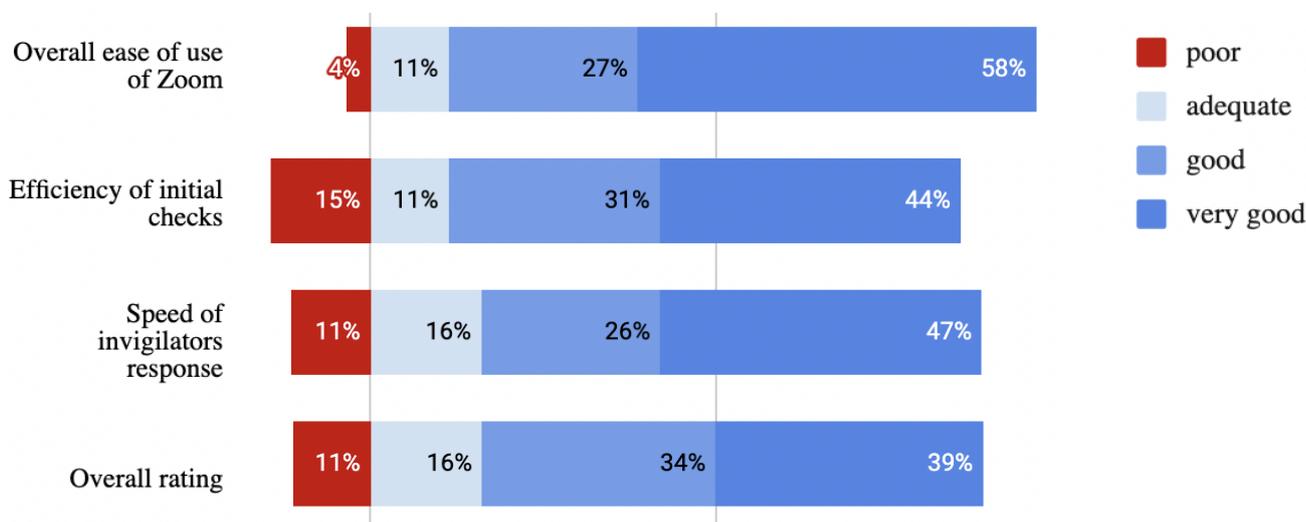
### Satisfaction with ProctorExam (Foundation Certificate only)



### 3. Views on the Zoom invigilation

83% of respondents gave an overall rating of very good or good for the Zoom invigilation. Overall the majority (58%) found Zoom very easy to use, and nearly half found the efficiency of initial checks and invigilators' response times 'very good'. 15% of candidates said the efficiency of checks was 'poor', and 11% found the invigilators' response too slow.

#### Satisfaction with Zoom invigilation



Many candidates requested the chance to test Zoom in advance, in future years. One candidate said: *“The lack of a Zoom test also meant there was no ability to practice the order of opening/ closing the call in relation to the other examination software windows prior to the examination proper. Not everyone uses Zoom all the time.”*

Some also requested that invigilators receive more training to ensure that they are able to help candidates and give consistent advice. One candidate remarked: *“In my Zoom room, people started shouting out questions towards the end, which was disturbing. The invigilators did not shut it down, only saying “check the technical document”. So the invigilators were obstructive and not helpful, either to those asking questions or to those having to listen to it.”*

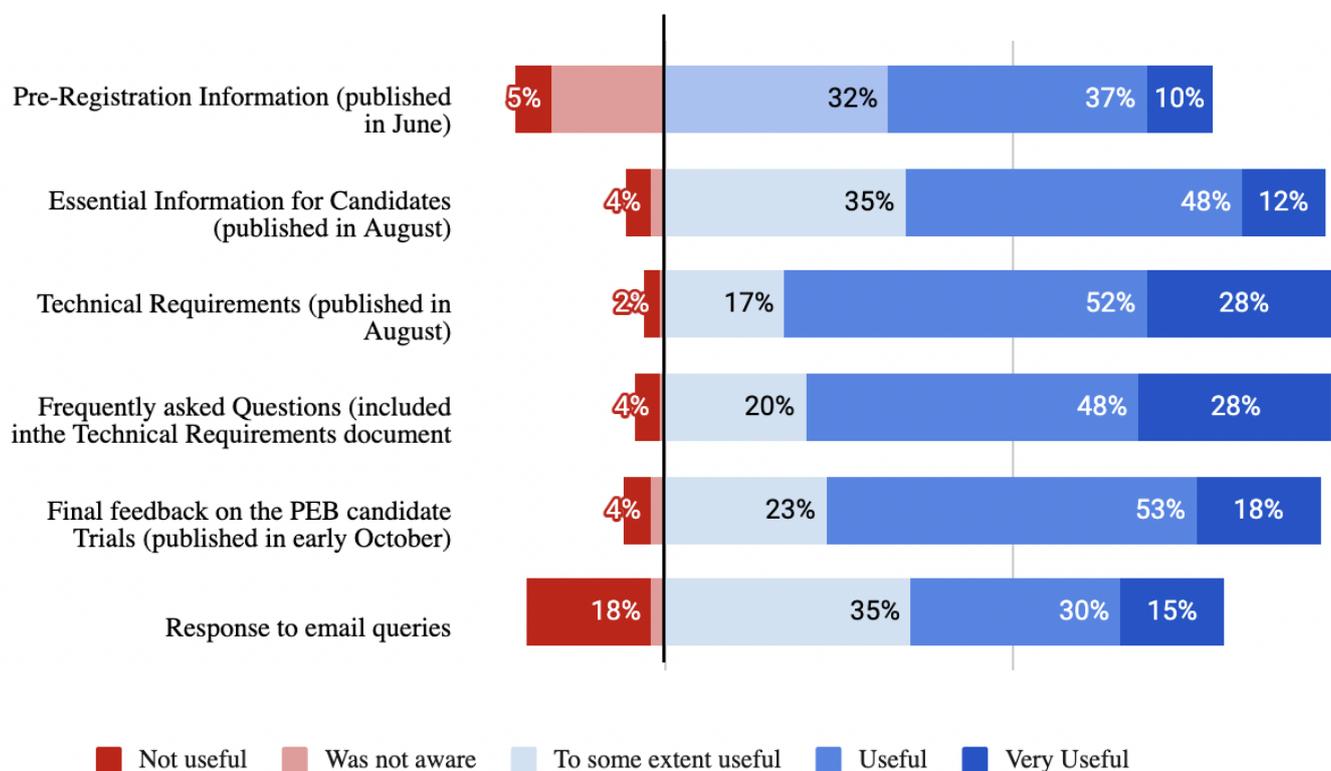
Several candidates noted other concerns, for example: *“At no point was my room surveyed for unpermitted items. It would also be better if candidates weren't bundled together, and each had their own separate Zoom call. Evidently there's often someone that fails to mute their microphone (even one of the invigilators, as was the case in my Zoom room) leading to a stream of rustling and coughing throughout the examination. I was forced to mute my speakers to avoid distraction.”*

Several respondents said that they found the invigilators unresponsive to difficulties candidates were experiencing. One respondent noted a number of problems that occurred with the invigilation, finishing with *“Finally, in my examination, a fellow candidate could not find her saved examination paper and was asking for help but the invigilators did not answer or acknowledge her. It was extremely distressing for us all to watch, but obviously more so for the candidate in question who did not manage to submit her paper. It was an awful experience to hear her repeatedly ask for help but for noone to answer.”*

#### 4. Usefulness of materials provided by CIPA / PEB

Overall, respondents were satisfied with the information provided to help their examination preparations. Most appreciated were the Technical Requirements and the Frequently Asked Questions – which over a quarter (28%) of respondents found ‘very useful’ and around a half (52% and 48% respectively) found ‘useful’.

##### Satisfaction with information provided to support candidates' exam preparation



Nearly all candidates were aware of the different materials provided, except there was lower awareness of the Pre Registration Information – which 16% of candidates said they were not aware of.

A third of candidates (35%) found the Essential Information only “*to some extent useful*”.

Some candidates commented that the information was “*verbose and generally lacks conciseness*” and also raised concerns about changes being made without notifying candidates which meant they had to keep checking back.

Satisfaction was lowest for the response to email queries, where 18% said they were “*not useful*” and 35% “*to some extent useful*”. Several candidates raised concerns about the tone of email communications in the comments, for example: “*PEB emails to candidates need to be considered more. Several of my colleagues have said that they had inappropriate emails from PEB*”.

## 5. Comments on examination software and invigilation arrangements

Candidates were asked to comment on any aspects of the examination process including PEBX, Proctor Examination, Zoom Invigilation, PEB administration, PEB's published communications with candidates, or any other aspect of the 2022 examination session. In addition to comments highlighted above, candidates remarked on the following areas.

### Positive improvements compared with 2021:

11 candidates noted that the system was good, and better than in 2021. Candidates appreciated that the system was easier to use than before. Comments included:

- *"The system this year was great and extremely easy to use."*
- *"Overall I would say that despite this, the Zoom invigilation was much better than the proctor examination, as it required less preparation/maintenance during the examination and was nowhere near as distracting/stressful compared to last year"*

### Time alerts:

Many candidates commented on the lack of time alerts because they had multiple windows open and would not see the alert in the PEBX system. They asked that this could be included in future, both as audible alerts from the system and also verbal alerts from invigilators.

### Technical problems with submission:

Several candidates said they had issues with uploading their papers, partly due to the system timing out, and also possibly being overloaded with all candidates uploading at once.

- *"As seems to happen every year, there were issues with the PEBX website slowing to a crawl when everyone was trying to access/open the examination"*
- *"Quite a few people I have spoken to struggled to upload the paper because the button stops working if you have been on the examination page for too long (e.g. a few hrs)."*
- *"Perhaps add some guidance to the examination page to say refresh or log out then back into the scarborough cloud website to activate the upload button."*
- *"Uploads and downloads could be more stable. My examination had several minutes after the start time where I could not download the paper, and at the end, I failed to upload my answer several times."*

A candidate also proposed:

*"It would be useful to be able to view what you have uploaded once the examination has ended. I.e. instead of just the simple receipt with the document title, the pdf you have uploaded is available on the system after the examination has ended. I know we have the pdf on our machines but the point is checking nothing went wrong during the upload."*

### Communications with the PEB:

Respondents raised concerns about the email communications from the PEB, in terms of clarity, timeliness and also clearer and more polite communications from the PEB, including clarity regarding the need for a sweep of the room and items that are allowed in the room.

*"Having the information published at approximate/unknown times leads to candidates consistently checking the website and being unnecessarily stressed."*

*“The information published by PEB was hard to keep track of. It wasn’t communicated by anyone (apart from through non-official channels)”*

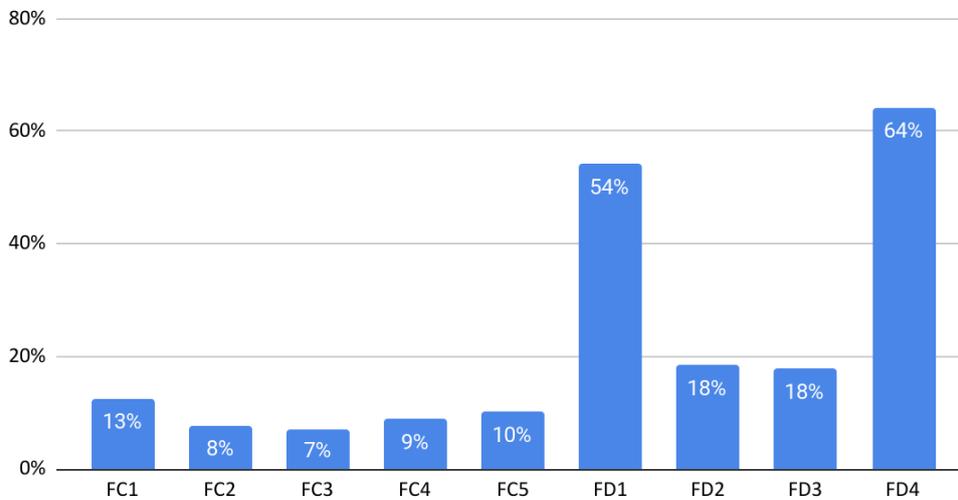
Survey respondents also wanted to remind the PEB that the technical requirements are very demanding, on top of the demands of the examinations themselves, and that candidates seeking clarification are anxious about ensuring that they do not inadvertently violate examination procedures and be disqualified. Respondents asked the PEB to be more sympathetic to the stress that candidates are under in these circumstances, for example: *“Too much onus put on candidates when they already have so much to learn and prepare for. It’s not comparable to being in an examination room, and the consequences of making an innocent mistake, or something going wrong are way more serious than in an examination room. The examinations being online should not be different to being in an examination room. PEB can be quite harsh and not understanding of the emotional and physical effort the candidates go through to prepare for these examinations.”*

### Section 3: Feedback on the examination content

#### 1. Examinations taken by survey respondents

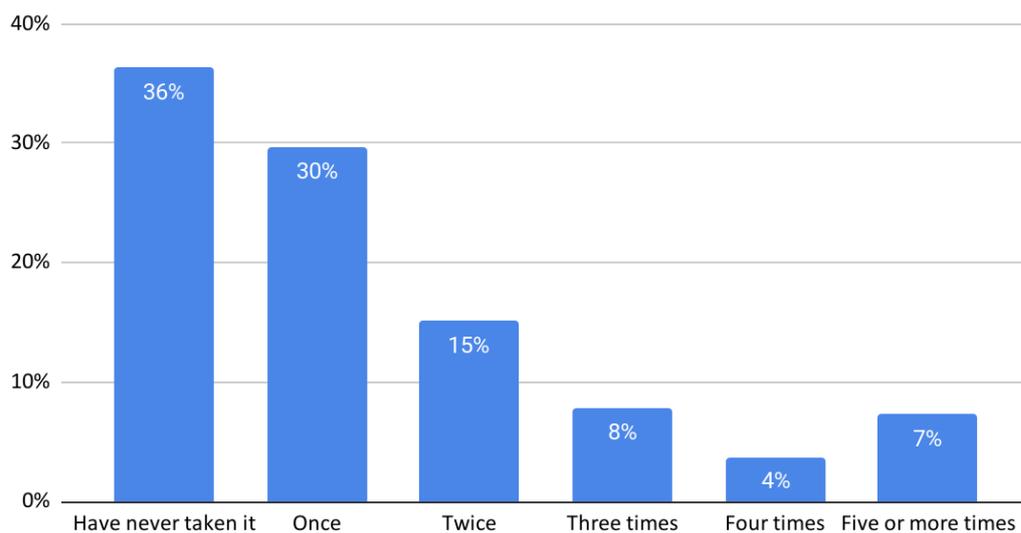
Most respondents (64%) were taking the FD4 examination, and 54% were taking FD1.

Which examination(s) did you take?



15% of respondents were re-taking the FD4 examination for the first time, and 7% had taken it five times.

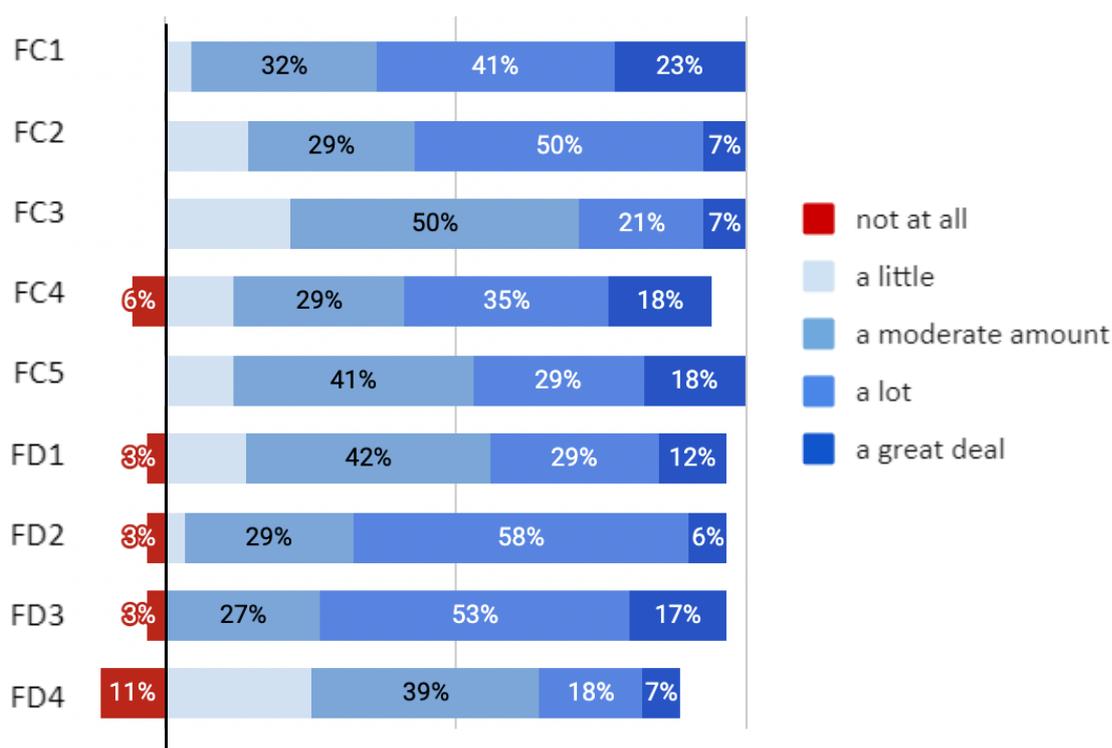
How many times have you taken the FD4 examination?



## 2. Satisfaction with examination content and timings

Candidates were asked to what extent they felt that the paper provided the opportunity to demonstrate their knowledge and understanding. Satisfaction was highest for FC1, FC2, FC4, FD2 and FD3, where only 32% or fewer felt that the examination gave them a 'moderate amount' of opportunity. 11% of respondents felt that the FD4 paper did not provide any opportunity at all to demonstrate their knowledge and understanding. Only a quarter of candidates said it gave them 'a lot' or a 'great deal' of opportunity to do so, compared with more than half for most of the other papers.

To what extent do you feel that the paper provided the opportunity to demonstrate your knowledge and understanding?

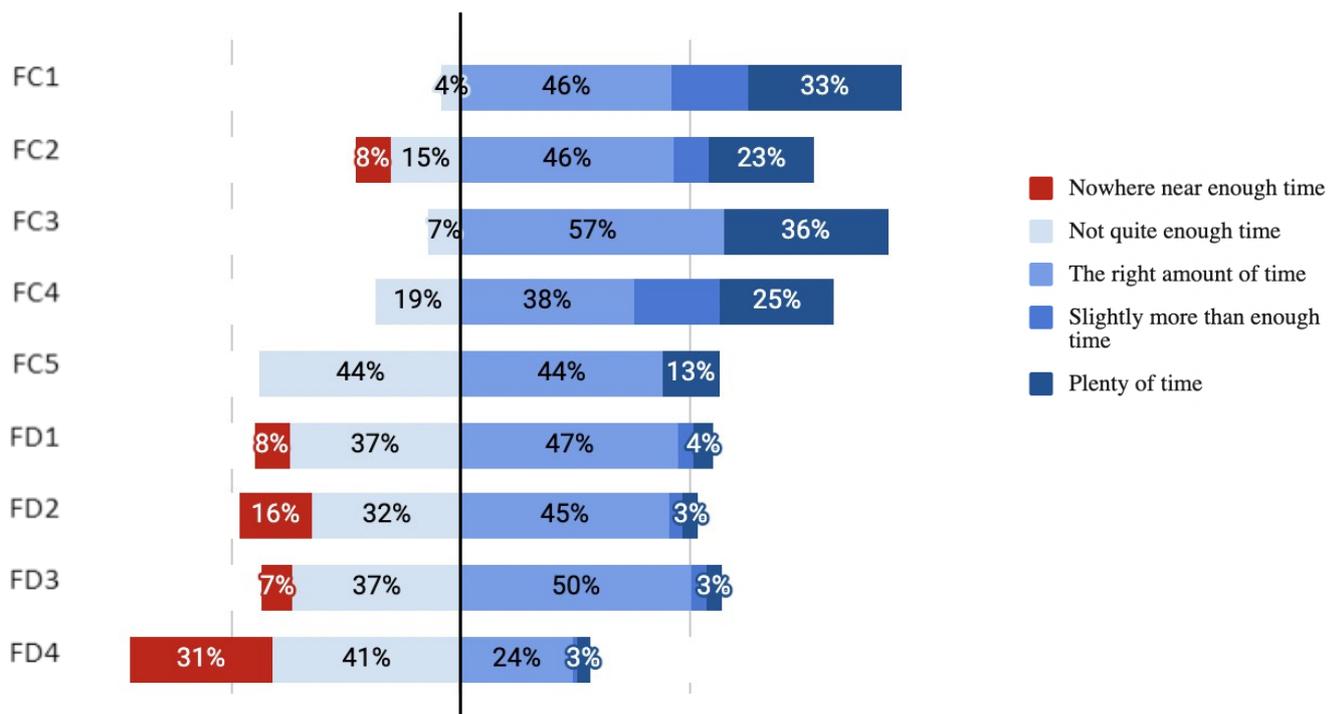


Several respondents remarked that they were satisfied with the papers, for example:

*“These papers require preparation and practise on the part of the candidate. There is a wealth of material on how to prepare for these examinations, including past papers. I therefore do not think the Question papers themselves needed any improvement this year.”*

Satisfaction with the time allowed for the papers was high for the Foundation Certificate papers and low for the Foundation Diploma, especially FD4, as in previous years, where 31% of participants said there was 'nowhere near enough time'.

To what extent do you consider that you had sufficient time to complete the paper?



Most comments related to the FD1 and FD4 papers:

### FD1 Comments

As in previous years, respondents raised concerns that some of the papers (e.g. FD1) still test memorisation rather than analytical skills which are more relevant to everyday practice:

*“In correct practice, attorneys often check that their recollection of a deadline or formalities aspect is correct before advising a client. The present format of the examination requires all of this information to be memorised, which forms a very large portion of examination preparation but is not relied upon in modern practice, because relying on memory for such information would be negligent and also ignores the relatively rapid changes in national office procedures. There is therefore a memorisation barrier between the candidate and the meaning of the question, which prevents the candidate from being able to demonstrate their knowledge. In most cases, having access to the Act within the examination would not help a candidate if they did not already know which sections are relevant - just as with the EQE paper D, having the guidelines for examination to hand does not help unless you have studied them beforehand. FD1 could certainly become more relevant to modern practice if it tested analytical skills more thoroughly than memorisation of the law.”*

Candidates also raised concerns about the narrow focus:

*“The range of topics in the FD1 paper was limited. Part B had a three-line question offering 25 marks which would not have been popular. The specificity of FD1 mark schemes is far too narrow to allow for questions like this. The remaining two questions both revolved around ranges, which is an obscure point of knowledge.”*

Some candidates found the FD1 paper too focused on European law. One remarked: *“FD1 felt that it was too focused on EP law. PEB is reminded that the EQEs are there to test us on EP law and they do a very good job at that.”*

Others were concerned that the questions would generate too much ambiguity:

*“This year, FD1, was very much “real world problems” - and what I mean by that is that real world problems, require real world answers. Answers that no attorney would conclusively give an answer too, these type of answers are typically “probably A, but B and C are also possible, so we should prepare for that too”. FD1 questions should have an/one answer - and the Examiners should not be introducing ambiguity.”*

#### **FD4 Comments**

Several candidates recognised improvements to the FD4 examination over previous years, but many highlighted the time constraint:

*“FD4 time is still an issue but is getting better to allow candidates time to absorb, analyse and think. This year, time was still lacking because it took much longer for me to understand the invention from the client documents.”*

This year the paper included a chemical process, which some survey respondents highlighted as a “welcome change”, and others as “unsettling” given the precedents of previous years. Candidates suggested making it more subject-neutral or giving non-chemist candidates more time because *“As a non-chemist, it had taken me much longer to read and understand.”*

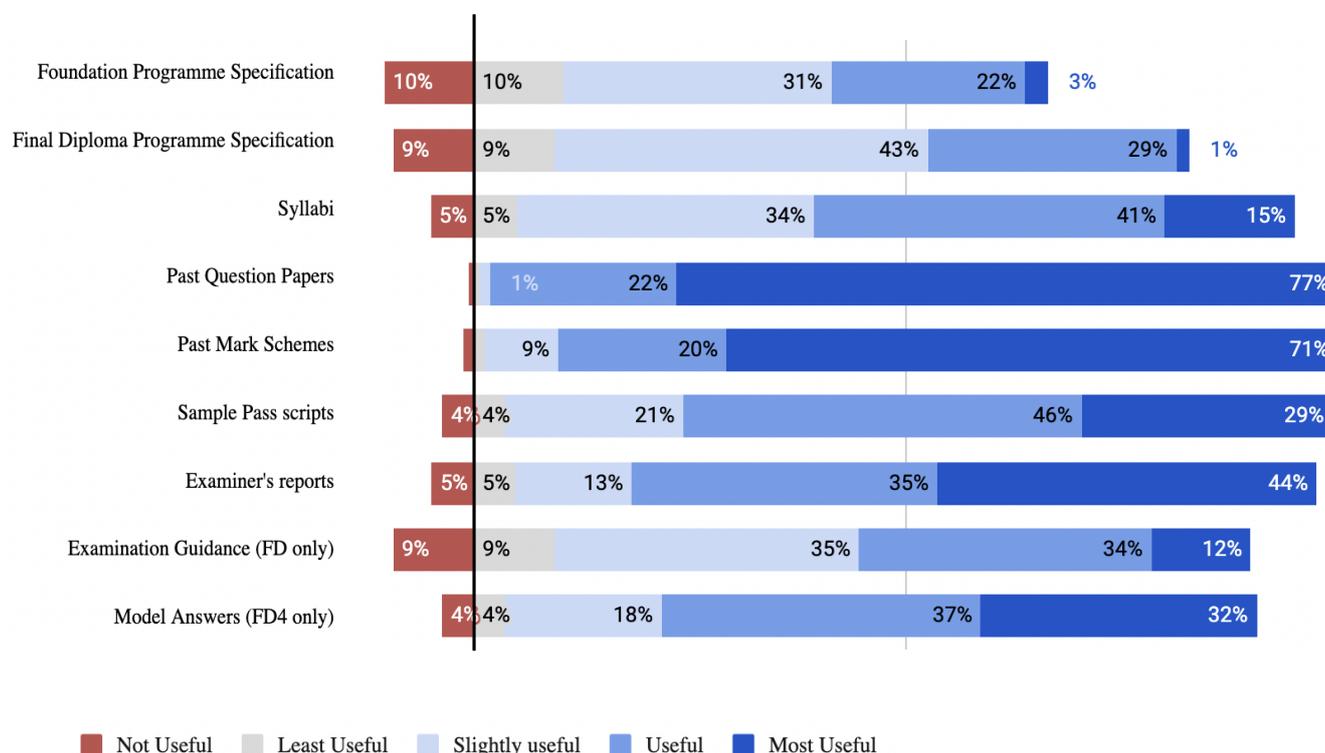
One respondent highlighted that FD4 should not have focused on ranges, particularly given that this was already a large focus of the FD1 examination, and would disadvantage some candidates:

*“Having an entire FD4 paper based on ranges is unfair to candidates who have never worked with ranges before, as is using process claims for chemicals. In addition, 2 out of 3 of the FD1 part B questions also included ranges. Having a huge amount of the two largest examinations being heavily based on the same law and subject matter is unfair. At least the two FD1 papers shouldn’t test the same knowledge of subject matter which is not seen by most people in day to day practice (especially people who work in software and electronics).”*

### 3. Satisfaction with the published PEB support materials

Respondents found the Past Question Papers and Sample Pass scripts the most useful, with 77% and 71% respectively saying they were “most useful”.

#### Usefulness of published PEB support materials



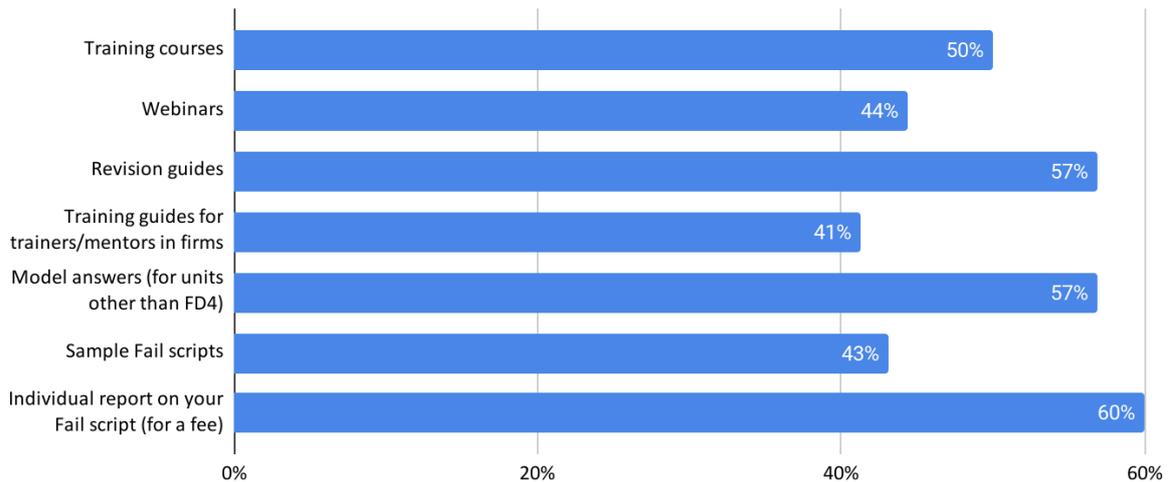
Lowest ranked were the Programme Specifications, which 9% and 10% found not useful for the Final Diploma and Foundation respectively, and less than a third found “useful”.

One candidate suggested:

*“FD4 mark schemes in previous years are very brief and not much detail is given as to how candidates (with a differing view) would gain the marks. It would be useful to provide an example script where a candidate has passed but their answer has differed from the mark scheme. It would be useful to indicate where the answer has differed from the mark scheme and why marks were still awarded for them. This would aid candidates during revision.”*

#### 4. Recommendations for additional support

What other support should be made available?



Most mentioned was an individual script (for a fee) which 60% of respondents said they would be interested in receiving. More than half of respondents were also interested in model answers for units other than FD4, revision guides and training courses.

#### 5. Confidence in the fairness of the process

Only 39% of respondents said that they were familiar with the document “How Qualifying Examinations are marked”, which contains information about PEB's examination setting, marking and awarding processes.

Candidates who said that they were familiar with the document were asked how confident they felt with the process. 9% of candidates said that they were very confident, and 65% had “some confidence”, with the remaining 28% saying they had “little or no confidence”. Though it should be noted that, as this question was only asked to those who were familiar with the document, this represents a smaller number of candidates – 66 people, or 39% of all survey respondents.

Additional comments referring to the 2022 examinations mainly reinforced points made in the earlier comments questions, namely that there was significant improvement on the previous year, while identifying remaining issues to resolve. Additional issues not raised in the earlier comments questions were about the reasonable adjustment process:

*“The reasonable adjustment process is much stricter than any other examination, and the statements by the GP are unlikely to be given - this should be changed to be more understanding of individual circumstances. It is positive that the examinations are held by computer as many people not used to hand writing any more.”*

*“Please could reasonable adjustments be processed much further in advance of the examination. I had to chase multiple times and received abrupt responses and no apology for the delay.”*

Other candidates commenting on the 2022 examinations expressed similar sentiments, saying:

*"I'm afraid there is still a sense that it is "PEB vs. the candidates". Whilst I will admit that some of this is due to bias from some candidates, the lack of many standard features of other examination systems (e.g. from university or other professional bodies) causes concern amongst many in the profession. For FD1 for example, you can write completely correct statements that are relevant to the question and not get any marks because the Examiner has decided these are not going to be awarded marks that year (but they may be the next). Furthermore, the lack of leniency/considerations in situations (such as refusing to mark papers submitted a short time after the deadline, as opposed to simply deducting marks) gives the impression that PEB is looking to fail as many of us as possible, and not help us pass."*

*"The trend in the marking schemes for FD1 in recent years has been stretching what one is required to say to get the mark. Compared to earlier examinations (eg 2017 and before) where the mark schemes were vastly more generous it is becoming increasingly more difficult to gain the marks. If you continually move the goal posts in what is required to get the marks - how is this fair when candidates in previous years were not subjected to this mind reading?"*

Overall there were many comments highlighting lack of confidence in the examinations as a test of fitness to practice. Full candidate comments are supplied to the PEB in a separate report.

*"It would be great if you could develop an examination that the profession has confidence in. The number of times that I have heard comments along the lines of 'you just need to roll the dice until you pass' and 'I passed because I got lucky that year' seems ridiculous. It does not seem too much of an ask for a professional examination to be of a standard that someone with a number of years experience, the backing of their experienced colleagues and who has done an adequate amount of preparation could be reasonably confident to pass. A lot of work left to do unfortunately."*

## **6. Summary of specific issues/recommendations highlighted by survey respondents**

Survey respondents proposed a range of improvements for future examinations, including:

### **Invigilation arrangements:**

- More clarity regarding the examination room:
  - does the whole room need to be cleared including bookshelves
  - are mobile phones allowed
  - can you leave the room for scanning for FD4, or toilet breaks
- Trial using Zoom in the mock
- Prefer not to be able to see other candidates
- Better training for invigilators so that they can respond to candidates' questions
- Allow multiple screens
- Make all invigilators room hosts, otherwise only one host can be messaged directly without messaging all participants

- Provide detailed instructions for how to upload answers and terminate the examination session in the upload area of the software
- Ensure invigilators can mute candidates (though some candidates noted a contradiction here: candidates were muted to reduce distraction from coughing / rustling, but without sound, would invigilators still be able to properly monitor for cheating?)
- Make it possible to change the selected examination location. (*“It made sense that an examination venue could not be changed two months before the examination when the examinations took place at an examination hall, but since the examinations are now online, this is quite unreasonable particularly if special circumstances are not taken into account.”*)

#### **Communication with CIPA / PEB:**

- Create a more efficient way of signing up for examinations
- More notice of examination trial dates or provide multiple sessions for trial examinations
- Improve communication with candidates that have prior commitments on trial dates when they raise the issue with PEB
- Faster response from PEB on the day of the examination in response to emergency situations
- Make it clear that ProctorExam is just a chrome extension and not additional software
- Have one page of the website with all the latest publications
- Publish a schedule of when information will be published so that candidates don't need to keep checking the website
- Make it clear when information has changed, so that candidates don't have to keep re-reading 'on the off chance' that things have changed
- More information about how the Zoom part will work, as this wasn't tested in the mock
- Make the instructions shorter and more concise
- “Just a document walking candidates through what is going to occur on the day would be helpful (perhaps with screenshots)”
- More notice about hardware requirements, especially if there are financial implications
- Improve the tone of email communications, be sympathetic to candidates' stress and be more ready to assist candidates with technical issues
- Several candidates see a need for an overall shift in attitude from the PEB towards candidates from defensive/blaming to taking on board feedback and trusting that candidates are communicating and acting in good faith

## Technical issues

- Audible timer warning 10 minutes before the end, because the visual warning isn't seen when candidates have multiple windows open
- As the application times out after a while, include a reminder to candidates to refresh the page
- Include an on-screen reminder at all times that the countdown includes the upload time (a candidate noted – “easy to forget and lose track in an examination”).
- Check whether PEBX works better on certain systems (Windows and Mac) and versions so that this can be stated in the technical requirements before the examinations
- “The proctor examination chat box flashed with a notification throughout the examination which is quite distracting.”

## Examinations

- Improve the formatting: e.g. *“It would be highly useful if line numbering was consistent between the different documents provided. When having to provide page and line numbers at speed in the answer, it should be easy as possible to quickly see the line number, rather than having to pause to try and work it out. Consistency in line numbering style throughout the entire question papers, and possibly even 1, 3, 5, 7 etc line numbering would be really helpful.”*
- Make the examinations open book, as candidates feel that memorising is not a test of fitness to practice
- Provide individually marked scripts for a fee
- As far as possible making the FD4 paper subject agnostic, or finding a way to adjust for the disadvantage incurred for candidates for whom it is not their technical specialism
- Less focus on European Law as the EQEs are there for that purpose
- More fundamental revisions to the FD4 paper to make it less of a lottery and a better test of fitness to practice

#### **Section Four: Conclusions**

Candidates found the online examination system significantly smoother in 2022. The main areas for future improvement highlighted were the technical problems with uploading scripts, and the need for clearer written guidance to candidates.

Final Diploma candidates highlighted the need for consistent invigilation over Zoom.

Survey respondents also requested improvements to the tone of communications from the PEB.

Candidates are largely satisfied with the Foundation Certificate papers. Many candidates are satisfied with the Foundation Diploma but a significant proportion are concerned about the relevance and fairness of the FD1 and FD4 papers.