

Patent Examination Board

2023 QE Examination Session - Candidate Survey Report

Introduction

This report consolidates candidate feedback for the Patent Examinations Board (PEB) Qualifying Examinations from 173 survey respondents.

The majority of candidates were satisfied with the content, guidance and marking for the examinations, particularly the Foundation Certificates. Most candidates were also largely satisfied with the technical arrangements and invigilation, and satisfaction has been increasing as the new online examination system has become more established.

Highlights of the survey findings include:

- 72% of respondents found the PEBX system easy to use
- 76% of respondents gave an overall rating of good or very good for ProctorExam
- 84% of respondents gave an overall rating of good or very good for the Zoom invigilation
- Three papers (FC1, FC3, FC4) had high rates of satisfaction with more than 60% of candidates saying the examination gave them **a lot** or **a great deal** of opportunity to demonstrate their knowledge and understanding, and 51% for FD2
- Satisfaction was lowest with FD3 and FD4, for which 37% and 40% of respondents respectively felt it gave them **no** or **little** opportunity to demonstrate their knowledge.
- Of those respondents familiar with the document "How Qualifying Examinations are marked", 20% were very confident that the process leads to fair outcomes (up from 9% last year). 63% had some confidence, and 20% had little or no confidence.

Candidates appreciated the hard work that goes into the examinations and improvements made in previous years. Several candidates (9) said that the examinations are good and no improvements are needed.

"On the whole, I thought the 2023 FD1 examination worked very well. Thank you to the PEB for the effort you put into these examinations each year."

"The examination has become more consistent in the last couple of years and the PEB should be given credit for this."

A range of major and minor concerns continue to be raised.

Issues around **examination arrangements** include:

- Technical problems experienced using the software, such as delays in downloading or difficulties uploading
- The drawing tool was very time consuming to use
- The onerous demands of complying with the invigilation requirements
- Information for candidates is long and sometimes unclear
- Instances of inconsistent invigilation (e.g. start times, verbal time warnings)

- Candidate requests to change email addresses for PEBX from the trial to the actual examination caused confusion and stress
- A number of practical suggestions about improvements to the trial examination (e.g. timings) and invigilation (for example, suggested use of candidate number as their name in Zoom)
- Requests for reasonable adjustments to be considered earlier
- Given the difficulty of passing, offering examinations more than once a year, to enable faster retakes
- Examiners not taking on board candidate feedback about the amount of material for the time, and defensive or dismissive tone in examiner reports

The key concerns around **examination content** focused on:

- Too much content to be covered in the time
- Memorising large amounts of information is onerous and not required for actual practice as a patent attorney, which could be addressed by making some of the examinations open book
- Difficulty of passing the examinations, especially the FD4 examination, which some candidates still consider is not a relevant or fair test of their fitness to practice. Candidates are frustrated that the examination is obstructing their professional progression and costing significant time and stress.

Concerns relating to consistency and fairness of the examinations have reduced considerably in comparison with previous years, where passing the FD4 examination was seen as something of a lottery. However, a fundamental concern for many candidates is that there is still too much complex material to tackle in several of the papers, and a feeling that the PEB appears unwilling to take this feedback on board and reduce the amount of content so that candidates can provide fuller and better quality answers. As in previous years, candidates referred to the apparent contradiction in examiners' reports: that time seemed to be sufficient as candidates had completed the papers, but that the depth or quality of the answers was unsatisfactory. One candidate remarked "there may be just enough time to complete the paper, but there is not enough time to check things over, or to really think properly about the answers. The race against the clock becomes the dominant feature of the examination, rather than the proper application of practice skills." Another candidate remarked that "the burden the examinations are placing on candidates is not justified, and I don't believe they serve the patent community as a whole as a result."

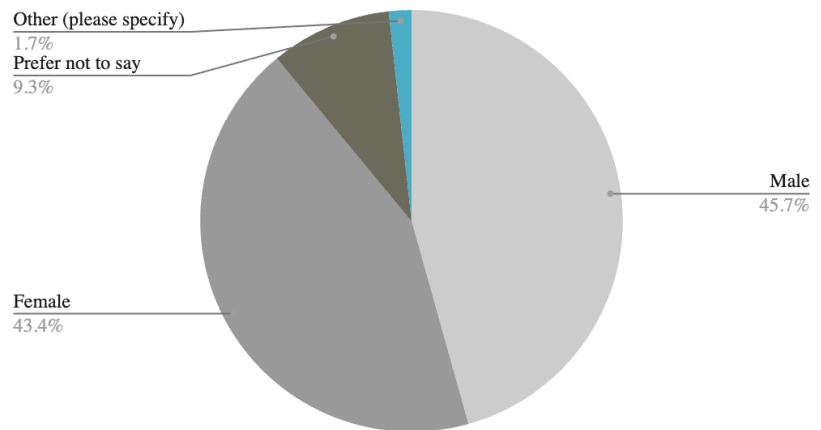
As in previous years, the survey report balances overall satisfaction levels with individual comments and concerns, to inform future improvements.

Section 1: Profile of respondents

1. Personal characteristics

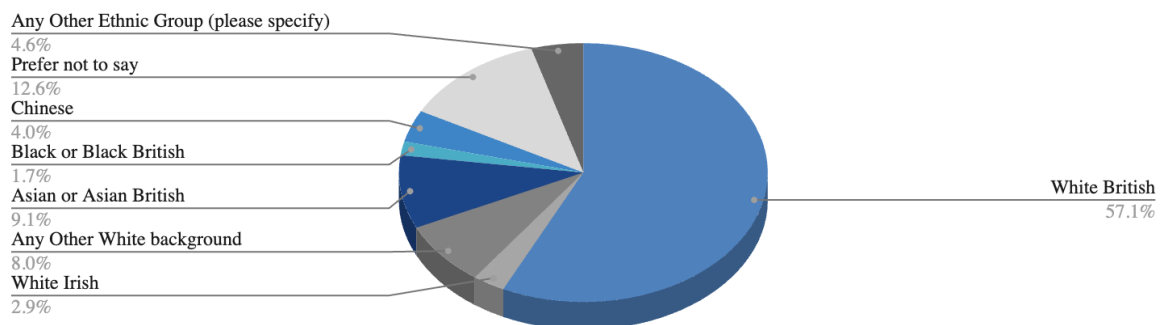
Participation in the PEB Qualifying Examinations is nearly gender balanced, with 46% male respondents responding to the survey, 43% female, 9% preferring not to say and 2% selecting 'other'.

What is your gender?

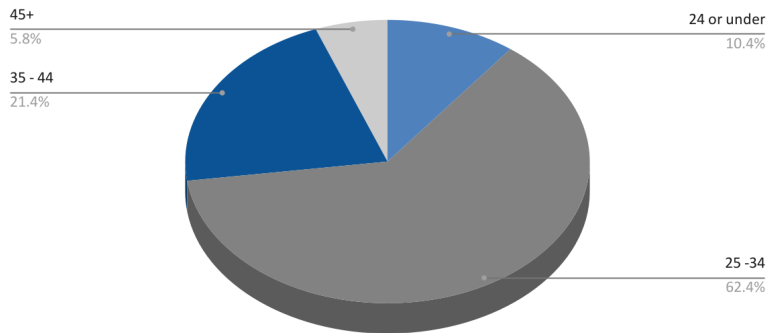


Survey respondents were predominantly White British (57%), with Asian or Asian British the second most selected option (9%) apart from "prefer not to say" (12.6%). After these, the most commonly selected were Other White (8%) and Chinese 4%. English was the first language for 90% of candidates.

What is your ethnic origin?

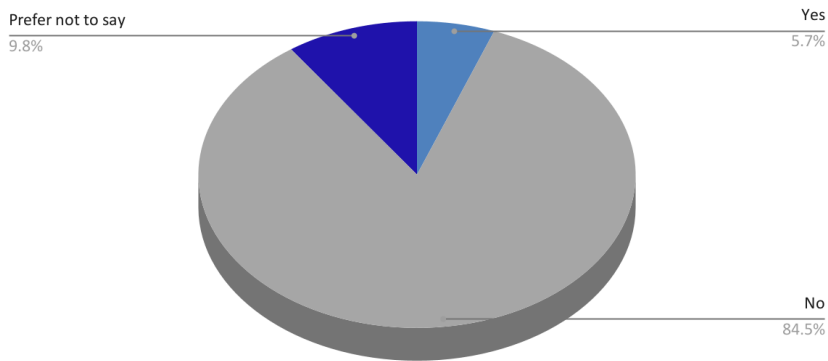


What is your age group?



The majority of candidates are aged 25 - 34 (62%). This is a reduction from 73% in 2022, with candidates aged 24 and under making up a larger proportion: 10% of candidates in 2023, up from 2% in 2022. A further 21% of candidates are aged 35 - 44.

Do you consider yourself to be disabled?

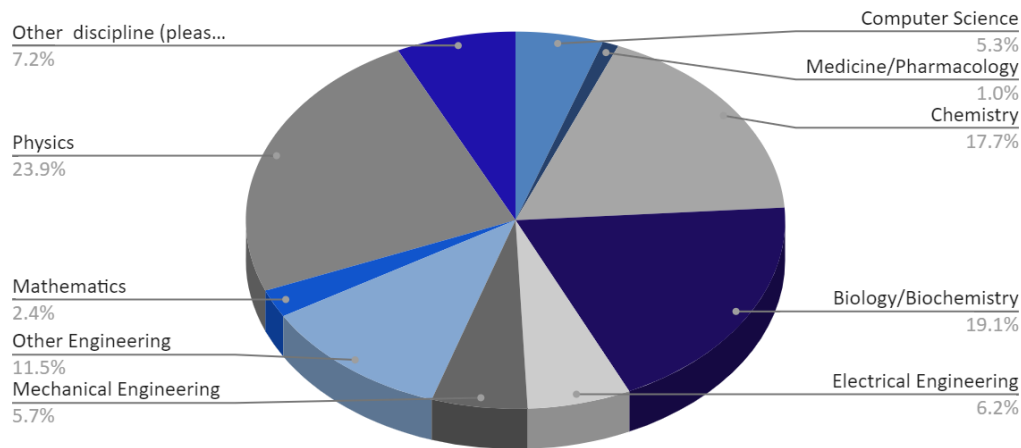


6% of respondents said they have a disability and 10% prefer not to say.

2. Academic Background

Most respondents had a background in Physics (24%), Chemistry (18%), Biology (19%), and Electrical and Mechanical Engineering comprised 18% of respondents, broadly similar to previous years.

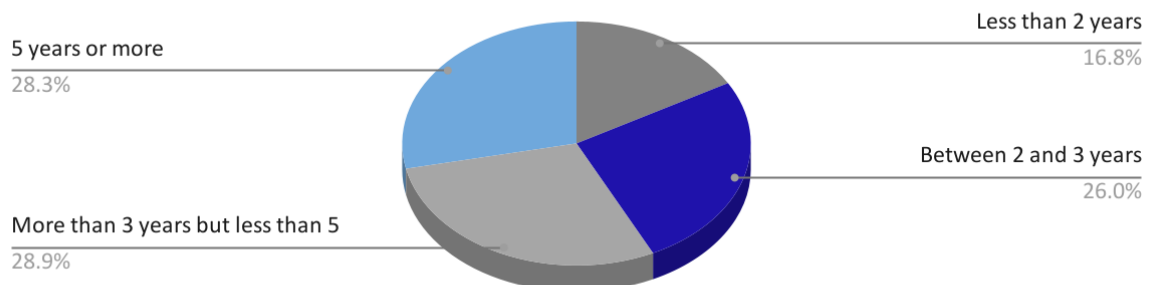
What is your academic background?



Most respondents had a PhD (38%) and a further half had a Master's Degree (37%) or EQE/ Post-graduate qualification (13%).

This year's candidates had slightly fewer years of experience than previous cohorts. Over a quarter (28%) have been working in the patent profession for more than 5 years and 29% for 3 - 5 years.

How long have you been working in the patent profession?



3. Examination location

More candidates this year compared with 2022 took the examination at home, and this continued to be the candidates' preference. More than half of candidates took the examination at home (61%) two candidates (1%) took it at another private address. 59% said they would prefer to do the examinations at home another time.

38% took it at their offices, and 35% said this is their preference if taking the examinations again. 15% said they would prefer to take the examinations in a traditional examination room.

Several candidates felt that the requirements were unnecessarily complicated, prescriptive and stressful. Comments include:

"PEB's published communications contain a lot of information regarding situations that would result in a void examination that is to an extent that is unnecessary. Unnecessarily long lists of prohibited items such as staplers seem to be outdated. Excessive information dilutes necessary information and increases anxiety."

A number of candidates submitted comments that appeared to show a lack of familiarity with or misunderstanding of the published guidance information for candidates, including the comments below (PEB clarification in italics):

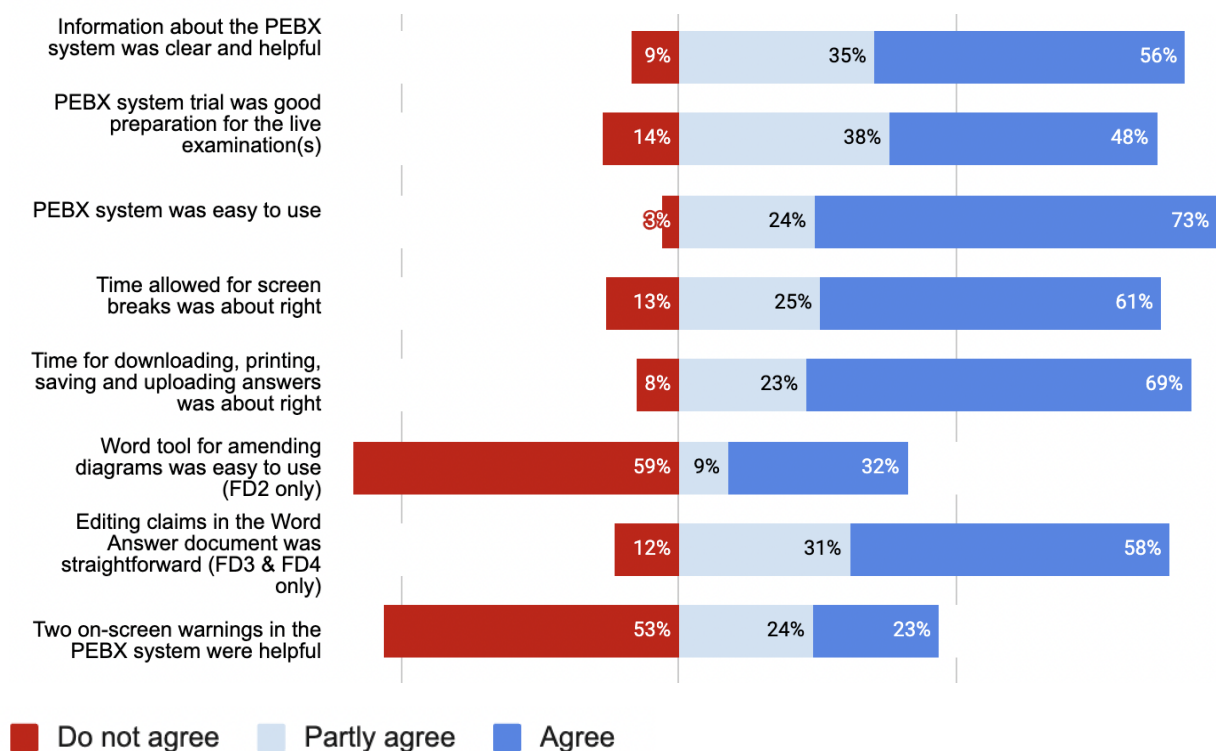
- "The designated person system is awkward that it must be one person for all examinations, given modern working practices it is unusual to have someone available for all of the examinations (e.g. they may be working from home/attending oral proceedings)" of the Designated Contact role." - *To maintain the security of question papers, the PEB requires one Designated Contact to be nominated within a firm. However, that person can arrange for other members of staff to carry out the role.*
- "It can be difficult for candidates to find suitable places to sit the examinations. I prefer the examination being online and typed, which is why I answered that I would prefer future examinations to be at my firm, but this is not without issue. Rooms have to be rearranged which does add additional stress." - *For this reason, the PEB allows candidates to select the location where they will take their examinations, which can be their home or another private address.*
- "Too much information scattered around different sources, technical info, essential info, FAQs. The burden on the candidate to make sure they meet all tech requirements for the examination is too high, particularly for candidates in small firms where there's no IT support available." - *There are two key information documents: Essential Information and Technical Requirements. The latter contains the FAQs. Furthermore, the IT requirements are for office-standard equipment, which is easily obtainable in a high street store or online.*

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, with 80-90% of respondents agreeing or partly agreeing that the system was easy to use and time was sufficient. Satisfaction with the information about the PEBX system and ease of use increased from 2022. There was lower satisfaction with the trial system, with less than half (48%) of candidates agreeing that it was good preparation for the live examination.

Please evaluate the PEBX online examination system



As in the previous year, the areas with the lowest satisfaction were the Word tool for amending diagrams and the on-screen warnings, with 59% and 53% of respondents respectively saying that they were not easy to use/helpful. (Note that this was a small number of candidates for FD2.)

Comments included:

“The drawing tool for FD2 is an absolute nightmare. It’s a complete time sink and leaves you at a ridiculous disadvantage if you choose to use it instead of hand annotating drawings. I tried to use it and it took so long that I had to give up on labelling my figures. Especially with there being 9 Figures or so this year? It’d probably take someone 40 minutes to label those completely and correctly using the tool.”

“Amending the diagrams in FD2 was relatively easy to do, however it was extremely time consuming. I believe there were 9 diagrams in total in this examination. This number of diagrams was unrealistic for the time given.”

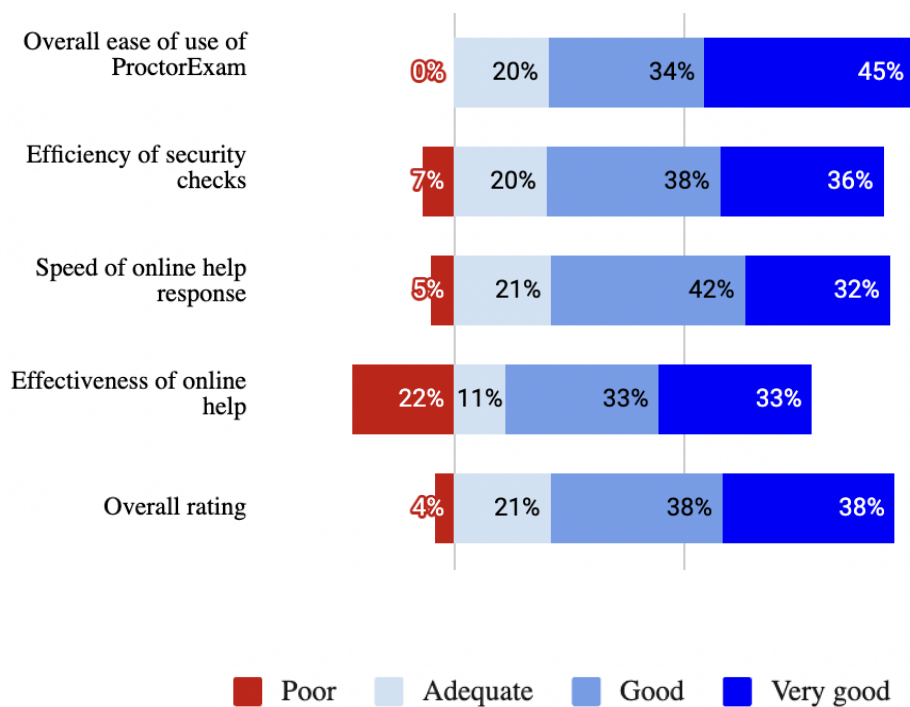
“The visual warning on the PEBX system is useless because no one has the PEBX screen up during the examination once the paper is downloaded”.

2. Views on the ProctorExam system

Satisfaction with ProctorExam was high. All respondents said that ProctorExam was easy to use (to varying degrees as shown below) with nearly half (45%) saying it was very good and 34% saying it was good.

Satisfaction was lowest for the effectiveness of online help and lower than for 2022, with 22% saying it was poor (up from 9% last year).

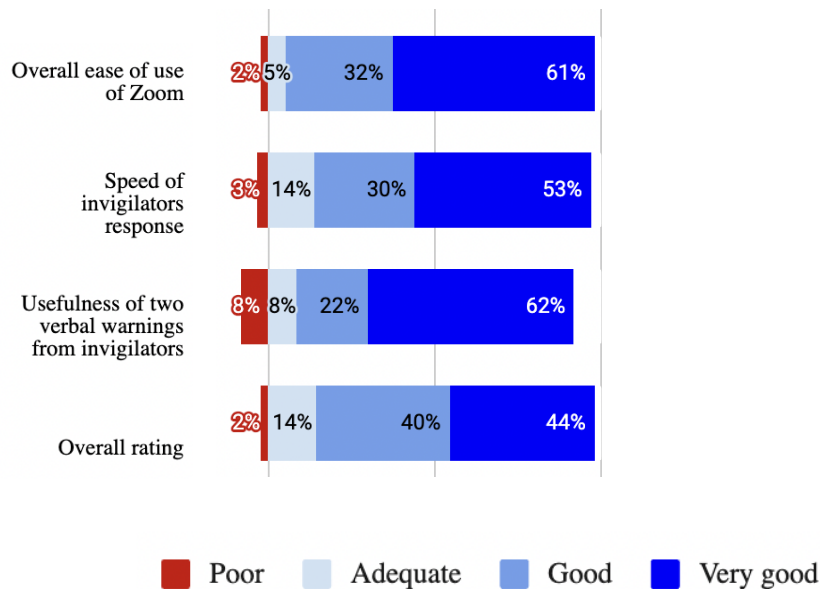
Rating of the ProctorExam system



3. Views on the Zoom invigilation

84% of respondents gave an overall rating of very good or good for the Zoom invigilation. Overall the majority (61%) found Zoom very easy to use, and more than half (53%) found the efficiency of initial checks and invigilators' response times "very good" with just 3% finding the invigilators' response too slow.

Rating of the Zoom invigilation



Overall there were fewer concerns about the quality of Zoom invigilation than last year. However, there was still some inconsistency in invigilation reported by candidates.

However, as noted in Section 1.3 above, some candidates' comments appeared to show a lack of familiarity with or misunderstanding of the published guidance information for candidates, including some comments below. (PEB clarification in italics.)

“Verbal warnings need to be before the examination finishes - ours was announced after and risk of people being disqualified.” - *The PEB has been unable to investigate this as it was not reported after the examination.*

“Zoom invigilation is almost useless. No checks were done, no monitoring of activity. Would be extremely easy to cheat. Request for reasonable adjustments difficult and inaccessible and general extremely poor” -

“The invigilators were not clear when we could begin the examination, which meant I lost 10 minutes at the beginning of the examinations. I assumed we could not start the examination until after the 10 minute printing/downloading period. These extra 10 minutes would have been extremely valuable for FD4.” - *A timeline was provided on page 11 of the Technical Requirements document. Candidates were advised to have this document with them in the examination room in hard copy. The timeline makes it clear that candidates can start work on their answers during the time allocated for printing and downloading.*

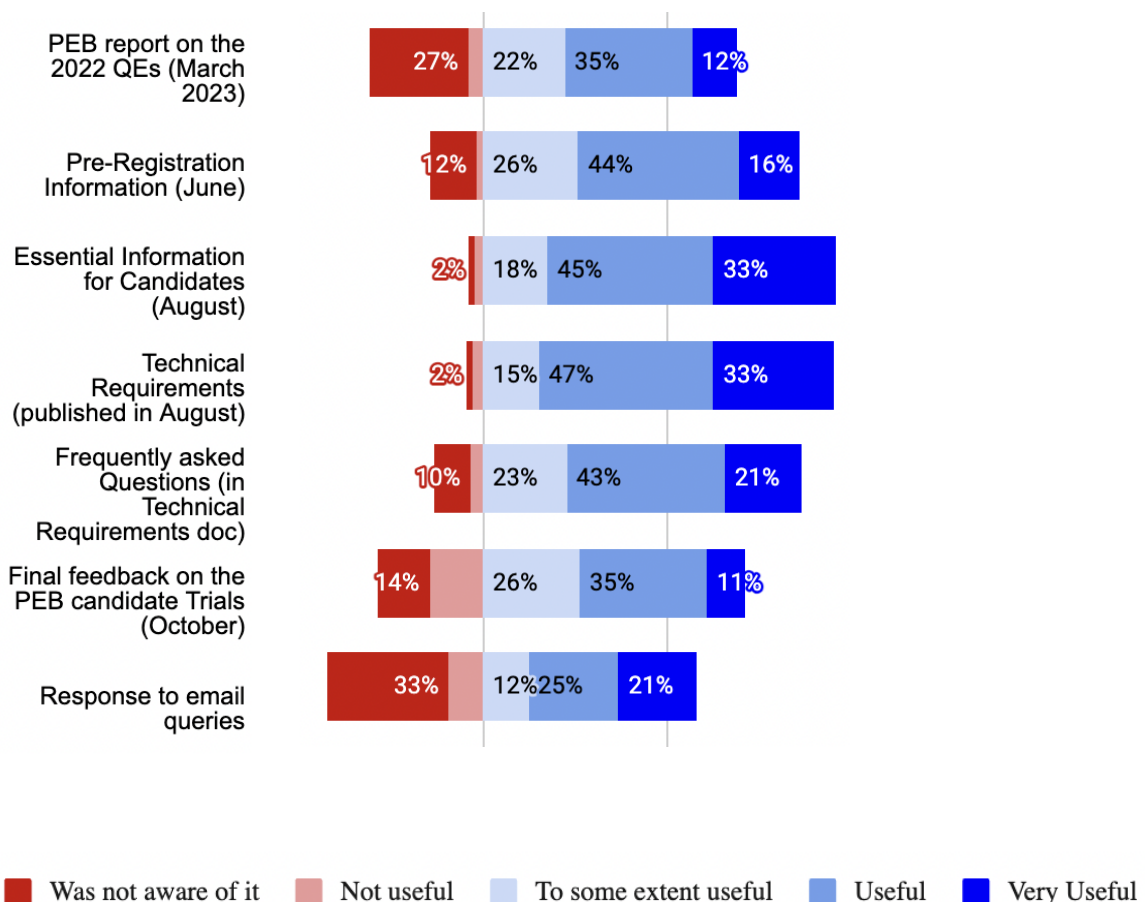
“Zoom: ask invigilators not to keep changing host from one to the other as this causes the

monitor to switch back to the zoom window and if in the middle of typing it stops you from typing and requires you to bring back up the docs. Once is fine but this happened several times throughout the examination and was not helpful. ... Also, let candidates know that they will be waiting 10/15 min before being allowed into zoom room as this can cause panic that it's not working." - Unfortunately, the "changing hosts" issue was not reported after the examination until now, so PEB has been unable to investigate or clarify what happened. However, the Zoom rooms are set up in such a way that changing host during the examination should not be possible.

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 Essential Information for Candidates and Technical Requirements - which a third of respondents found 'very useful' and around a half (45% and 47% respectively) found 'useful'.

Evaluation of PEB communications with candidates



Nearly all candidates were aware of the different materials provided, except there was lower awareness of the PEB report on the 2022 QEs, which 27% of candidates said they were not aware of.

Satisfaction with email queries improved this year, with nearly half saying they were useful or very useful (and the assumption that those who answered "now aware of it" did not send in email queries).

Comments included:

“The administration team were incredible. My queries were answered quickly and, even though I moved firms and countries between registering and taking the examination, they were very helpful. Please let them know how grateful I am for the seamless change of address etc.”

Overall there were fewer concerns about email communications than in previous years.

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 2023 examination session. In summary, the key issues raised were:

- Slow download speeds due to all candidates accessing the PEBX system at once
- Not seeing on screen time alerts when working in different windows
- Drawing tool was time consuming and difficult to use
- Not enough time for final uploading
- Burden of compliance is stressful for candidates, including clearing rooms
- Some inconsistency of invigilation
- In 2022, candidates noted that they would not see the visual time alerts as they had multiple windows open.

Several candidates commented that the reasonable adjustment process was difficult and last minute. Again, there may have been a misunderstanding on the part of some candidates. PEB clarification is provided in italics.

One candidate recommended: “Either provide more than a single opportunity to test the system, or stop refusing adjustments/mitigation to candidates that did not participate in the technical test. By all means, let participation in the test be a factor which is taken into consideration when determining whether to award mitigation and how much, but it is not fair to refuse mitigation entirely on the basis of non-participation in a test that is scheduled during peak business hours on a weekday with no alternative dates or times provided.” *It may be that this candidate's comment above was referring to special consideration, which can be requested following an examination. Non-attendance at a trial examination does not necessarily preclude special consideration being approved. As stated in the Special Consideration Policy and the Technical Requirements document, mitigation (special consideration) requests relating to unsuitable IT arrangements will not be approved if the candidate did not participate in the trial.*

Another candidate commented: “My login details for the PEBX system were changed between the technical trial and the examinations. For the technical trial I used a separate laptop and saved the login details in the browser. Then, on 5th October, I checked the PEBX system using those same login details and it indicated I was not entered for any examinations. I contacted PEB and I was told that no login details had been changed. This was clearly not the case as the details I had used and saved in the browser no longer worked. This failure is further evidenced by the fact that the Yellow Sheets announced that numerous other candidates could also not log in. There is no point in running a technical trial if changes will be made afterwards, especially if the changes are not communicated to candidates.” - *Candidates were emailed two weeks before the examinations started and asked to check that they could access the PEBX examination system with the email*

address they filled in on their online registration form. They were asked to contact the PEB immediately if they had any issues. Unfortunately, most candidates waited till a day before or the morning of their examination to contact the PEB. This caused considerable difficulties for PEB staff who were frantically trying to help candidates to access the system. PEB cannot verify the accuracy of the information in the "Yellow Sheet" as the Informals did not ask PEB to check it before publication.

Respondents also recommended making the trial examination more flexible:

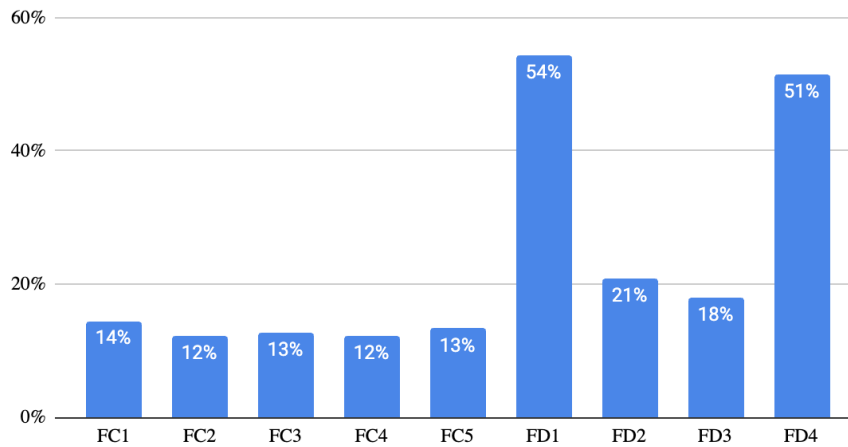
*"PEB should make the PEBX system available outside of the limited trial window, as with the EQE Wiseflow system, which can be used to practice past papers at all times leading up to the examination. This would be a more inclusive practice - I had to do my trial with my baby in my lap which was not ideal." "A longer trial examination period - only providing 2 hours in the middle of a work day is a bit limiting." "Allow longer duration for trial session to cater to candidates not located in the UK (different timezone)" - *The PEBX trials are a significant cost to the PEB and offering additional dates would increase that cost. The dates were published on the website in June 2023. PEB sought to be flexible in allowing candidates to carry out their trial on any of the scheduled days.**

*"Trial session should test the full extent of a mock examination session including an actual zoom connection. Otherwise, the trial for the finals candidate appears to be pointless beyond just connecting the PEBX system and may leave open questions for first time finals sitters." - *The trial is designed for candidates to check their IT arrangements and choice of location are suitable. Zoom is a commonly-used application and so it was not felt that it is necessary for candidates to trial it.**

Section 3: Feedback on the examination content

1. Examinations taken by survey respondents

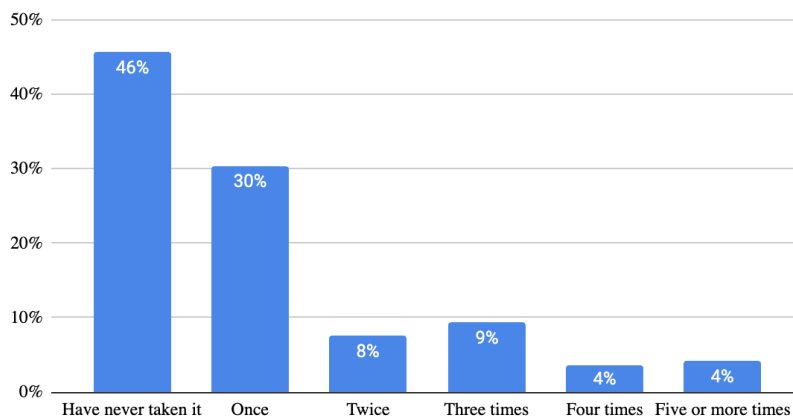
Which examination(s) did you take?



Most respondents (54%) were taking the FD1 examination, and 51% were taking FD4.

25% of respondents were re-taking the FD4 examination, 4% had taken it four times and 4% five times.

How many times have you taken the FD4 examination?



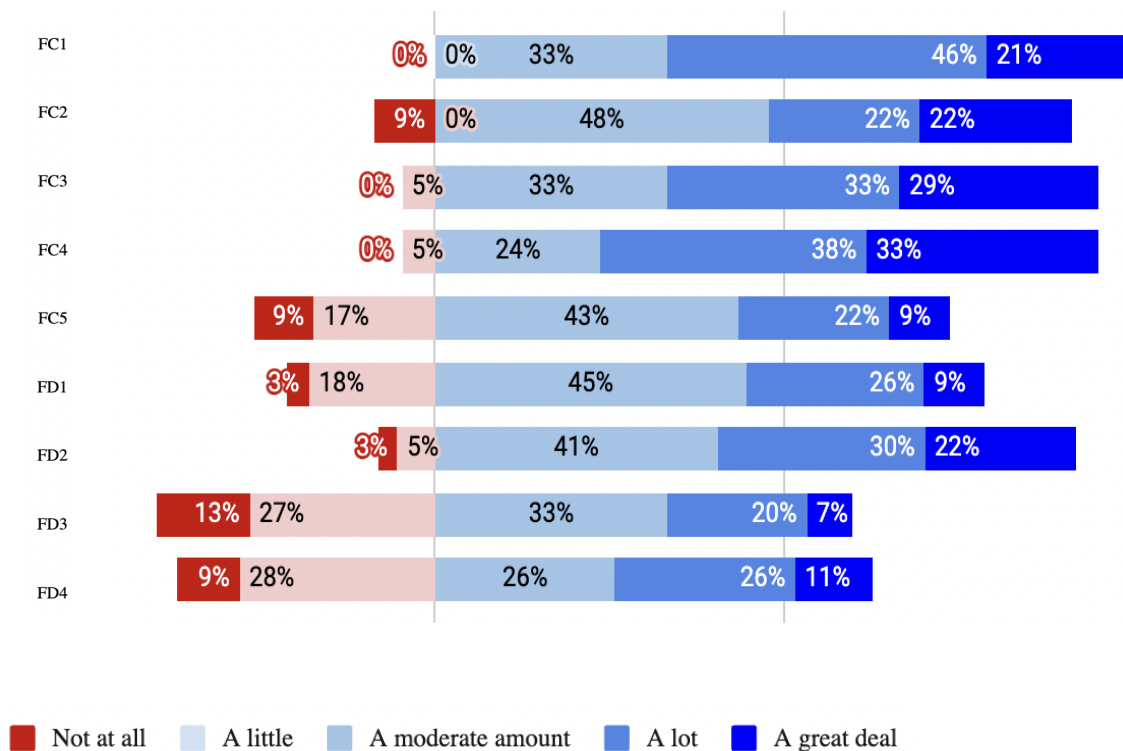
2. Satisfaction with examination content and time allowed

For the Foundation Certificate papers, satisfaction levels were generally as high as in previous years. Three papers (FC1, FC3, FC4) had high rates of satisfaction with more than 60% of candidates saying the examination gave them **a lot** or **a great deal** of opportunity to demonstrate their knowledge and understanding, and 51% for FD2.

The remaining five papers had a minority of respondents saying the examination gave them **a lot** or **a great deal** of opportunity to demonstrate their knowledge, ranging from 27% (FD3) to 43% of respondents (FC2).

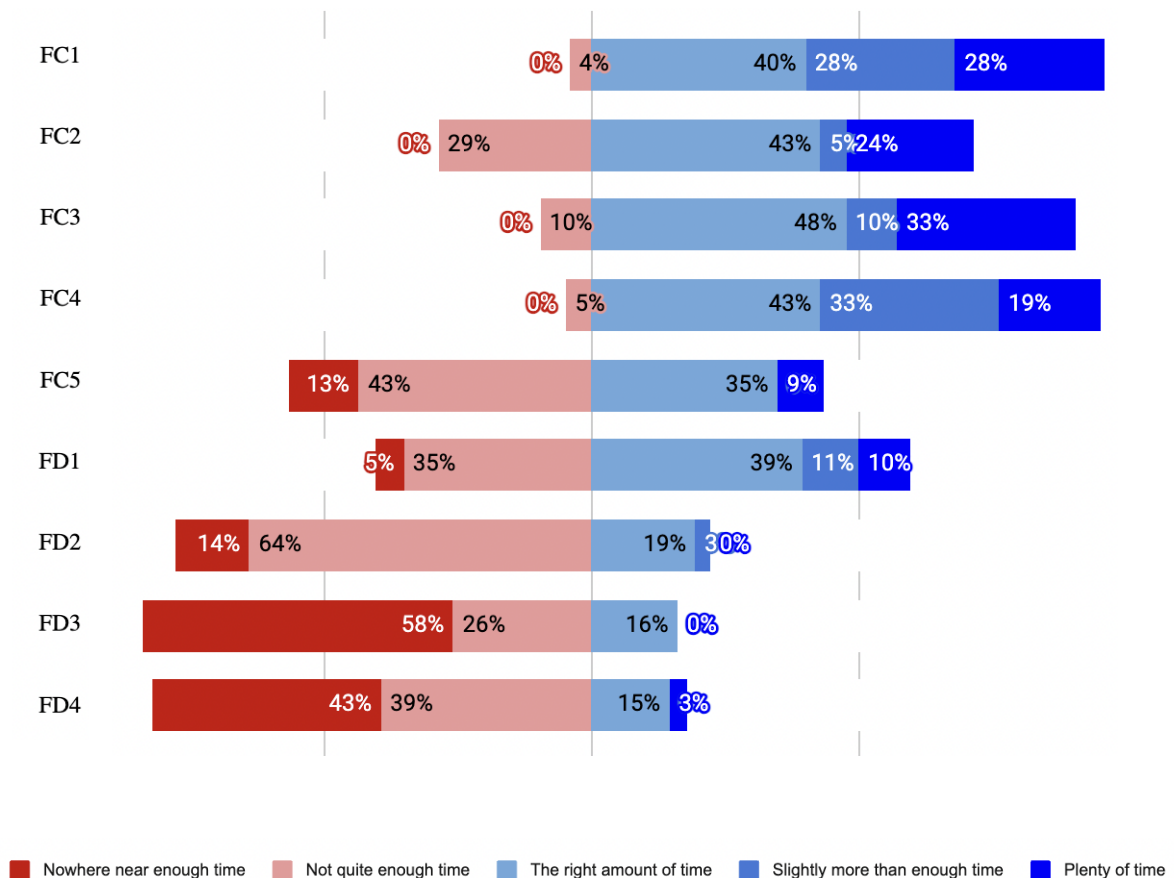
Satisfaction was lowest with FD3 and FD4, where broadly a third of candidates felt it gave them a good opportunity to demonstrate knowledge, a third felt it gave them a moderate amount, and a third answered **not at all** or **a little**.

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



Concerns about opportunity to demonstrate knowledge in FD3 and FD4 may be a result of insufficient time, as more than half of respondents (58%) said they had nowhere near enough time to complete FD3, and 26% had not quite enough time.

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



General comments on the examinations

Several candidates said the examinations are fine, and improving. One candidate remarked: “The direction of the paper was better this year e.g. 'don't talk about X' so there was less opportunity to spend time on areas that would pick up no marks.”

Some respondents feel that the low pass marks (and variation in pass rates) are indicative of a more fundamental problem with the examinations.

One candidate commented as below. However, the published pass rates on the PEB website show that the "approximate 25% pass rate" suggestion is completely inaccurate. “As ever, I remain of the opinion that the format of the final examinations isn't fit for purpose. In FD1, testing a candidate's ability to retain and apply all of UK patent and design law is not a reasonable test for whether a person is fit for practice, for at least the reason that advising a client off the top of one's head could be negligent. In practice, people look things up. The EQE seems to understand this, and has a far more real-world approach to the provision of legal advice in the form of the D paper. I would also suggest that the fact that FD4 consistently has an approximate 25% pass rate suggests that this examination is not fit for

purpose. If 75% of candidates per year were truly unable to assess patent infringement and validity, they would no longer be in the profession - particularly in private practice. In March, I passed the EQE paper C with a grade of over 70%, but have not yet passed FD4 - who is right about my ability to assess patent validity?"

Other comments included

"Past reviews of FD4 identified multiple problems with the examination, including inability to test competence. Instead of taking any comments on board, examining committee tends to double down and refuse to accept these findings."

"Comments in examiner reports to the effect of 'Candidates this year were unprepared' is quite unhelpful and demoralising. It is far more likely that a particular year's examination was harder than normal rather than a whole cohort throughout the UK is unprepared for an examination."

"The examiner's comments regarding some past paper questions can come across as quite abrasive. If a question has approximately 50% of candidates failing to understand what the question requires of them, then it is a poorly worded or unclear question. The examinations should be a test of knowledge and application, rather than a test of working out what an examiner is actually requiring, particularly in part A questions."

"It seems ridiculous and unfair that the pass rate between examinations fluctuates so wildly year to year. Clearly the examinations are not fit for purpose. I doubt the overall ability of the cohort varies much year to year, yet the pass rate does. In such case, surely there should be more flexibility in the pass mark to reflect this, not just when the drop in the pass rate is statistically significant? The perception is that candidates were punished in FD4 this year since the pass rate for 2022 was much higher than usual. PEB labour the point that examinations are sat by two (?) qualified attorneys for testing purposes, yet deflect the blame for poor results on the candidates as if that particular cohort had a collective cognitive lapse. Comments to this effect in reports are not helpful nor encouraging."

Comments on specific examinations - Foundation Certificate

PEB clarification - the content of the FC examinations is specified by the Regulator (IPReg) in its Accreditation Handbook. As regards some comments on FC2 and FC5, the PEB is required to test the topics specified by the Regulator. This applies to all providers of Foundation qualifications, not just the PEB.

FC2

Candidates felt there was too much requirement for memorisation.

"I thought that the FC2 paper in particular focussed far too much on recall of exact wording/rule numbers for the IPREG code of conduct. This appears unnecessary, and was not communicated in the syllabus (in contrast to the rest of the English law paper which requires knowledge of the law rather than perfect recall). More structure would be helpful in some 20 mark questions to ensure that candidates focus on the correct area (e.g. final q of fc5). In this vein I appreciated that more of the questions this year denoted areas of law or practice that should or should not be considered."

"FC2 is a useless examination. The overwhelmingly vast majority of attorneys will never use the knowledge they learn for FC2. In fact, it's against the code of conduct for them to use it. Rule 4 states that regulated persons should only undertake work within their expertise or

competence. Thus, were litigation ever to come about, attorneys would have to hire a solicitor. FC2 should be replaced with a compulsory course on English law that everyone has to take. It should not be a major examination. Also, it's clearly a waste of everyone's life to have to memorise the code of conduct for FC2 word for word. The same is true for FC1 and FC3. Why do you need to know the exact wording of the patents act? Again, nobody knows this in practice. They just know the meaning of the different sections, not their exact wordings."

FC3

Candidates felt that knowledge of other countries is not useful/relevant or a test of fitness to practice.

"FC3 - the entire premise of learning precise filing requirements for non-major countries is a poor use of time and does not assist in developing skills of a good attorney."

"There was one question on FC3 which I believe went beyond the requirements of the syllabus (asking whether renewal fees need to be paid on a pending French application). France is not one of the countries on the syllabus where a knowledge of national prosecution is required. More generally, FC3 is largely a test of one's ability to recall random facts (that would be looked up or checked with a foreign agent in real life). There were a large number of questions on this paper which were pure recall of such facts, and far fewer that actually rely on applying knowledge and understanding. I thought the other examination papers were fair."

"FC3 - there appears to be a shift recently where Section B questions are just a string of Section A style 'recall' questions. I understand that the FC examinations are primarily there to ensure that we know 'the basics', but some Section B questions have very little/no context."

FC5

Candidates felt the subject matter was niche and not relevant to real life practice.

"FC5 was far too time pressured. Too many questions to engage with rather than multi part questions. In general the PEB examinations are well written. Personally I believe the FC5 paper should be more formulaic given patent attorneys rarely, if ever, practice TM law. Part A FC5 questions directed to niche aspects of TM law seems deliberately cruel."

"FC5 is a frivolous examination since at no point will a patent attorney be allowed to provide any of the advice/knowledge required to pass the examination."

"The FC5 examination felt quite different to previous papers and many of us felt that this did not accurately reflect our knowledge. It is also considered somewhat unfair that we must learn TM law in such significant detail, whereas TM attorneys require little to no knowledge of patents/similar areas. How is this justified?"

Comments on specific examinations - Final Diploma

FD1

Candidates felt a narrow range of topics was unfair.

"A broader range of topics in FD1, rather than a few topics being raised in multiple questions would allow candidates to illustrate their breadth of knowledge and not penalise candidates who are well prepared in all but one topic."

“There is a balance to be had between too little detail (what are we supposed to write) and too many details (opens up far too many avenues). In the latter case, candidates only provide a cursory answer for each issue (since there are so many options). I imagine I am not alone in writing non-stop for the entire examination and will not be rewarded for providing (hopefully) sound advice just because it's not on the mark scheme. I appreciate not everything can be tested every year, but more variety in the questions would be good. It would be good to be rewarded for studying the full breadth of the Act.”

“FD1 some questions were just too wishy washy. Not only is the syllabus longer and longer each year, the questions are becoming more random - think question 1. Won't be sitting them again, my firm says "don't bother, they are a waste of time" - *PEB clarification: Syllabi are reviewed every year and changes may be made to reflect, for example, changes in law. The last time changes were made to the FD1 syllabus was 2021.*

“The questions on FD1 examinations are becoming more and more esoteric. Surely the purpose of FD1 is test a candidate is fit to practise in everyday situations, not to test how they would advise clients that are facing extremely unusual and complicated situations. There was also just not enough time to deal with the wide range of issues that the FD1 paper was trying to test.

“FD1 was less time pressured but more than previous years. Additionally, FD1 felt more like attempting to guess what was on the mark scheme than actually assessing my knowledge of the law.”

“The questions did not provide enough hints for where my analysis should go.”

“The FD1 paper needs to be completely overhauled and updated. The outdated closed book approach does not prove whether a candidate is fit to practice. It is a memory game for intricacies that would, and SHOULD, be checked by a suitable candidate before they act or give advice to a client. Therefore, at the very least, the examination should be made open book.”

FD2

Some candidates felt there were too many figures

FD3

Some candidates felt the paper was longer and/or harder than previous years

FD4

Many candidates recommended having less content which would allow them to produce better thought-through responses.

“There were too many issues in the FD4 paper. There is no need for an FD4 paper to be so complicated. For example, two independent claims and four dependent claims is completely unnecessary, because the paper would still work with much less subject-matter. Also, two completely different embodiments in the patent, three prior art analyses, indirect infringement, excluded subject matter - its's just too much, and there isn't enough time to deal with all of these issues well, and so I had to rush through many parts of the paper. How does dealing with so many complicated and time-consuming problems in such a short amount of time demonstrate a candidate is fit to practise when in real life such a situation would never be encountered? In general, the purpose of the papers is not clear - you have to be able to deal with an unmanageable amount of complex issues in such a short amount of

time. This does not demonstrate that a candidate is fit to practise in my view, because this does not reflect normal patent practice in any way.”

“FD4 - I actually think this examination is well put together. I think more time would allow for preparation and knowledge to show through more. I also think that it should not directly follow FD1.”

“With regard to FD4, this paper seemed much harder than previous years given the two independent claims and having to construe in light of two apparently different inventions. There also appeared to be many more clarity issues with the claims than usual which just added to the difficulty. I imagine the pass rate will be much lower than last year. If I am correct, I look forward to PEB spinning this as a failure on the candidate's side. Further, I doubt there is much difference in candidate ability year to year, yet the pass rate varies enormously. How is this fair? A candidate capable of passing FD4 should be able to pass ANY FD4 paper; they shouldn't need to be lucky one year. The 2022 paper had a higher pass rate than usual, was this examination framed to reign in the number of passes? If so, this is just moving the goalposts for candidates. No paper should be (significantly) harder than the last. I imagine that the Examiners will say that there was plenty of time given that people 'finished' the paper. This was not the case. We are told to attempt all sections, therefore we only provide a cursory attempt for each. Why do the papers need to change so much year to year? What does this achieve? What is wrong with an accessible invention with one independent claim and a few dependent claims? The unpredictability just adds to an already stressful examination. For both papers, candidates study incredibly hard each and every year, yet we need to pray for well-written and accessible papers. This should be a given. The papers were so ridiculous that I've accepted failure at this stage. I imagine this point comes up every year, but why not make the examinations open book? If a candidate hasn't prepared they (should) have no hope of passing not least because they don't know what issues to discuss/where to look. And for those that have prepared, they can just double check their deadlines/wording of the law. I would never dream of giving advice to a client without checking any uncertainties I might have.”

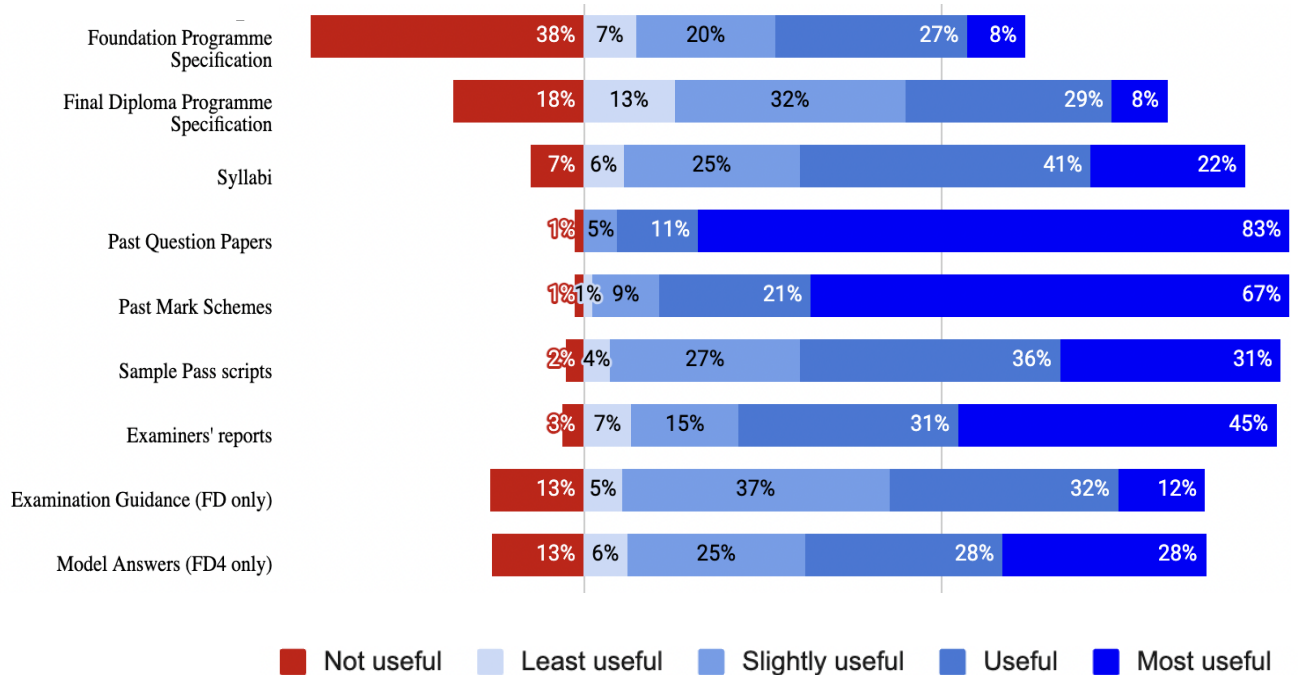
“FD4: To avoid any doubt, I'm in favour of this examination and the style in which it is set. However, there is simply not enough time to provide a fully considered response. I think there are two options when taking this examination. (1) Rush, go with your gut or initial impression, and complete all the sections. If you're lucky you pass and if you're very lucky you get a very good mark. (2) As I would in the real world: fully consider the materials provided, take time to consider different options, and plan out your answer in full. However, typically, sitters run out of time with this approach when writing up the answer, despite having an answer fully planned out - if you're lucky you'll scrape a pass. Why is FD4 a test of speed? With a level of complexity as in 2023 (6 claims, two independent) - an extra hour would be justified. Or, instead, why not just have a set limit of five claims (one independent) or four claims (two independent); in this case, I'd wager a good amount that the quality of the inventive step and advice sections would improve considerably!”

Other comments included:

- More consistency/ predictability in the mark schemes needed
- Take care with sensitive material that can make candidates feel queasy (mentioned by two candidates)
- Subject matter was difficult for candidates with more of a chemistry or biology background.

8. Satisfaction with the published PEB support materials

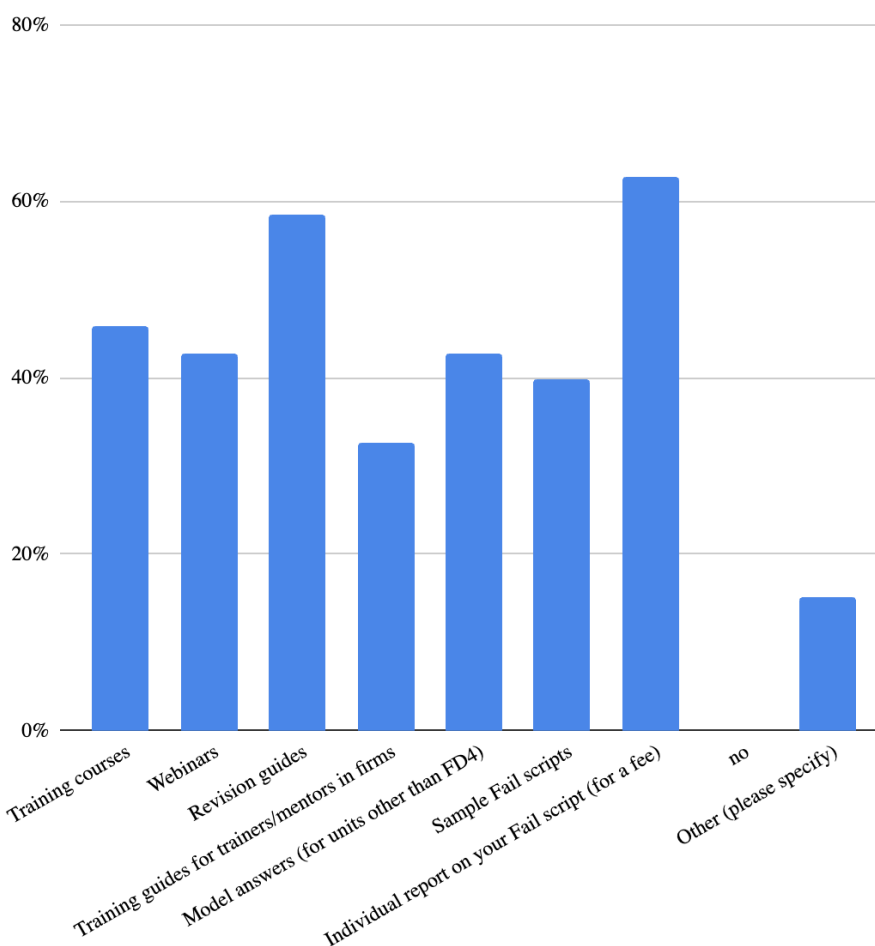
Usefulness of published PEB support materials



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

Lowest ranked were the Programme Specifications: 38% of respondents found the specifications for the Foundation Certificates not useful, and 18% found the Final Diploma specification not useful.

What other support should be made available?



One candidate noted: “For the foundation examinations, there is a huge amount of book learning required. The wording of the various acts must be memorised, and the rules, and for FC3 in particular one must memorise factual details about a large number of countries. The JDD courses are generally woeful but they do provide candidates with a set of notes to work from (i.e. they provide a course booklet which contains all of the information that the candidate needs to learn as per the syllabus). As an in-house trainee with no financial support for qualification, I cannot over emphasise how much time it takes to use the syllabus to extract this information for one's self. If one has attended the JDD course and has access to these notes, they are then placed at a huge advantage. However these courses are typically around £800 for each of 5 papers (£4000 in total) meaning only those whose employer is paying can attend. The PEB should engage some of the course tutors or other individuals to prepare their own versions of such notes and make them available (for a fee even) to candidates who take the examinations. These could be published as course guides for each of the papers. It would require minimal work to update these each year once the initial work is done. This would put everyone on a level playing field, and would encourage JDD to improve their courses if they are to remain competitive.”

Only 29% of respondents said they were familiar with the document “How Qualifying Examinations are Marked”. Of these 20% were very confident that the process leads to fair

outcomes (up from 9% last year). 63% had some confidence, and 20% had little or no confidence.

9. Summary of specific issues/recommendations highlighted by survey respondents

Significantly fewer recommendations were made this year, suggesting that some of the issues highlighted in the 2022 survey had been satisfactorily addressed.

Key recommendations are (PEB clarification in italics):

- Reduce course content and make it more relevant to everyday practice so that it is a fair test of fitness to practice and candidates can develop higher quality answers
- Spread the examinations out to allow recuperation in between - *Since 2021, the examinations have been spread over two weeks. If they were spread over a longer time period, there would be a resulting impact on the examination processing schedule and thus a delay to issue of results.*
- Make the examinations open book to reduce the need for large amounts of memorisation
- Release the results earlier - *The PEB has a relatively small team of examiners carrying out the marking and follows detailed quality assurance processes to ensure the accuracy of results. Unfortunately, it is not feasible to reduce the timescales involved in results processing.*
- Run the examinations more regularly to allow for retakes - *As above, the team of examiners is small and they mark alongside carrying out professional patent attorney roles. Again, the PEB's quality assurance processes take time.*
- Provide simpler and clearer information for candidates, and ensure any changes are communicated quickly - *The PEB attempts to keep the information for candidates to the minimum. However, the content of the Essential Information and the Technical Requirements documents has to a great extent followed from candidates' queries to PEB and feedback such as responses to the Candidate Survey.*
- Allow candidates to access the trial examination at more flexible times and for a longer period - *See Section 2.5 pages 11-12.*