

Legal Profession Admission Board

September 2022

Intellectual Property

Examiner's comments

General observations

As in past examinations, all topics in the course were covered in the examination questions (except Trade Marks, which was the focus of the assignment). Patents and Copyrights were given more weight than Designs and Confidential Information because they were covered more extensively during the lectures.

It was the expectation of the examiner that candidates would be familiar with the relevant statutes and leading authorities for each topic. In answering the questions, candidates generally displayed a sound understanding of the principles of intellectual property law and the practical application of those principles. Nearly all of the students answered all of the questions. The difference between higher and lower marks was generally reflective of the scope and extent to which issues were identified and analysed.

Twenty-seven (27) candidates sat the examination. Final marks were in the range 52% to 85%. Eight (8) candidates were awarded a Pass Distinction grade, twelve (12) candidates were awarded a Pass Merit grade and seven (7) candidates were awarded a Pass grade. The final marks and grades were generally consistent with, albeit slightly lower than, past examinations.

As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

Questions

The examination comprised four questions. Candidates were required to attempt all of the questions. Question 1 was a multi-issue problem question on Patents worth 25 marks. Question 2 was a multi-issue problem question on Copyrights worth 25 marks. Question 3 was a multi-issue problem question on Designs worth 15 marks. Question 4 was a multi-issue problem question on Confidential Information worth 15 marks.

Exam self-evaluation - Take-aways for students

Students are encouraged to consider the following points:

- Did I approach the open-book format in an honest and appropriate way?

- Are the responses my own work?
 - Did I manage the time well?
 - Did I answer all required questions?
 - Did I address each point in each question?
 - Did I acquire enough knowledge in the course and considered it sufficiently prior to exam to be able to focus on critical thinking of each issue while responding to exam questions?
 - Did I focus on analysis, synthesis and evaluation rather than restatement of facts and information presented in the lectures and course materials?
 - Did I identify and apply the right legal principles?
 - Did I offer sufficient support to each argument and cite correct authorities?
 - Did I reach a conclusion on each issue identified and at the end of each response?
 - Where was my knowledge of this subject deficient?
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