

FACULTY OF LAW
POSTGRADUATE DIPLOMA IN INTELLECTUAL PROPERTY LAW
AND PRACTICE 2019-10
Examiners' Report 2020

Part I

A. STATISTICS

(1) Numbers and percentages in each class/category

Category	2020#		2019		2018		2017	
	No	%	No	%	No	%	No	%
Distinction	15	21.43	9	13.24	10**	14.29	8	12.12
Merit	15	21.43	21	30.88	n/a***	n/a***	n/a***	n/a***
Pass	35*****	50	34*	50.00	55****	78.57	57*****	86.36
DDPGD*****	1	1.43	0	0	0	0	0	0
Partial Fail	4	5.71	4	5.88	5	7.14	1	1.52
Fail	0	0	0	0	0	0	0	0
Total	70		68		70		66	

The assessment regime and criteria were substantially altered in 2020 in response to the Covid-19 pandemic (see Section B below).

*includes one candidate who withdrew from two papers in 2017-18 and completed the Diploma in 2018-19

** includes one candidate who withdrew from three papers in 2016-17 and completed the Diploma in 2017-18

*** the merit award was introduced in 2019, and not available in earlier years

**** includes one candidate who withdrew from three papers in 2016-17 and one candidate who withdrew from two papers in 2016-17 and who both completed the Diploma in 2017-18

***** includes three candidates who withdrew from two papers in 2015-16 and completed the Diploma in 2016-17

***** this award was introduced in 2019-20 due to the Covid-19 pandemic.

***** includes one candidate who withdrew from two papers in 2018-19 and completed the Diploma in 2019-20.

(2) Vivas are not used in the IP Diploma.

(3) Marking of scripts

Scripts are double marked according to the criteria in the examination convention. Additionally, in 2020, a small number of scripts for coursework assessments were double marked at the request of the Board or the Chair of Examiners to ensure consistency of approach between markers. Overall, 135 out of 333 coursework assessments (40.5%) and 18 out of 62 examination scripts (29.0%) were double marked in 2020.

No scripts were third marked.

Further details as to the second marking of scripts can be found in section B below.

NEW EXAMINING METHODS AND PROCEDURES

B. The Covid-19 pandemic had substantial impacts upon the end of the academic year and upon the assessments (coursework assignments in Copyright and in Designs and the written examinations, IP1 and IP2) that would ordinarily be taken in that period. In consequence, the following adjustments were made to the assessment regime either by a decision of the University or by the Board implementing policies and guidance received from the University:

1. The deadline for the Copyright assignment was extended by 48 hours from Friday 3 to Sunday 5 April.
2. The Board took the impact of the pandemic upon teaching into account in applying a 2 mark upwards scaling adjustment to the Designs assignment.
3. The two closed-book written examinations, IP1 and IP2, were replaced by a single, online, open-book examination, Intellectual Property I and II, with a duration of 8 hours. The paper required candidates to answer 3 questions, comprising 2 compulsory problem questions and 1 of a choice of 3 essay questions.
4. Following the change to the mode of written examination, and to give effect to the University's safety net, the assessment criteria for the Diploma were adjusted as follows:
 - a. The number of marks of 70+ required for a Distinction was reduced from 3 to 2.
 - b. The number of marks of 65+ required for a Merit was reduced from 4 to 3.
 - c. Candidates were required only to pass the written examination, and a mark of below 60 in the written examination could not deprive the candidate of a Distinction or Merit gained by marks in the coursework assignments.
 - d. Similarly, a mark of below 60 in the Copyright or Designs coursework assignments could not deprive the candidate of a Distinction or Merit gained by marks in the earlier coursework assignments.

Following concerns expressed at the meeting of the Board and in the examiners' report for 2019, the examination convention was amended to make clear what is, and what is not, good academic practice with respect to compliance with word limits in coursework assessment, and to set out the possible consequences of poor academic practice (including refusal to mark an assessment and/or reference to the Proctors).

The Board adopted a system of checks to verify that word counts have been accurately reported and not artificially suppressed (see Part II, Section A.4 below). These checks were administered by the Diploma Administrator and the Chair, and penalties applied with reference to a scale agreed by the Board.

To account for the continually changing legal landscape due to Brexit, the Board adopted the practice of instructing candidates to complete coursework assignments with reference to the law in force at the date of issue of the assignment and to sit the written examination with reference to the law in force at the cut-off date.

C. In light of the University's policy that examinations should, where possible, be undertaken online in the academic year 2020-2021, the Board recommends that the written examination, Intellectual Property I and II, should continue in its present format for the coming year, subject to any adjustments that the course director/Diploma Management Committee may consider necessary in light of the experience of running the exam this year.

The Board recommends that consideration be given, by the incoming Board and the Diploma Management Committee, to adjusting the assessment criteria to reflect the fact that the prevailing conditions in 2020-21 will be different from those at the end of the present academic year and to give due weight to the written examination in the calculation of awards.

The Board also recommends that the following practices, adopted for the first time in 2019-20, be continued: (a) the word count requirements and checks (see Section B above), (b) the practice of giving instructions to deal with the continuing effects of Brexit (see Section B above), and (c) the case list.

D. The proposed amended form of the examination convention, and a further Notice to Candidates, is attached to this report (Annexe 2).

Part II

A. GENERAL COMMENTS ON THE EXAMINATION

1. Second and third marking

See Part I.A(3) above.

2. Materials in the examination

The written examination, Intellectual Property I and II (see Part I, Section B above) was conducted on an open-book basis. Candidates were provided for the first time with a case list.

3. Legibility

All examination scripts were typed.

4. Word limits in coursework assessments and written examination

The Board adopted a system of checks to implement the amended requirements in the examination convention concerning word count for coursework assignments (see Part I, Section B above). For each coursework assignment, a sample of scripts was spot checked for compliance with the requirements concerning (a) number of words, and (b) appropriate citation practice/suppression of word count. Scripts flagged as breaching the requirements in either respect were flagged, and the remaining coursework assignments for these candidates were routinely checked

for compliance in the relevant respect. The Board applied penalties for non-compliance with these requirements with reference to an agreed scale, with some small adjustments in cases where the Board considered that approach would disproportionately penalise a candidate. In one case, involving the Patents 2 coursework, a candidate's breach of the word count requirement was sufficiently serious for the Board to decide that the candidate's answer to the relevant question should not be marked.

In the written examination, a word count limit of 1,500 words per answer was applied. All scripts were checked for compliance with this limit, and markers were instructed not to mark the sections of questions that exceeded the limit.

5. Scaling Adjustments

Having reviewed the markers' profiles for all of the coursework assignments and the written examination, and considered the impact of the Covid-19 pandemic, the Board agreed to apply a 2 mark upward scaling adjustment to the Patents 2 and Designs coursework assignments. The Board did not consider that any other adjustment was necessary, in light of other measures taken.

6. External Examiner

Dr. Naomi Hawkins completed her 3-year term as our External Examiner. She has continued to make a valuable contribution to the Board's activities, in the face of testing circumstances. Dr. Hawkins has submitted her examiner's report separately.

Internal Examiners

Luke Rostill and Brian Cordery joined the Board for what has proved to be an extremely busy and challenging year. The Chair expresses his gratitude to them for their support in conducting the assessments in the Diploma this year.

7. Assessors

In addition to the examiners, **34** colleagues were assessors. This number is made up of **31** professional colleagues and includes **3** academic colleagues, one of whom was from another university. We are very grateful to them for their commitment to the effective functioning of the IP Diploma. In particular, the Board is grateful to the course director, Professor Robert Burrell, for his work in designing, drafting and implementing the new online examination.

8. Diploma Administrator

Above all, the Board and the Chair of Examiners, in particular, would like to thank Mrs. Ellen Moilanen for her incalculable efforts to ensure the smooth-running of the Diploma. There have been many challenges in this extraordinary year, but she has been a match for all of them.

EQUAL OPPORTUNITIES ISSUES AND BREAKDOWN OF RESULTS BY GENDER

Category	2020				2019				2018				2017			
	Male		Female		Male		Female		Male		Female		Male		Female	
	No	%	No	%	No	%	No	%	No	%	No	%	No.	%	No.	%
Distinction	9	33.33	6	13.95	3	10	6	15.79	5	18.5	5	11.63	4	12.12	4	12.12
Merit	5	18.52	10	23.26	8	26.67	13	34.21	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Pass	11	40.74	24	55.81	19	63.33	15	39.47	19	70.38	36	83.72	29	87.89	28	84.85
Fail	1	3.70	3	6.98	0	0	4	10.53	3	11.11	2	4.65	0	0	1	3.03
DDPGD	1	3.70	0	0.00	0	0	0	0	0	0	0	0	0	0	0	0
Total	27	38.57	43	61.43	30	44.12	38	59.38	27	38.57	43	61.43	33	50.00	33	50.00

C. DETAILED NUMBERS ON CANDIDATES' PERFORMANCE IN EACH PART OF THE EXAMINATION

	70 plus		65-69		60-64		50-59		Under 50		Total
	No.	%			No.	%	No.	%	No.	%	
Patents 1	12	17.9	12	17.9	20	29.9	21	31.3	2	3.0	67
Patents 2	9**	13.4	19	28.4	20	29.9	17	25.4	2	3.0	67
Trade Marks and Passing Off	11	16.4	16	23.9	26	38.8	14	20.9	0	0.0	67
Copyright	10	15.2	23	34.8	20	30.3	13	19.7	0	0.0	66
Designs	9**	13.6	16	24.2	26	39.4	14	21.2	1	1.5	66
Intellectual Property I & II	13	21.0	28	45.2	15	24.2	6*	9.7	0	0.0	62

*includes one candidate who withdrew from two papers in 2018-19 and completed the Diploma in 2019-20

**includes scaling adjustment (see Section A.5 above).

D. COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS

These appear in Annexe 1.

E. COMMENTS ON THE PERFORMANCE OF IDENTIFIABLE INDIVIDUALS AND OTHER MATERIAL WHICH WOULD USUALLY BE TREATED AS RESERVED BUSINESS

These appear in Annexe 3.

Professor A. Dickinson
Brian Cordery (IPLA)
Dr. N. Hawkins (External)
Dr. Luke Rostill

Annexe 1 – Reports on individual papers

Annexe 2 - Examination Convention and Notice to Candidates (marked to show proposed changes)

Annexe 3 – Reserved matters

Annexe 1

COMMENTS ON PAPERS AND INDIVIDUAL QUESTIONS

A breakdown of the marks on each paper appears at Part II.C of this report.

A. Coursework assessments

Patents 1

Most candidates dealt well and succinctly with many issues arising from the scenario, not just as to the identity of potential defendants, but also as to which items and which acts infringe which claims. The standard of the answers was generally high. A few specific points arising are set out below.

1. A claim chart is normally useful when getting engaged in patent litigation; even the act of drawing one up can focus your attention on the integers of the claims. And a claim chart is particularly useful in this case – with a number of potential defendants, more than one infringing system and several infringing acts under Section 60. Most answers which did not include a claim chart would have been improved by using one.
2. Most candidates identified the main defendants but many did not comment on the alternative possible bases for personal liability for the individuals as primary infringers or as joint tortfeasors. Candidates did not always spot the question of whether placing items together could constitute “making”, and only a few candidates noted that claim 1 is a claim to the outer bag alone so this kind of “making” would apply to the dependent claims but not to the independent product claim. There was some confusion over the knowledge requirements for s60(1)(b) and s60(2), particularly as it relates to the staple commercial product defence. Many candidates noted the possible s64 defence for Arnaud but few commented on whether that might protect the company. Not all candidates noted that suppliers and customers might be defendants.
3. Some candidates cited *Nestec* as authority for the proposition that staple commercial products can only be commodities, not manufactured goods, but that overlooks the conclusion Arnold J drew in [182], that “in order to qualify as a staple commercial product, a product must ordinarily be one which is supplied commercially for a variety of uses” and assumes that he confirmed the judgment of HHJ Ford in *Sony v Pavel*, which he did not. *Nestec*, if anything, supports the (unsurprising) proposition that a standard supermarket carrier bag is a staple commercial product.
4. The facts support various allegations of common design. Whether it is worth a claimant shouldering the additional burden of proving joint tortfeasorship is a question of tactics and cost/benefit, but the possibility should be mentioned in the answer. Many candidates did note the cost/benefit implications of suing customers.
5. Most candidates noted the defects in title to the patent. Many candidates noted that the application can be made in any name. Most candidates drew attention to the assignment being signed only by Maurice. Stronger answers noted that this

would not comply with EPC requirements to assign an application and that this required an analysis of whether the invention or the application was being assigned. Some noted that the terms of the document may require signature by both parties and that the assignment should be reviewed to check. Several candidates drew incorrect assumptions from the appearance of a name on the cover of the patent: this indicates the registered proprietor at the time of grant. The actual proprietor is a question of entitlement and may differ from the registered proprietor. Most candidates realized that backdating an assignment is impermissible, and ineffective.

6. Question 2 allows for a range of different approaches and different conclusions. A good answer will identify the fact that there is a variety of possible arguments on infringement. Question 2 specifically leaves validity out of issue. All subsidiary claims are dependent on Claim 1, and answers should make it clear that the infringed claim must have all the features of Claim 1, and any other claims on which it is dependent. The concept of claim dependency is an important one. Good answers followed through dependencies on other claims, for instance noting that claim 4 may be infringed as dependent on claim 1 and 2 but not on claim 3.
7. Most candidates referred to the statutory test for normal construction and to the doctrine of equivalence. Good answers reviewed construction issues on each claim and gave a view on how they would be applied, for instance considering what “configured” might mean in claim 1 and “single use” in claim 2. Some answers were not clear in distinguishing a normal approach from doctrine of equivalence. Many candidates missed the issue in claim 5 of whether the order of steps were important. Some candidates dealt with claim 6 at an intimate level of detail that in context was not appropriate.
8. Question 3, on validity, required a consideration of alternative positions. The scenario created questions as to whether the applicant had title to claim priority, and as to whether claim 4 was entitled to priority. It also created questions as to whether the disclosure from Maurice to Emily was confidential or not. Better answers recognized that Maurice’s disclosure in a crowded pub might be compromised even if there were confidentiality obligations in place with Emily. Some candidates failed to deal with the alternatives in these scenarios. The loss of priority opened the door to intervening prior art and the confidentiality issues raised questions about the application of s2(4). The best answers recognized that UK authority on s2(4) might be ripe for revisiting and that the relevant date might be priority rather than filing.
9. No answer identified all of the prior art (at least 1960 string bag, Emily's granny's string bag lined with greaseproof paper, Maurice's disclosure to Emily, Maurice's disclosure to others in the bar, Emily's box, Emily's disclosure to Sam, Sam's showing Arnaud, IBCs, article describing IBCs, Maurice's disclosure to Felicity, Maurice's disclosure to Grove Futures, Arnaud's demonstration at Birmingham, Daily Mule article). Some candidates incorrectly identified the priority application as novelty-destroying prior art in the event that priority was lost, although there is no suggestion in the scenario that the priority document was ever published.

10. Candidates that included a claim chart, at least to identify issues, tended to deal with matters more logically and comprehensively. Candidates tended to deal well with novelty. Inventive step was more variable, with better answers identifying the reasons for obviousness, pulling from the question indicators of what might constitute the CGK and identifying routes the skilled person might consider. Many candidates identified the potential insufficiencies for claim breadth and for uncertainty.
11. Sam's demonstration was relied on by some candidates as an indicator that undue experimentation would be required (because it did not work and broke) and by others as an indicator that the patent could be readily implemented and probably was sufficient. While either answer was acceptable, the former answer may not place sufficient weight on the bag being old and rotten.
12. Some suggested that a lined string bag was an obvious application of a modified IBC. While that reflects the source of Maurice's inspiration, it did not make for a convincing argument.
13. There is not a lot to go on for an obviousness attack. Where lack of inventive step is mentioned it should be dealt with separately from lack of novelty. They are two different concepts. That does not mean to say that there needs to be separate main headings. Some candidates dealt with novelty and obviousness on each piece of art; this requires care to cover the two separately but done well it can be entirely workable. Others approached them each piece of art separately in separate novelty and obviousness sections; this makes separation easier but can lead to repetition and wordiness. In better papers, neither route appeared preferable over the other.
14. Some candidates raised an added matter objection in relation to the fact that claim 4 did not appear in the priority document but did appear in the application as filed. There was no possible added matter objection as the patent as granted was identical to the application as filed; the priority document is a different application and changes raise questions of entitlement to priority, not added matter.
15. Question 4 was generally not answered well. Most candidates focused on the possibility of amending the claims. It is fundamental that amendments should not introduce matter that is not disclosed in the specification, and should not broaden the scope of protection although some candidates did introduce broadening amendments into claim 5. Possible simple amendments were claim deletion, or limiting claim 1 to a bag. Some candidates proposed re-writing of the specification in a way that added matter.
16. Many candidates ignored the possibility of taking action to perfect title to the extent possible, and of making changes to the register.

Patents 2

Introduction

This assignment involved a relatively straight-forward mechanical invention for a combined portable water bottle and drinking bottle for pets, especially dogs. It was designed to enable candidates to demonstrate their knowledge of construction and infringement issues including equivalents and indirect infringement. On the validity side, there was a formalistic priority issue and various prior disclosures and prior art documents to consider. Most candidates picked up the major points.

Construction and Infringement

Just about all candidates were able to spot that claims 1 to 6 of the patent under consideration were product claims and that claim 7 was a process claim. Claims 1 to 4 did not necessarily require that the drinking vessel had to be portable which was relevant to the issue of validity. However claim 5 demanded a carrying strap or handle which implied portability. Not many students picked this point up. A key aspect of claims 3 and 4 was that the bowl and reservoir should be connected by a channel. There was information in the specification about the role of the channel which was to allow water to pass from the reservoir to the bowl and vice versa. Not many students considered the specification and the two way flow of water which was important when looking at infringement by equivalence.

On infringement, most students recognised that it was very difficult to allege infringement of claim 6 when the alleged infringing device did not in any way possess a filter. It was just about plausible to argue infringement of the method claim 7 although it was a stretch and most candidates recognised this.

The obvious main Defendant was Derwent Dog Drinks Limited. On the facts, the Irish company Skibereen Supplies Limited was also an indirect infringer, having supplied means relating to an essential element of the invention with the requisite knowledge set out in Section 60(2) Patents Act 1977.

Given that DDDL was a relatively new company, several candidates included Benjamin Bowfell in his personal capacity as a Defendant. The point was arguable. Most candidates recognised that the shop selling the infringing Yewbarrow product, Hellvellyn Hardware, was technically infringing the patent but was unsuitable as a Defendant because it was a potentially customer of Wainwright's Waterbottles. The better view was not to include Hellvellyn Hardware as a Defendant.

Several candidates confused the knowledge requirement contained in Section 60(1)(b) and Section 60(2). This issue usually comes up in the coursework and candidates should take care to understand the differences and plead the issues accordingly. Where knowledge is required it is usually best to include separate "Particulars of Knowledge" in the pleading.

Invalidity

Where a patent claims entitlement to priority, it is usually best to start to with an assessment of this issue since this will determine the date at which validity is assessed for novelty and inventive step. For priority there are usually two issues to assess: (i) substantive priority – does the priority document contain an enabling disclosure of the invention in the later patent application; and (ii) formalistic priority – is the applicant for the patent application the person who filed the priority document or their successor in title? In this problem, there was clearly no issue as to substantive priority because the documents contained the same

disclosure. However, there was a potential formalistic priority issue as the priority document was filed in the name of Arianna Ambleside and the application was filed by WWWL. Most candidates picked up this issue and many went on to discuss how the English patents courts have tended to rely on principles of equity to soften the potentially harsh results.

Where entitlement to priority is in issue, it is best to plead out the issues specially to two dates – the priority date and the filing date. Many candidates did this well although some of the pleadings were confused. Since there is no word limit on the pleadings, there is no problem to take a little more space and a few more words to do this.

If priority was maintained, then the potential novelty destroying events were the disclosure in the Lingmoor Arms from Arianna Ambleside to Benjamin Bowfell and subsequently from Benjamin to Clara Catbells. Most candidates picked up the disclosure from AA to BB but not many the disclosure from BB to CC. There was a question of whether the disclosures were in breach of confidence and whether Section 2(4) of the Patents Act applied. Most candidates picked up that the law on Section 2(4) is uncertain, with the reference to the “filing date” making the section largely redundant if literally interpreted.

In terms of prior documentary disclosures, the dog drinking bottle on the Yangtze website was worth pleading against claims 1 to 3 but not the other claims. Too many candidates failed to undertake a claim by claim analysis. The Barrow University drinking vessel was not suitable as a novelty citation.

For obviousness, it was worth re-pleading all the novelty citations and also the common general knowledge. This time, more claims could be put in issue although Claim 5 was probably not obvious of the Yangtze bottle because the carrying strap implied portability.

If the patent was not entitled to priority then the display of the prototype device at the Cumbrian Innovations Show came into play for novelty and obviousness. Most candidates recognised this and also the fact that it did not matter that only seven people attended, that they had to pay an entrance fee and that the attendees were too inebriated to focus on the exhibits. It would have been better if more candidates had considered recent case-law on prior use in potentially public areas such as the Hozelock v Emson case.

Several candidates pleaded breadth of claim insufficiency particularly in relation to claim 1. The setter did not intend for candidates to major on insufficiency and there will generally be scope to criticise the brevity of the specification in any coursework question because they are deliberately written to be digestible and easy to comprehend.

Trade Marks and Passing Off

Overview

The coursework was based on a cycling business encountering various trade mark problems.

Students were generally good in focusing their answers on trade mark law and litigation strategy, and indicating in their answers what further advice and information might be needed.

Papers were generally well-structured and easy to follow. The better papers showed a strong application of the law to the facts, and gave concise strategic answers.

Question 1

This question had the most marks and nearly all candidates quite rightly focused their efforts on answering it fully. There were a few common themes of areas where points could have been picked up but weren't – these usually involved candidates jumping to conclusions and not carefully considering the fact pattern:

- Several candidates immediately assumed that the customer who mentioned the bike race team was evidence of confusion/deception. The better candidates said we needed to know more about the context of the comment to assess whether it really was that.
- Again, many candidates immediately assumed the TEAM CRESCENDO sign was being used in relation to clothing. This led to quite a lot of the answer being devoted to the LOC test. Better candidates considered whether the goods were actually bikes or possibly sports teams.
- Many candidates queried whether TCSC could show goodwill and what evidence might be needed, but did not pick up on the fact that they had a longstanding repeat customer and had been located in the shop for well over 40 years. Although not determinative, they are clearly relevant facts.
- Goodwill should be compared with reputation needed for trade mark infringement if, indeed, the goods are bikes as opposed to clothing. Some candidates just said what type of reputation was needed without taking a stab at whether or not TCSC would have a reputation in the EU - unlikely given they have a single shop and the nature of their business (made-to-measure, requires f2f interaction).
- Several candidates failed to pick up on the potentially wide specifications that had been registered by CBL and whether they could be challenged by TCSC.
- Candidates who use extensive bullet points or multiple abbreviations need to be absolutely sure that their answers are still as easy to follow as those written in a more narrative style of writing.
- Citing multiple cases without any / with little application to the facts, or taking a view on merits, often suggests a lack of understanding of the subject matter.

Question 2

The law and facts for this question were very straightforward, but an important purpose of this question was to test whether the candidates could be commercial in giving their advice. Therefore, candidates who thought of interesting ways to address the problems caused by the two prior conflicting marks scored well. Even a simple suggestion such as 'choose a different name as there are no sunk costs yet' would have shown the commercial thinking we were looking for. Other possibilities were filing for CRESCENDO TUCKER, or filing with a very narrow specification.

Some candidates did not differentiate clearly between the risks and consequences relating to *use* on the one hand and *registration* on the other. For example, TRUCKER'S TUCKER presents a high risk to registration, but a low risk to proposed use as the registrant is unlikely to consider CBL to be a serious commercial threat to its business, which is very different.

In relation to TUCKERS, most candidates suggested filing a non-use action, but some candidates did not think just to let the mark lapse (and better candidates mentioned the 6 month grace period for restoration).

In relation to both prior conflicting marks, most candidates suggested approaching the owners for consent, but did not set out the dangers of doing so (tipping off/tacit admission that they are blocking/what to do if they refuse?).

Question 3

This question had two aspects – the comparative advertising and the keyword. Many candidates structured their answers in a way that was difficult to follow. Better candidates were more logical in their approach by setting out the type of prima facie trade mark infringement which was relevant and then explained that compliance with the Comparative Advertising Directive would provide a defence. Candidates should then have gone through the fact pattern to pick out each of the facts which would demonstrate non-compliance, applying the CAD criteria. If one or more of the criteria is not satisfied, the defence would not be available.

Better candidates considered whether it was fair to compare the aluminium frame with carbon, and even if it is, and CBL is more expensive, does that actually make Hawkins "better value"?

On the warranty, it could be said that the absence of the CBL 20 year warranty makes the comparison unfair, but is that relevant because what is being compared is a *free* warranty?

Some candidates picked up on the film part of the advert being a reference to CBL's brightly coloured wheels and that it is potentially denigrating.

The keyword question required a straightforward application of the Interflora test and in particular consideration of whether its comparative nature really would lead to consumers think the goods being advertised came from CBL.

Copyright

The coursework asked the candidates to consider a potential purchase by Dickens of assets owned by one of its competitors, Egberts. Candidates were asked to look at three types of assets and consider the IP issues which might arise, and how they might best be resolved.

Overall

Overall, the questions were competently handled, with candidates showing a good grasp of the issues involved. The standard was generally good. The better papers paid close attention to the questions asked, and answered them. The weaker papers provided an explanation of the relevant laws, but were less good at applying them to the facts.

Question 2 was the best answered, with candidates showing a good understanding of the contractual provisions that might be included in the purchase agreement. The answers to question 1 varied in quality, with the best setting out very clearly why copyright did or didn't subsist, with clear suggestions as to how Dickens might avoid copyright infringement yet produce similar material. Question 3 was the least well handled, though there were some good answers.

Question 1

The paper included reproductions of three greetings cards and (a) asked what copyright might subsist in them and (b) asked how similar cards might be made to avoid infringement.

The first part of the question on subsistence of copyright was generally competently answered, and candidates recognised that ownership was a potential issue. The better candidates were confident to say that whilst theoretically copyright might arise in short phrases, "Hope this isn't too corny" was probably, and "Good Luck" was certainly too unoriginal to enjoy protection as literary works. Good candidates spotted that the black and white photos might have separate copyright, and separate owners, and might pre-date the CDPA. Whilst candidates realised that Hong Kong works were protected under the CDPA, not all noted that the Hong Kong term of copyright needed to be checked, to work out the duration of UK copyright. The 30s card was hard to categorise within the CDPA closed list of artistic works, but suggestions that the whole work might be a graphic work, collage or manipulated photograph were all realistic – and candidates recognised that it would fall within the *Cofemel* test, if that was applied.

There were some very good explanations as to what constitutes copyright infringement, and how to avoid it, with some imaginative examples of cards which might take the ideas portrayed in the Dickens' cards but avoid infringement of their expression.

Question 2

The paper asked candidates to consider what terms should be included in an asset purchase agreement in relation to Advertising Material used by Egberts world-wide, in which Dickens wanted UK rights.

The question was generally well-handled, with the best avoiding a long list of provisions and focussing on those provisions which were most needed, with good explanations as to why. The best recognised that whilst Dickens wanted UK rights, Egbert would retain the rights elsewhere, and might be reluctant to assign its UK rights, so that an exclusive licence might be the best available option. Those candidates then dealt with the provisions to be sought in relation to both. Good papers picked up the need to ensure that consent was obtained from

the “media personalities” featuring in some of the Advertising Material, and suggested where that consent might be found.

Question 3

The question asked candidates to consider how Egberts might obtain copies of its own data (EgbertData) and of that data in structured form (GraybaseEgbertData) which was in the hands of GrayCo, who would not hand it over except at a high cost.

This question caused the most difficulty, but candidates who approached the question as it was set out did better.

The better candidates recognised that there would be no database rights or copyright in the EgbertData per se, as it was unstructured. They also recognised that the EgbertData had not been generated by GrayCo, so that whatever rights there were in it remained with Egbert. They then turned to the likelihood that the EgbertData was confidential to Egbert and was probably handed over to GrayCo on confidential terms. The contract terms therefore became important.

The GraybaseEgbertData posed other challenges. Candidates recognised that the GraybaseEgbertData was held in a database (Graybase). They gave good analyses of the rights which might arise in the Graybase, whether copyright or database right, and recognised that GrayCo was likely to be either the sole author or maker of the Graybase, or a joint author/maker with Egbert. So it was likely that Egbert needed permission to obtain a copy of the EgbertData in Graybase form, i.e. in that structure (GraybaseEgbertData), and operated presumably by GrayCo’s software.

At that point, there was a tendency in the papers to say that Egbert could go to court to get a copy of the EgbertData and GraybaseEgbertData, without much more. As the most hopeful way forward was probably a contract claim, good candidates set out what provisions they would hope to see in the contract which would enable Egbert to seek full copies, and had some very good suggestions as to what those provisions might be. They recognised that it might be possible to rely on those provisions to seek a mandatory injunction to obtain a copy, although more could have recognised that commercially the best way forward was probably to negotiate with GrayCo, at least as a first step, placing as much reliance as possible on contractual provisions in Egbert’s favour.

Designs

Overview

The coursework asked students to consider two products which Merrygoround was interested in selling. The first was a theatre booth, Garysbooth. The second was a dress, Annabedress. Students were asked to consider the UK design rights which Merrygoround might have or seek to acquire in those products, what other issues might arise in relation to the Garysbooth if Merrygoround were to sell it, and how Merrygoround might respond to a letter from Frontstage in relation to the Annabedress.

Students were therefore expected to consider both UK unregistered design right (UKUDR) and UK registered design rights (UKRDR).

Overall the papers showed a competent level of understanding of UK design rights, with the best focussing on the precise wording of statute and case law, applying it carefully to the fact pattern, forming a clear view as to the potential legal outcomes and recommending the commercial steps which could be taken in the light of those. However, there were a number of legal points which other papers did not tackle well and the commercial advice was not always strong.

Garysbooth

Neither Garysbooth itself, nor its predecessor, 2018booth, were shown in the coursework paper, but they were said to be based on Boothdesign, a two-dimensional representation, which was shown. Good students spotted that Sam had Garysbooth, and that there might be photos of 2018booth, which could be obtained for further analysis. They recognised that not much more could be said about those on the information given, beyond they might or might not be protectable over Boothdesign. They continued by assuming that Boothdesign might well be the design/design document for Garysbooth, including the Garysbooth Paintedfaçade, though they did not always bear in mind that Boothdesign was for the front part of the booth only.

UKUDR

Students recognised that for UKUDR, all that would be protectable was the shape and configuration of the Boothdesign, and that surface decoration would be excluded. There was some misapplication here and in the discussion of the Annabedress, of *Neptune*. There was some quite wordy consideration of the other exceptions to UKUDR, but neither was likely to apply to Boothdesign taken as a whole.

The discussion as to whether the Boothdesign as a whole was original was well done by those papers which applied *Action Storage* and acknowledged that Gary's combination of BoothA, (which showed only a theatre façade with no base), and the bottom of BoothE might have involved sufficient skill and labour to create an original work. They also recognised that whilst the shape of the bottom part of Boothdesign might be commonplace, that did not mean that Boothdesign's shape as a whole was too.

However, BoothA caused difficulty. The best papers recognised that although Boothdesign was original over BoothA as a whole, BoothA would prevent Merrygoround asserting rights in Boothdesign's depiction of Paintedfaçade, for lack of originality. They also recognised that if UKUDR subsisted in the shape of BoothA, that might be asserted by its owner against Garysbooth.

The rights in Frame1 were generally well considered, with the best papers soundly arguing that none of the exceptions were likely to apply. A few papers said that Frame1 did not appear to be commonplace over Frame2, misapplying the test for commonplaceness.

Subsistence, duration and potential infringement were also generally well-handled, with most recognising that the sale of Garysbooth to Sam would start the 10-year post sale period running.

UKRDR

Students generally noted that more can be protected by registrations than by UKUDR, including particularly surface decoration, and that registrations have the advantage of avoiding a need to show copying.

Most papers recognised and considered a key issue here, namely whether the Boothdesign, 2018booth or Garysbooth had been published before the grace period. The best went on to consider whether, if there had been such disclosure, the design might reasonably have come to the attention of people specialising in the relevant sector in the normal course of business, particularly in the light of the presence of Sam, a Merrygoround sales director, at Feteshow.

The best papers recognised that Boothdesign as a whole had novelty and individual character over BoothA, but that BoothA would prevent Merrygoround acquiring a registration for just the Boothdesign façade.

Papers concluded soundly that the other booths shown in Annex 2 were unlikely to invalidate any registration of Boothdesign as a whole. The discussion of registration of Frame1 was generally well done, with papers recognising that the provisions relating to complex products might apply, and that whilst Frame1 was novel over Frame2, further information would be needed to form a view on individual character. However, papers did not always recognise that it was irrelevant to validity that parts of a design shown in a registration might be unregistrable on their own.

Potential infringement issues were also well-handled, with students recommending Merrygoround should acquire all existing rights in Boothdesign, 2018booth and Garysbooth from Gary so that Merrygoround could own all UKUDR in those and make any application for registered design protection.

The additional advice as to the next steps was often good, with many recommending that it was important to make further enquiries in respect of BoothA and BoothE, to ensure that no claims could be brought against Merrygoround by their owners.

The Annabeldress

Registered designs

Some students spent more time than was needed here. It was clear from the fact pattern that it was too late for any registered rights to be acquired in the Annabeldress, and none had been identified for the Beatadress. So nothing further was needed, beyond a recommendation to double check that no relevant registration had been missed.

UKUDR

The key issues in relation to UKUDR in the Annabeldress and Beatadress were (i) which dress/part came first, (because the earlier dress/part could not have been copied from the

later) (ii) whether either dress, or part of it, was exactly or substantially the same as the other and if so (iii) whether that sameness resulted from copying (as without those, there could be no infringement) and (iv) whether the qualification rules were met.

The candidates generally said confidently that none of the dresses shown was likely, as a whole, to infringe any UKUDR in the whole of any other, because they were not exactly or substantially the same. Students generally also thought carefully about which parts of the Beatadress and Annabeldress might enjoy UKUDR. They noted that some parts of several of the dresses appeared to be similar, which might suggest that those parts were commonplace and unprotectable on their own.

Many formed the view that any infringement case by Frontstage was likely to be weak, whether or not copying could be proved. The better papers noted that any claim by Annabeldress against Beatadress was likely to be similarly weak. They argued strongly that therefore, any allegation of infringement against Frontstage was likely to backfire, unless it was certain that Annabeldress came first.

The consideration of who, if anyone, might qualify for UKUDR required careful attention to the facts, particularly in relation to Annabeldress. This distinguished the strong from the weaker papers, with the best noting that nothing was known about the designer, that although China does not qualify, Hong Kong does, so that HouJiang might own UKUDR rights; and that it was not known where Chenmuskat was incorporated, where in "Europe" the trade fair had taken place, or whether what Chenmuskat had done there amounted to marketing. They noted that there was a possibility that there might be no UKUDR at all, or that Merrygoround itself might have become the owner of UKUDR by its own marketing acts.

Whilst most candidates recognised what acts by Merrygoround might amount to infringement, the consideration of a potential threats action by Merrygoround against Frontstage was not always so strong. The best recognised that even if the threat was actionable, there was little commercial benefit in Merrygoround starting threats proceedings and that a reasonable response might be to require Frontstage to set out the rights it was relying on in detail, whilst making further investigations.

Good papers also recommended that Merrygoround should ensure it had all the rights and comfort it needed from HouJiang/Chenmuskat to continue to sell the Annabeldress and to bring action on its own behalf against third parties in future.

Intellectual Property I & II

[TO BE PROVIDED]

IMPORTANT – TO BE RETAINED FOR FUTURE REFERENCE

UNIVERSITY OF OXFORD

FACULTY OF LAW

DIPLOMA IN INTELLECTUAL PROPERTY LAW AND PRACTICE 2019-20

(REVISED VERSION (2 June 2020))

This version of the Examination Convention reflects the adjustments to the assessment regime resulting from the COVID-19 pandemic, and in particular the replacement of the two written examinations in Part II (Intellectual Property I and Intellectual Property II) with a single, online, open-book assessment (Intellectual Property I and II).

Please read this document carefully. Changes from the original version of the Examination Convention are highlighted.

EXAMINATION CONVENTION (NOTICE TO CANDIDATES)

*This document is traditionally known as the Examiners' Edict. It is the means by which the Examiners communicate to the candidates' information about the examination. It is very important that you should read it carefully; **there are procedures to be followed and deadlines to be observed.***

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1. INTRODUCTION

ROLES OF THE BOARD OF THE SOCIAL SCIENCES DIVISION AND OF THE BOARD OF THE FACULTY OF LAW

Examination conventions are the formal record of the specific assessment standards for the course or courses to which they apply. They set out how examined work will be marked and how the resulting marks will be used to arrive at a final result and classification of an award.

The supervisory body responsible for approving these conventions is the Social Sciences Board's Quality Assurance Committee .

The version number of this document is given below. Subsequent versions will follow a numbering sequence from 1.1 upwards. Each time a new version is issued, you will be informed by email, and the updates will be highlighted in the text and listed below. Amendments and modifications to these conventions must be approved by the Law Faculty and the supervisory body responsible for the course and examination.

Version 1.1 (2 June 2020)

This version and subsequent versions can be obtained from the Weblearn site

<https://weblearn.ox.ac.uk/portal/site/socsci/law/postgrad/odip>

ROLE OF THE PROCTORS AND THE DIPLOMA ADMINISTRATOR

Please refer to the Examination Regulations and the course handbook for further information concerning the roles of the Proctors and the Diploma Administrator in relation to examinations.

Where the *Examination Regulations* refer to action by a candidate's college or the Senior Tutor of a candidate's college, please **substitute** the Diploma Administrator.

CANDIDATE'S EXAMINATION NUMBER AND ANONYMITY

In all examinations candidates are identified only by their examination number which will be notified to you by the Diploma Administrator. Only your examination number (not your name) should be quoted on written work or examination scripts submitted to the Examiners. The examination number is also available on the [Student Self-Service page](#). Login is using your Single Sign On. Your examination number does not appear on your university card.

EXAMINATION ENTRY DETAILS

The Examination Schools will automatically attach compulsory papers to your academic record on registration. It is your responsibility to ensure your examination entry details are correct via the Student Self Service. See <https://www.ox.ac.uk/students?wssl=1>.

STATUTES AND OTHER SOURCE MATERIAL IN THE EXAMINATION ROOM

The written examination for Part II (Intellectual Property I and II) will be an online, open-book exam.

UNIVERSITY OF OXFORD EXAMINATION REGULATIONS

Available on <http://www.admin.ox.ac.uk/examregs/>. This document provides a guide to the rules for this Diploma programme, but in case of any conflict, the *Examination Regulations* prevail.

2. RUBRICS FOR INDIVIDUAL PAPERS IN PART I AND PART II

Candidates must complete Part I and Part II. Part I consists of five compulsory coursework assignments, and Part II of **an** unseen written examination **paper**.

Part I – All questions are compulsory and candidates must answer all questions in the coursework assignments.

Part II – See 5.3.

3. MARKING CONVENTIONS, ASSESSMENT STANDARDS AND RE-EXAMINATION

These are set out and explained in Schedule I.

4. INFORMATION FOR CANDIDATES REGARDING THE COURSEWORK ASSIGNMENTS (PART I)

4.1 Timing

Coursework Assignment	Distribution Date	Submission Deadline
Patents 1	6pm, 5 October 2019	1pm, 1 November 2019
Patents 2	6pm, 16 November 2019	1pm, 13 December 2019
Trade Marks and Passing Off	6pm, 11 January 2020	1pm, 7 February 2020
Copyright	6pm, 7 March 2020	1pm, 5 April 2020
Designs	6pm, 18 April 2020	1pm, 15 May 2020

Each assignment question paper will be available via the [Coursework Assignment Weblearn site](https://weblearn.ox.ac.uk/x/lgjeIX) (<https://weblearn.ox.ac.uk/x/lgjeIX>) from 6.00 pm on the Saturday of the relevant Workshop, and will also be available from the Diploma Administrator on the immediately following Monday.

You may complete and submit a coursework assignment although you were not able to attend the relevant Workshop. It is your responsibility to obtain a copy of the question paper from the Diploma Administrator. An extension of the time for submission may not be granted solely because of non-attendance at the Workshop or difficulty in accessing the question paper (see further 4.3.(ii) below).

Raising of queries – if you have any queries about the content of the coursework assignment, you must submit your queries to the Diploma Administrator **not later than 7 days after the date** (see above) **when the relevant assignment question paper was posted on the PG Dip in IP Law Weblearn site**. Queries received after this 7 day period will not be entertained. Any clarifications to the coursework in response to these queries will be emailed through the Diploma mailing-list the following-week. **IT IS VITAL THAT YOU CHECK YOUR UNIVERSITY EMAIL**. Therefore, students are strongly advised not to submit their coursework until the expiry of at least 14 days after the release of the coursework.

4.2 Methods of Assessment and Format of Assignment

Unless otherwise stated in the question paper, each coursework assignment shall be examined by means of an assessed written exercise of 3,000 words (inclusive of the mandatory front sheet and all footnotes) (see also 4.4. below).

Subject to the requirements set out at points 1 to 6 below, which are intended to ensure consistency in the application of the word count to all candidates, you are not required to use any particular system of referencing of sources, but you must reference clearly and consistently in a way that allows the reader to identify and check your sources easily as in the case of advice to a professional client.

1. UK legislation must be clearly identified by name (and, if appropriate, year of enactment), e.g. Copyright, Designs and Patents Act 1988.
2. EU legislation must be clearly identified by legislation type and number, e.g. Directive 2001/29/EC.
3. Non-EU case law must be identified by naming at least one of the parties and either a neutral citation (if available) or a single citation to a report. e.g. *Smith v Jones* [2020] EWHC 123 (QB).
4. EU case law must be identified by naming at least one of the parties and a case number, e.g. *Case 1/19, Vodafone*.
5. Party names may be abbreviated and it is not necessary to use first names or full corporate titles. Following the first reference to legislation or case law, an abbreviated form of reference may be used.
6. Any section, article number, page or paragraph references should follow the relevant reference to legislation or case law, e.g. Patents Act 1977 section 1 **or** Patents Act 1977 s 1.

Please also read carefully the statement of good academic practice with regard to word count at 4.4 below.

A bibliography is not expected. (See further 4.3.(i) below.)

Note-form answers should be avoided except where note-form is appropriate (e.g. in a table). Your answer should be as articulate and as readable as an explanation you would send to a client.

For Marking Conventions and Assessment Standards see attached Schedule I. Each assignment will take the form of a practical exercise, such as drafting of statements of case or instructions to counsel.

The University has strict regulations governing assessment. Marks may not be disclosed to candidates until they have been agreed as final marks by the Board of Examiners. It is therefore not possible to disclose the marks for the coursework assignments (Part I) until after the final meeting of the Board in July (see 7.1. below) when the Board will decide the final result of the Diploma, having reviewed and agreed the complete marks profile (Part I and Part II) for each candidate. The Board may need to make adjustments to marks after scrutinising the marking profiles of markers across each paper and across all papers and after considering other relevant information, such as medical evidence. If the marks for any of the Part I papers had already been agreed by the Board as final marks and disclosed to candidates at an earlier date, it would not be possible to revisit those marks later. The Board has also taken the view that knowledge of their marks would not necessarily be helpful to candidates approaching the examination papers (Part II) in a few weeks' time; some would be encouraged but others discouraged by their earlier performance and have little time for additional preparation.

General comments on each paper and how questions were tackled are included in the Report of the Examiners on the year's examination, but this Report will not be available until several months after completion of the Diploma. To assist candidates as they progress through the course, the Board of Examiners has asked assessors after completion of the marking of each coursework assignment to prepare general comments on the issues raised by the questions and the points which might be included in the answers, and to comment generally on the performance of the cohort in completing the assignment. The document will not be a model answer, and will not provide a comprehensive analysis of the scripts submitted, but will identify some of the most common mistakes seen by the assessors. As soon as each text has been approved by the Board, it will be released to candidates. This is dependent on the timing of the completion of the marking process and may not always be possible before the examinations.

The Reports of the Examiners and of the External Examiner on the previous years' examination are available for consultation on the Faculty website <https://www.law.ox.ac.uk/document-archive>. These reports contain (inter alia) information on examining methods and statistical analyses of performance.

4.3 Submission of Coursework Assignments

(i) Submission Requirements

Candidates are required to submit each coursework assignment electronically through Weblearn by the deadline of 1pm on the relevant submission date (see 4.1. above). Each coursework assignment must be typewritten, and each coursework assignment must be submitted with a cover sheet containing the title and your examination number. The cover sheet must also state the year of submission and the number of words, inclusive of footnotes (see 4.4. below).

Once you have uploaded your essay to Weblearn (see Schedule II: Instructions for submission of electronic copy of assignment to Weblearn) you must complete the Declaration of Authorship (see Schedule III: Extract from Weblearn re: Declaration of Authorship). You cannot submit your assignment until you have ticked this Declaration to say you have read and understood it. Except in exceptional circumstances, the contents of the Declaration will not be disclosed to the Examiners until the mark for the assignment has been finally determined.

A random sample of assignments will be checked for plagiarism using the *Turnitin* software.

Please refer to the course handbook for further information about the coursework submission requirements.

(ii) Late Submission

Application to the Proctors for permission for late submission of coursework assignments should be made by the Diploma Administrator, on the candidate's behalf, before the submission date. If there is a risk that you will not be able to meet the deadline for submission, you should as early as possible consult the Diploma Administrator, who will advise you on how to obtain an extension. There must be 'reasonable grounds' for the grant of an extension (e.g. ill-health).

If the written work is submitted **on the prescribed date but later than the prescribed time**, the work will be passed to the Examiners for marking but a late presentation fee (to cover administrative expenses) will be incurred and the Examiners may impose an academic penalty (see below). Within five working days of the notice of late submission the candidate through the Diploma Administrator may apply to the Proctors to request that the circumstances of the late submission be taken into account by the Examiners (see *Examination Regulations 2019*, Part 14.4.). If a candidate fails to submit a coursework assignment on the prescribed date without prior permission, but submits it **within 14 calendar days of the notification of non-submission**, the Proctors shall enquire into the circumstances. They shall instruct the Examiners to accept and mark the work and will forward to the Chair of Examiners an account of the circumstances of the late submission. The Proctors will impose a late presentation fee (to cover administrative expenses) and, in addition, may give leave to the Examiners to impose an academic penalty according to the established conventions agreed by the relevant supervisory body (see *Examination Regulations 2019*, Part 14.9.) The agreed scale of penalties in relation to late submission without prior permission is set out below:

Late submission	Penalty
Up to one day (including an assignment submitted on the day but after the deadline)	-5 marks (- 5 percentage points)

Each additional day (i.e., two days late = -6 marks, three days late = -7 marks, etc.; note that each weekend day counts as a full day for the purposes of mark deductions)	-1 mark (- 1 percentage point)
Max. deducted marks up to 14 days after the notice of non- submission	-18 marks (- 18 percentage points)
More than 14 days after the notice of non-submission	Fail

These penalties may in the Examiners' discretion be reduced in special circumstances where there is a partial excuse for the late submission, for instance where medical circumstances contributed to the delay. The Proctors may waive the payment of any late presentation fee if it appears to them to be reasonable to do so (see *Examination Regulations 2019, Part 14.10.*)

Failure to submit a required element of assessment will result in the failure of the assessment. The mark for any resit of the assessment will be capped at 50 (a pass).

We would strongly ask students not to submit the coursework assignments at the very last minute and leave at least an hour before the deadline to submit the coursework. Technical problems external to the Weblearn system, such as slow internet speeds, will not be accepted as ground for excusing lateness. The Diploma Administrator will inform you if there are any problems with the Weblearn system on the day.

4.4 Length

Candidates should take the word limit imposed (see 4.2. above) very seriously. If the word limit is exceeded, 'the examiners, if they agree to proceed with the examination of the work, may reduce the mark by up to one class (or its equivalent – 10 marks).' (See *Examination Regulations 2019, Part 16.6.*) It is necessary, however, to give guidance on the meaning of a 'word' in this context. Due to the manner in which word count software operates, legal citations often inflate the count. The Examiners have therefore determined that an allowance of an extra 3% should be permitted to candidates (should they wish to use it) above the figure of 3,000 words. The word count which appears on the coursework assignments **must** be the actual word count produced by the software, and **must** be accurately declared. The word count must include all footnotes as well as the cover sheet. You must ensure that any automatic word-count on the word-processing programme you use is set to count footnotes.

The Examiners will take very seriously any misstatement of the word count, or steps taken to circumvent the word limit. For the avoidance of doubt, such steps include the omission of spaces between words (including after punctuation marks) (e.g. "patentinfringement" "copyright.Therefore") or the inappropriate use of punctuation marks such as hyphens, slashes or the underscore (e.g. "Smith-v-Jones", "Case 1/19_Vodafone", "injunction/damages/declaratoryrelief").

The Examiners will monitor compliance with the word limit, and will investigate any possible breaches reported to them to determine (a) whether a penalty should be imposed for exceeding the word limit (taking account of the suppressing effect of any steps of the kind referred to in the previous paragraph), and (b) whether to refer the matter to the Proctors under the *Proctors' Disciplinary Regulations for Candidates in Examination* (<http://www.admin.ox.ac.uk/statutes/regulations/288-072.shtml>)

4.5 Third Party Proof-Readers

Students have authorial responsibility for the written work they produce. Proof-reading represents the final stage of producing a piece of academic writing. Students are strongly encouraged to proof-read their own work, as this is an essential skill in the academic writing process. The use of third party proof-readers is not permitted for any of the coursework assignments.

4.6 Academic Integrity – avoidance of Plagiarism

See 6 below.

4.7 Illness or other Causes affecting Candidates for examination

See 5.6. below.

4.8 Withdrawal from entire Diploma examination

See 5.7. below.

5 INFORMATION FOR CANDIDATES REGARDING THE WRITTEN EXAMINATION PAPER (PART II)

5.1 Timing and Place of Examination

The substantive law elements of the course shall be examined by means of an unseen, online, open-book written examination paper (see also 5.3. below).

The examination paper will be available via the [Coursework Assignment Weblearn site](https://weblearn.ox.ac.uk/x/1gjeIX) (<https://weblearn.ox.ac.uk/x/1gjeIX>) from **9am on Monday 29 June 2020**.

It is your responsibility to obtain a copy of the examination paper. If you have difficulty in accessing the Weblearn site or in downloading the paper from the site, please e-mail the Diploma Administrator, diploma.administrator@law.ox.ac.uk immediately to request a copy of the paper. An extension of the time for submission may not be granted solely because of difficulty in accessing the question paper (see further 5.4.(ii) below).

Raising of queries – if you have a query regarding the content of the examination paper, please note it at the top of your script. Please do not attempt to contact the Diploma Administrator or any other person. (Note: such queries will not be counted against the word limit.)

5.2 Method of Assessment; cut-off date

The elements of the course to be examined on these occasions are those that were covered in the residential programme and the cases listed under **Essential Reading** on the core reading list (as updated – see below). The **cut-off date** for inclusion of new material will be **Friday 15 May 2020** (the date for submission of the Designs coursework assignment). An updated core reading list will be circulated after this date. Candidates will not be required to have detailed knowledge of developments and cases after the cut-off date. Cases listed in the core reading list under Further Reading, or included by tutors in their own reading lists (eg listing sources that might be read prior to a lecture or workshop), will not be examined.

Candidates should answer the questions on the examination paper based on the law as it stands at the cut-off date (**Friday 15 May**).

For Marking Conventions and for Assessment Standards see Schedule I.

5.3 Form of assessment; word count

The examination paper, Intellectual Property I and II, will consist of two parts (Part A and Part B). You must answer **three** questions, **two** from Part A and **one** from Part B.

Part A will consist of two (2) problem questions. You must answer **both** of these questions.

Part B will consist of three (3) essay questions. You must answer **one** of these three questions. Questions may be set that cover more than one topic.

You must submit your answer using the 'Submission Template' provided in the Coursework Assignment Weblearn site. A word limit of **1500 words** will apply (on an individual basis) to **each** of your answers, and all scripts will be checked for compliance with this requirement. Candidates should not write more than 1,500 words for each answer and **examiners are entitled to disregard parts of an answer exceeding this limit (with the mark awarded being based on the first 1,500 words in the answer). Please note that the consequences of exceeding the word limit in the written examination are different from those for the coursework assignments set out at 4.4 above.**

We would encourage you not to use footnotes. (For the avoidance of doubt, any footnotes or supplemental material incorporated within your answer will be treated as part of your answer at the point of incorporation for the purposes of applying the word count.)

You are not required to use any particular system of referencing of sources. Moreover, the specific requirements for coursework assignments set out at 4.2 above do not apply to the written examination. You must, however, reference cases, legislation and other materials clearly and consistently in a way that allows the reader to identify and check your sources easily as in the case of advice to a professional client."

Candidates should take the word limit imposed and the citation requirements (see above) very seriously. In fixing the word limit of 1500 words for each answer, the examiners have taken account of the need for candidates to reference their sources and of the citation requirements. **The 3% margin of tolerance applied to the coursework assignments (see 4.4 above) will not apply to the examination paper. Include the question number next to each of your answers.** You do not need to copy the questions into your examination scripts.

Note-form answers should be avoided except where note-form is appropriate (e.g. in a table).

5.4 Submission of Examination Scripts

(i) Submission Requirements

Candidates are required to submit their examination scripts electronically through the Coursework Assignment Weblearn site by the deadline of **5pm on Monday 29 June 2020**. Each examination script must be typewritten, and must be submitted with a cover sheet containing the title and your examination number.

(ii) Late Submission; resitting Part II

It is your responsibility to upload your script before the deadline. If you have difficulty in accessing the Weblearn site or in uploading your script, please e-mail the Diploma Administrator diploma.administrator@law.ox.ac.uk immediately attaching a copy of your script.

Candidates should upload their submission within the time allowed for their open-book examination. Candidates who access the paper later than the published start time (and who do not have an agreed alternative start time) will still need to finish and submit their work within

the originally published timeframe or be considered to have submitted late. Candidates who access the paper on time but who submit their work after the published timeframe will also be considered to have submitted late.

Where candidates submit their examination after the end of the specified timeframe and believe they have a good reason for doing so, they may submit a self-assessment mitigating circumstances form to explain their reasons for the late submission. The Exam Board will consider whether to waive the penalties (outlined below) for late submission.

The penalties will be applied at the paper level and are as follows:

Time	Penalty
First 15 minutes	No penalty
16 minutes – 30 minutes	5 marks or 5% of marks available (if not marked on 100 mark scale)
31 minutes – 45 minutes	10 marks or 10% of marks available (if not marked on 100 mark scale)
Up to an hour	15 marks or 15% of marks available (if not marked on 100 mark scale)
After one hour	Fail mark (0)

Penalties will only be applied after the work has been marked and the Exam Board has checked whether there are any valid reasons for late submission.

Failure to submit a script for the Part II written examination will result in the failure of Part II of the Diploma. To pass Part II, the candidate (or any other candidate failing the written examination) will be required to resit the paper in the following year. The mark for each paper will, in this case, be capped at 50.

We would strongly ask students not to submit the examination script at the very last minute and leave at least an hour before the deadline to submit the script. Technical problems external to the Weblearn system, such as slow internet speeds, will not be accepted as ground for excusing lateness. The Diploma Administrator will inform you if there are any problems with the Weblearn system on the day.

5.5 Academic Integrity – the University’s Honour Code

All candidates will be expected to abide by the University’s Honour Code for open book examinations (see <https://www.ox.ac.uk/students/academic/exams/open-book/honour-code?wssl=1>). If the examiners have reason to suspect any breach of the Honour Code, they may require the candidate to attend a viva voce examination and/or refer the matter to the Proctors for investigation.

For the avoidance of doubt, the examination script must be solely the candidate’s own work. Candidates are not to discuss the examination paper or their answers with other candidates or with any other person whatsoever. The use of third-party proof readers is not permitted for the examination.

Candidates should note that examination scripts will be checked for plagiarism using the *Turnitin* software. Candidates are also reminded of the seriousness of a proven act of dishonesty, particularly for those admitted to legal practice.

See also section 6 below.

5.6 Illness or other Causes affecting Candidates for examination

The Proctors have authority to authorise special arrangements for candidates who for medical or other sufficient reasons are likely to have difficulty in writing their scripts or completing the examination in the time allowed (*Examination Regulations 2019, Part 12*). If this applies, you should consult the

Diploma Administrator. Applications for such arrangements **must be submitted to the Proctors by Friday of Week 4 of term before the examination is due to take place (i.e. by 22 May 2020).**

Where a candidate's performance in any part of an examination is likely to be, or has been, affected by factors, such as illness, disruption due to COVID-19 or disability or any other urgent cause, of which the Examiners have no knowledge, the candidate may submit a notice of mitigating circumstances under Part 13 of the Regulations for Conduct of University Examinations (see <https://forms.office.com/Pages/ResponsePage.aspx?id=G96VzPWXk0-0uv5ouFLPkQqQyO0rhFNli6yXApDck5FUQlkyMFhUMEI5SUIESFdSWFJMVzY4Tk8zTS4u>, together with the guidance available at <http://www.ox.ac.uk/students/coronavirus-advice/mitigating-circumstances>).

A candidate's final outcome will first be considered using the classification rules/final outcome rules as described above in Schedule 1. The exam board will then consider any further information they have on individual circumstances.

Where a candidate or candidates have made a submission, under Part 13 of the Regulations for Conduct of University Examinations, that unforeseen circumstances may have had an impact on their performance in an examination, the final board of examiners will decide whether and how to adjust a candidate's results. Further information on the procedure is provided in the Policy and Guidance for examiners, Annex C and information for students is provided at www.ox.ac.uk/students/academic/exams/guidance.

Candidates, whose application for a Declaration of Deserved Postgraduate Diploma (DDPD) (see <http://www.ox.ac.uk/students/coronavirus-advice/declared-awards>) have been accepted by a central panel, will first be considered for a classified degree, taking into account the safety net policy (Schedule 1, para 5) and any individual mitigating circumstances. If that is not possible, the examiners will award DDPD if the criteria for that award have been met.

The Examiners cannot take account of any special circumstances other than those communicated in the manner set out above.

The Proctors also have authority to authorise special arrangements for candidates who are forbidden for reasons of faith from taking examinations on religious festivals or other special days which may coincide with days on which examinations are set (*Examination Regulations* 2019, Part 11). If this applies, you should consult the Diploma Administrator. Applications for such arrangements **must be submitted to the Proctors by Friday 8 November 2019.**

5.7 *Withdrawal from the Diploma Examination*

A candidate may withdraw from the entire Diploma examination at any time before the date for submission of the first coursework assignment (Part I). Withdrawal will be effected by the Diploma Administrator on the candidate's behalf. A candidate may not withdraw from the entire Diploma examination, or any part of it, after that date unless by reason of acute illness or other urgent cause (*Examination Regulations* 2019, Part 14.21.). A candidate may not in any event withdraw from the Diploma examination after the written parts of the examination are complete. The point of completion is deemed to be the conclusion of the last paper for which the candidate has entered, or the time by which a dissertation or other written material is due to be submitted, whichever is the later. See further Schedule I para. 6. for provisions for re-examination. Candidates should contact the Diploma Administrator at once if any of these provisions apply to them; it may be necessary for the Diploma Administrator to apply to the Proctors on the candidate's behalf, and there are administrative consequences too.

A candidate who is unable for any other reason to sit the Part II written examination in 2020, or who fails that examination, will be required to complete Part II of the Diploma in 2021.

6 ACADEMIC INTEGRITY – AVOIDANCE OF PLAGIARISM

Plagiarism is the copying or paraphrasing of other people’s work or ideas into their own work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this description. Collusion is another form of plagiarism involving the unauthorised collaboration of students (or others) in a piece of work. The Proctors Disciplinary Regulations concerning conduct in examinations (*Examination Regulations* 2019, Part 19.4. and 19.5.) state that ‘No candidate shall present for an examination as or her own work any part of the substance of any part of another person’s work. In any written work (whether thesis, dissertation, essay, coursework, or written examination) passages quoted or closely paraphrased from another person’s work must be identified as quotations or paraphrases, and the source of the quoted or paraphrased material must be clearly acknowledged.’ Examples of plagiarism and how to avoid it are given on <http://www.ox.ac.uk/students/academic/guidance/skills/plagiarism> and you are strongly advised to consult this website. Guidance and examples are also given in the Faculty Handbook for the Diploma 2019-20. The University reserves the right to use software applications to screen any individual’s submitted work for matches either to published sources or to other submitted work. Any such matches respectively might indicate either plagiarism or collusion.

The Board of Examiners will deal wholly with cases of poor academic practice where the material under review is small and does not exceed 10% of the whole. Assessors will mark work on its academic merit with the Board responsible for deducting marks for derivative or poor referencing.

Determined by the extent of poor academic practice, the Board will deduct between 1% and 10% of the marks available for cases of poor referencing where material is widely available factual information or a technical description that could not be paraphrased easily; where passage(s) draw on a variety of sources, either verbatim or derivative, in patchwork fashion (and examiners consider that this represents poor academic practice rather than an attempt to deceive); where some attempt has been made to provide references, however incomplete (e.g. footnotes but no quotation marks, Harvard-style references at the end of a paragraph, inclusion in bibliography); or where passage(s) are ‘grey literature’ i.e. a web source with no clear owner.

If a student has previously had marks deducted for poor academic practice or has been referred to the Proctors for suspected plagiarism the case must always be referred to the Proctors. Also, where the deduction of marks results in failure of a coursework assignment or examination paper and of the Diploma the case must be referred to the Proctors.

In addition, any more serious cases of poor academic practice than described above must also always be referred to the Proctors.

See also section 5.5 above.

7 FURTHER INFORMATION

The [Student Handbook](#) contains much useful information. Section 7 has relevance for examinations.

Further guidance concerning open-book examinations can be found at <https://www.ox.ac.uk/sites/files/oxford/Open%20book%20exams%20guide%20for%20candidates.pdf>.

Professor A. Dickinson (Chair)

Mr. B. Cordery (IPLA)

Dr. Luke Rostill

Dr. N. Hawkins (External)

October 2019, amended 2 June 2020

Schedule I – Marking Conventions, Assessment Standards, Re-examination

Schedule II – Instructions for submission of electronic copy assessments to Weblearn

Schedule III – Extract from Weblearn re Declaration of Authorship

SCHEDULE I

DIPLOMA IN INTELLECTUAL LAW AND PRACTICE 2019-20

MARKING CONVENTIONS, ASSESSMENT STANDARDS, RE-EXAMINATION

1. University scale for standardised expression of agreed final marks

Agreed final marks for individual papers (Part I coursework assignments and Part II written examination) will be expressed using the following scale:

70-100	Distinction
65-69	Merit
50-64	Pass
0-49	Fail

2. Qualitative assessment criteria for Part I and Part II papers

Distinction answers are those that represent an excellent level of attainment for a student at postgraduate level. They exhibit the following qualities:

- acute attention to the question asked;
- a deep and detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- excellent synthesis and analysis of materials, with no or almost no substantial errors or omissions, and coverage of at least some less obvious angles;
- excellent clarity and appropriateness of structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- advanced appreciation of practical arguments concerning the topic, substantial critical facility, and personal contribution to debate on the topic.

Merit answers represent a level of attainment which, for a student at postgraduate level, is within the range of good to very good. They exhibit the following qualities:

- attention to the question asked;

- a clear and detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- good synthesis and analysis of materials, with few substantial errors or omissions;
- a clear and appropriate structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- good appreciation of practical arguments concerning the topic, and a significant degree of critical facility.

Pass answers represent a level of attainment which, for a student at postgraduate level, is within the range acceptable to good. They exhibit the following qualities:

- attention to the question asked;
- a clear and adequately detailed knowledge and understanding of the topic addressed and its place in the surrounding context;
- good synthesis and analysis of materials, with few substantial errors or omissions;
- a clear and appropriate structure, argument, integration of information and ideas, and expression;
- identification of more than one possible line of argument;
- some appreciation of practical arguments concerning the topic, and some degree of critical facility.

Fail answers are those to which the qualities required for a pass answer are absent.

Scripts are marked on the University scale from 1 to 100.

The marking criteria for the Part II written examination paper will be the same as for the Part I coursework assignments. Markers of the examination paper will be instructed not to expect papers to be of a higher quality as a result of the open-book format. As they would in any other year, markers will consider the criteria set out above, including how well an answer engages with the question set.

Disruption resulting from the COVID-19 pandemic will be taken into account at the exam board stage (see below).

3. Verification and reconciliation of marks

The Law Faculty does not operate a marking regime involving the blind double-marking of all scripts. However, extensive double-marking according to a system approved by the supervisory body does take place and the Faculty takes a great deal of care to ensure the objectivity of marking procedures.

For each paper (Part I coursework assignment or Part II written examination paper) there will be a team of at least two markers. For each paper, a minimum of 6

scripts, or 20% of the scripts, whichever is the greater number, will always be double-marked, as will:

- any script which the first marker found difficult to assess, and
- any script for which the first mark ends in 53, 54, 63, 64, 68, 69, and
- any script for which the first mark is below 50, and
- any written examination script where the candidate has misunderstood the question, and
- any written examination script which has an 'absent answer', that is a script which would formerly have been described as of 'short weight'.

For each double-marked script, the markers must meet to compare their marks and to come to an agreement as to the correct mark overall and for each question. The team operates under the aegis of the Board of Examiners and the whole Board meets to discuss/finalise marks, providing an extra layer of assurance of the objectivity of the process, and a means of resolving any situation where two markers are unable to reach agreement. In exceptional circumstances (e.g. medical) third readings may take place.

The Board of Examiners meet and agree a final classification/result for each candidate, having taken account of notified mitigating circumstances and having made appropriate adjustments for such matters as absent answers and breach of rubric (including late submission and breach of the word limit in a coursework assessment).

The Board Examiners may decide to scale marks for a Part I coursework assignment or the Part II written examination where in their academic judgement:

(a) a paper was more difficult or easy than in previous years; and/or

(b) scaling is necessary to mitigate changes to assessment required in response to the COVID-19 pandemic and any related difficulties faced by candidates.

Such scaling is used to ensure that candidates' marks are not advantaged or disadvantaged by any of these situations. In each case, examiners will establish if they have sufficient evidence for scaling. Scaling will only be considered and undertaken after moderation of a paper has been completed, and a complete run of marks for all papers is available.

If it is decided that it is appropriate to use scaling, the examiners will review a sample of papers either side of the classification borderlines to ensure that the outcome of scaling is consistent with academic views of what constitutes an appropriate performance within each class.

Detailed information about why scaling was necessary and how it was applied will be included in the Examiners' report and the algorithms used will be published for the information of all examiners and students.

The decisions of the Board of Examiners are then passed to the Examination Schools. Candidates will be able to view their results (both overall classification and individual paper marks) within the Student Self Service webpage.

4. Qualitative descriptors of Distinction, Merit, Pass, Fail

Qualitative descriptors are intended to provide summaries of the qualities that will be demonstrated in attaining each classification – Distinction, Merit, Pass, Fail – overall.

The qualities a Distinction will demonstrate include acute attention to the questions asked; extensive and detailed knowledge and understanding of the topic addressed; excellent synthesis and analysis of materials; clear and well-structured answers which show an engagement with theoretical arguments and substantial critical facility.

The qualities a Merit will demonstrate good to very good attention to the questions asked; clear and detailed knowledge and understanding of the topic addressed; good synthesis and analysis of materials; clear and structured answers which include knowledge of theoretical arguments and a significant degree of critical facility.

The qualities a Pass will demonstrate a level of attention to the questions that is satisfactory to good; a satisfactory to good knowledge of the topics in question; appropriately structured arguments; and some familiarity with theoretical arguments pertinent to the topic.

A Fail will demonstrate a lack of the qualities required for a Pass in respect of one or more papers.

5. Final outcome rules

The marks awarded for each coursework assignment (Part I) and for **the** written examination paper (Part II) provide for each candidate a marks profile of **six** marks. **The Diploma requires candidates to demonstrate ability over a range of intellectual property subjects and in a range of different situations, hence candidates must pass each of the six papers** (see (a) below). The final outcomes rules are not inflexible, bearing in mind that the Board of Examiners has some discretion to deal with unusual cases and exceptional circumstances, in accordance with the *Examination Regulations*. Subject to that caveat, the following conventions will normally be applied; in all the calculations, the coursework assignments count as five papers and **the examination paper counts as one paper** (making a total of **six** papers in all):

- a. For the award of the Diploma in Intellectual Property Law and Practice there must be no mark below 50. A mark below 50 may not be compensated by very good performance elsewhere.
- b. **For the award of a Distinction in the Diploma in Intellectual Property Law and Practice a candidate must meet the criteria for the award of the**

Diploma (point 1 above), must achieve marks of 70 or above in two or more papers, and must in the coursework assessments have no mark below 55 and no more than two marks in the 55-59 range.

- c. For the award of a Merit in the Diploma in Intellectual Property Law and Practice a candidate must meet the criteria for the award of the Diploma, must achieve marks of 65 or above in three or more papers and must in the coursework assessments have no mark below 55 and no more than two marks in the 55-59 range.

The Board of examiners will apply the University's 'safety net' as follows:

If a candidate (a) meets the criteria for the award of the Diploma across all six papers, and (b) would be entitled to a Distinction or Merit on the basis of results in the first three coursework assignments (Patents 1, Patents 2 and Trade Marks), the candidate's entitlement to a Distinction or Merit will be assessed solely on the basis of those three assignments (i.e. the candidate will not be treated as failing to meet the criteria for a Distinction or Merit by reason of a mark below 55 in either of the last two coursework assignments).

The final outcome rules set out above have already been adjusted so as to provide a 'safety net' for the Part II written examination. A candidate who secures a mark of 50 or above in the Part II written examination may meet the criteria for the award of a Distinction or Merit based on performance in the coursework assignments only.

Additionally, to reflect the change to the method of assessment for Part II and the reduction in the overall number of papers, the requirement for a mark of 70 or above in at least one of the Part II written examination papers has been removed, the number of marks of 70 or above required for a Distinction has been reduced from three to two and the number of marks of 65 or above required for a Merit has been reduced from four to three.

As for the discretion to depart from the normal final outcome rules, candidates may be assured that it is not exercised except in very unusual circumstances (e.g. medical) in which the Board of Examiners is convinced that the rules would yield an indefensible result. The discretion has to be exercised rationally, and the primary component of rationality in this context is that all candidates should be subjected to exactly the same rules. It follows that the discretion will not be exercised in favour of a candidate merely because the marks very narrowly fail to satisfy the rules or against a candidate merely because they only very narrowly succeed in satisfying the rules.

In agreeing changes to assessment, the exam board has ensured that the learning outcomes for the programme as given in Course Handbook are still met.

6. Re-examination

Candidates who fail (academic fail) any of the **six** papers (five coursework assignments (Part I) and **the written examination paper** (Part II)) may re-take in the immediately following academic year **only** the failed paper but the mark for that paper on this second attempt will be capped at 50 (a pass). Otherwise they will carry forward the marks of any paper they passed (mark of 50 or above), but will not in any event be eligible for a Merit or Distinction.

Similarly, candidates who fail to apply for or obtain permission from the Proctors for the late submission of any of the five coursework assignments (Part I) or **the** written examination paper (Part II) and so fail that paper (technical fail), may re-take in the immediately following academic year **only** the failed paper but the mark for that paper on this second attempt will be capped at 50 (a pass). Otherwise they will carry forward the marks of any paper they passed (marks of 50 or above), but will not in any event be eligible for a Merit or Distinction.

Nothing in this section shall prejudice the powers of the University's Education Committee and Proctors to permit partial re-takes in exceptional circumstances on such terms as they may determine. If since the previous year there has been a change of syllabus, coursework assignments or written examination papers shall nevertheless be set on the previous syllabus for the candidate who is re-taking them, but may not be taken by any other candidate.

SCHEDULE II

DIPLOMA IN INTELLECTUAL PROPERTY LAW AND PRACTICE 2019-2020

Instructions concerning the electronic submission of the Coursework Assignments and Examination Scripts into Weblearn

For ease of reference and to enable this Schedule to be detached from the Examination Convention (Notice to Candidates), all the requirements and instructions for the preparation and electronic submission of coursework assignments and examination scripts are explained in this Schedule.

By the deadline as indicated in Section 4.1 above, you must submit electronically a copy of your coursework assignment or examination script into Weblearn for the examiners. Your coursework may be checked for plagiarism using the *Turnitin* software and may also be checked for compliance with the word limit requirement.

Instructions for submission into Weblearn:

1. To submit your coursework assignment or examination script, log into the Coursework Assignment site (<https://weblearn.ox.ac.uk/x/lgjelX>) This site should be visible in your 'Active Sites' on Weblearn.

Then follow these instructions:

2. Include the cover sheet at the beginning of your coursework assignment or examination script (indicating Name of Coursework Assignment or Examination, Examination/Candidate Number, Year of Submission and Word Count), and save the essay in pdf format. The pdf document name should be your Examination/Candidate Number followed by your assignment title, for example: 123456_Patents1.pdf or 654321_Examination.pdf. A template is provided on the Weblearn site.

3. Click on Assignments on the left menu bar.

4. Click on the blue link for the relevant coursework assignment or for the written examination.

5. Read the instructions on the submission page carefully before uploading your document.

6. Use Choose File and browse to your coursework assignment on your computer. Upload the file. **PLEASE ENSURE THAT YOU HAVE THE CORRECT FILE. YOU CAN ONLY UPLOAD THE FILE ONCE.**

7. Read the Declaration of Authorship. You cannot submit your essay until you have ticked this Declaration.

8. Click Submit.

9. You will receive an email confirmation that you have successfully submitted your work.

Please ensure that your essay does not contain any pieces of information that could identify you to the marker of your essay.

SCHEDULE III

DIPLOMA IN INTELLECTUAL PROPERTY LAW AND PRACTICE 2019-20

Extract from Weblearn re Declaration of Authorship

I confirm the following:

1. I have read and understood the University's disciplinary regulations concerning conduct in examinations and, in particular, the regulations on plagiarism (The University Student Handbook, Section 8.8; at <https://www.ox.ac.uk/students/academic/student-handbook>).
2. I have read and understood the Education Committee's information and guidance on academic good practice and plagiarism at <https://www.ox.ac.uk/students/academic/guidance/skills?wssl=1>.
3. The [thesis/extended essay/project/other work] I am submitting is entirely my own work except where otherwise indicated.
4. It has not been submitted, either wholly or substantially, for another Honour School or qualification at this University, or at any other institution.
5. I have clearly indicated (with appropriate references) the presence of all material I have paraphrased, quoted or used from other sources, including any diagrams, charts, tables or graphs.
6. I have acknowledged appropriately any assistance I have received in addition to that provided by my [tutor/supervisor/adviser].
7. I have not copied from the work of any other candidate.
8. I have not sought assistance from any professional agency, nor provided material for other examination candidates at this University or elsewhere (See <http://www.admin.ox.ac.uk/statutes/352-051a.shtml>). Yes
(You must respond to submit your assignment.)