

JDD CONSULTANTS

ANALYSIS OF THE PEB 2017 EXAM RESULTS

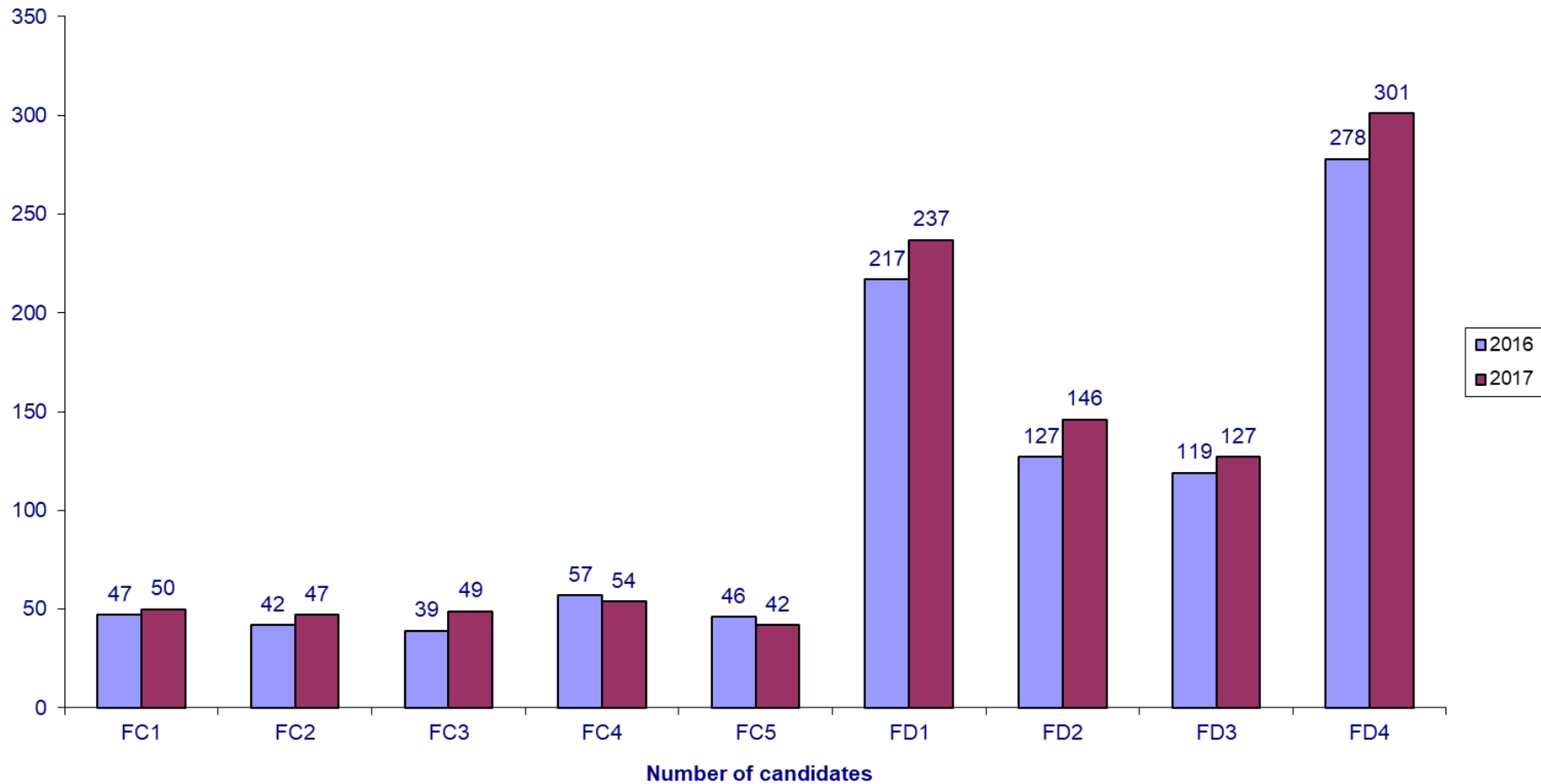
[MARCH 2018]

Candidate numbers

- **Foundation Certificate (FC) papers:**
the number of candidates ranged from 42 on FC5 to 54 on FC4 and, overall, were up by 5% on 2016 (**Figure 1**).
- **Final Diploma (FD) papers:**
the number of candidates ranged from 127 on FD3 to 301 on FD4 and, overall, were up by 9% on 2016 (**Figure 1**).

Figure 1

Candidates taking the PEB papers in 2016 and 2017



Pass rates

- FC papers:
pass rates rose for FC2 (English Law), were stable for FC3 (International Patent Law), but fell for the FC1 (UK Patent Law), FC4 (D&C) and FC5 (Trade Mark Law) papers. (**Figure 2**).
- FD papers:
pass rates in 2017 across all FD papers were very similar to 2016 (**Figure 3**).

Figure 2

% Pass Rates (for all candidates) in 2016 and 2017 FC Exams

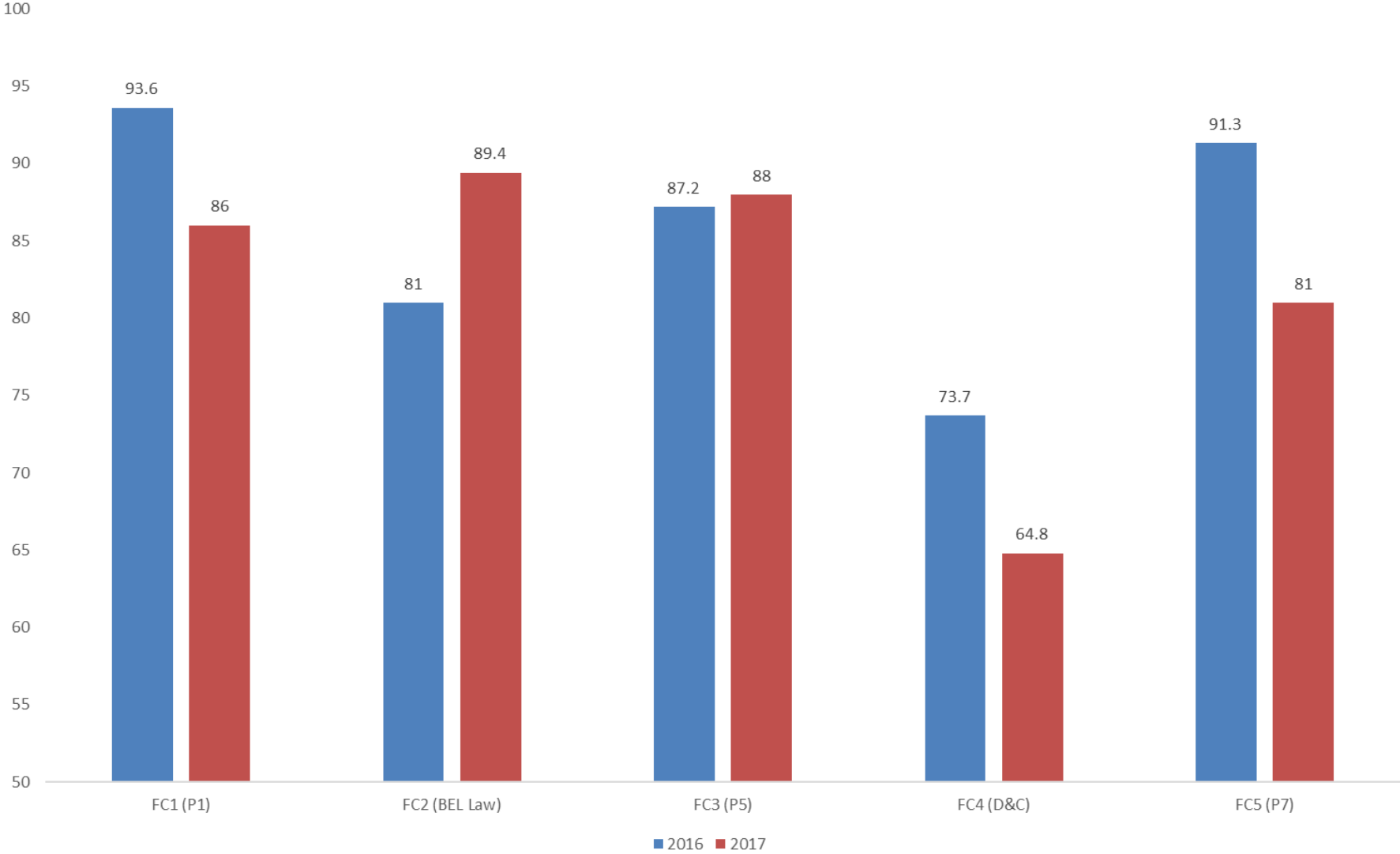
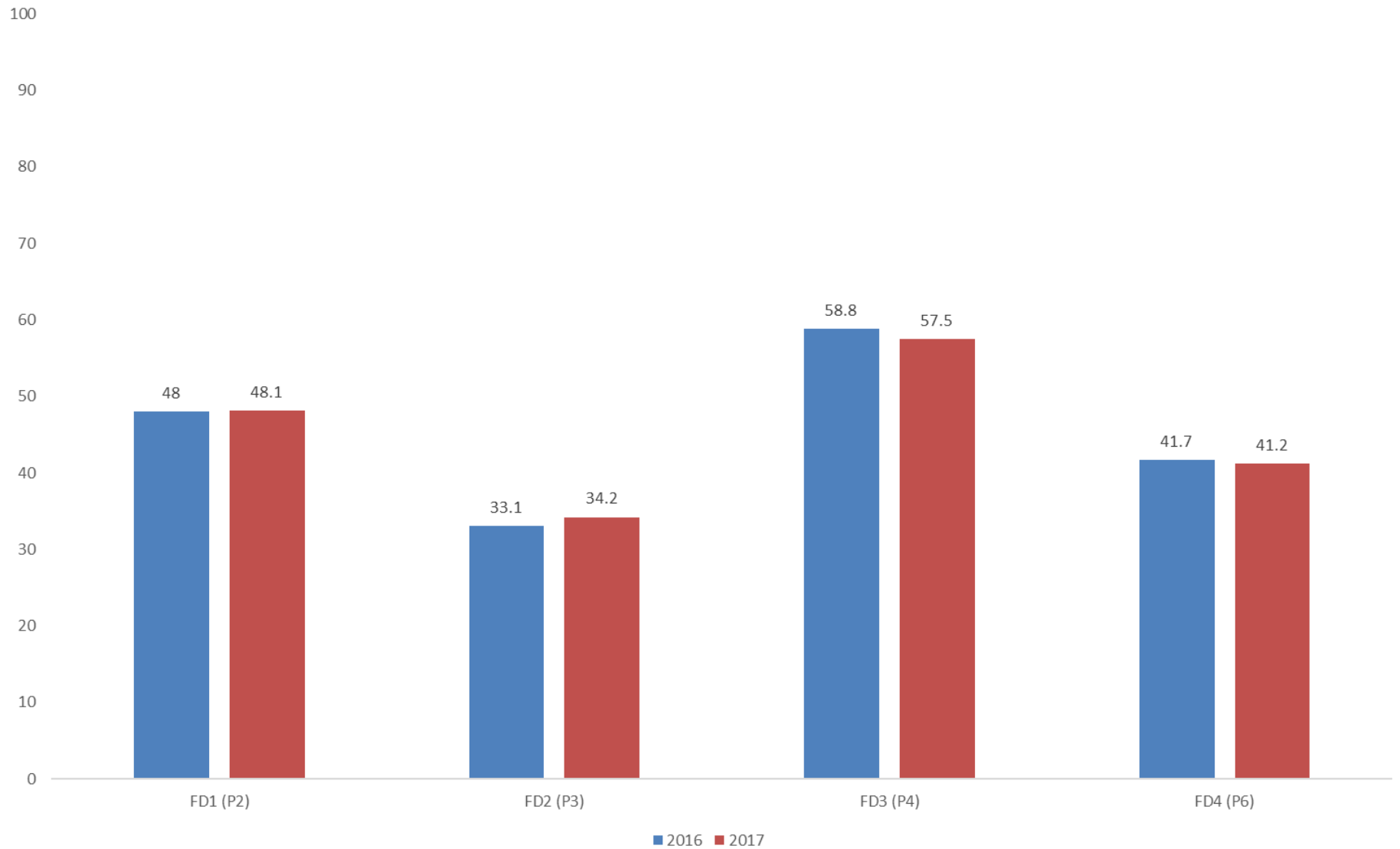


Figure 3

% Pass Rates (for all candidates) in 2016 and 2017 FD exams

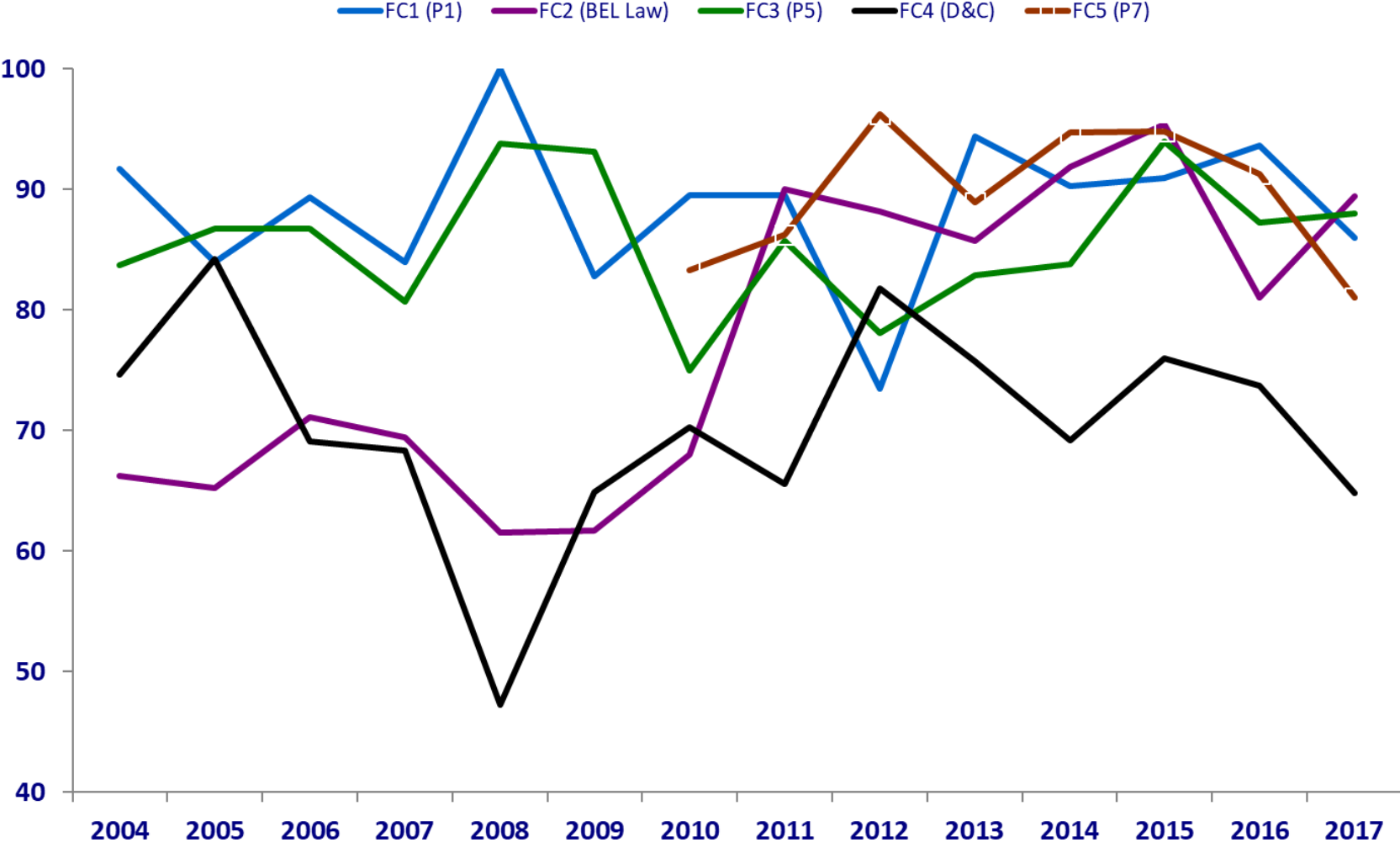


Trends in FC pass rates

- Pass rates have always been very high for FC1, FC3 and FC5, but have improved over recent years for FC2 (English Law) and FC4 (D&C) – although 2016 saw a step backwards in the FC1, FC4 and FC5 pass rates (**Figure 4**).

Figure 4

Trends in % Pass Rates for All Candidates in Foundation Certificate Exams



Trends in FD pass rates

- Year-to-year fluctuations in pass rates have traditionally been greater for FD papers (than for FC) but the pass rate across all FD papers was broadly stable between 2016 and 2017(**Figure 5**).
- For FD1, FD2 and FD3, the long-term trend since 2000 has been an improving pass rate (although there has been retrogression for FD1 and FD2 in 2016 and 2017):
 - for FD1 the average has risen from 48% between 2000-03 to 51% between 2015-17;
 - for FD2 from 34% to 37%; and
 - for FD3 from 46% to 59% (**Figures 6-8**).
- For FD4, there has been no real upward trend: 39% passing, on average, between 2000-03 and 41% between 2015-17 (**Figure 9**).

Figure 5

Trends in % Pass Rates for All Candidates in Final Diploma Exams

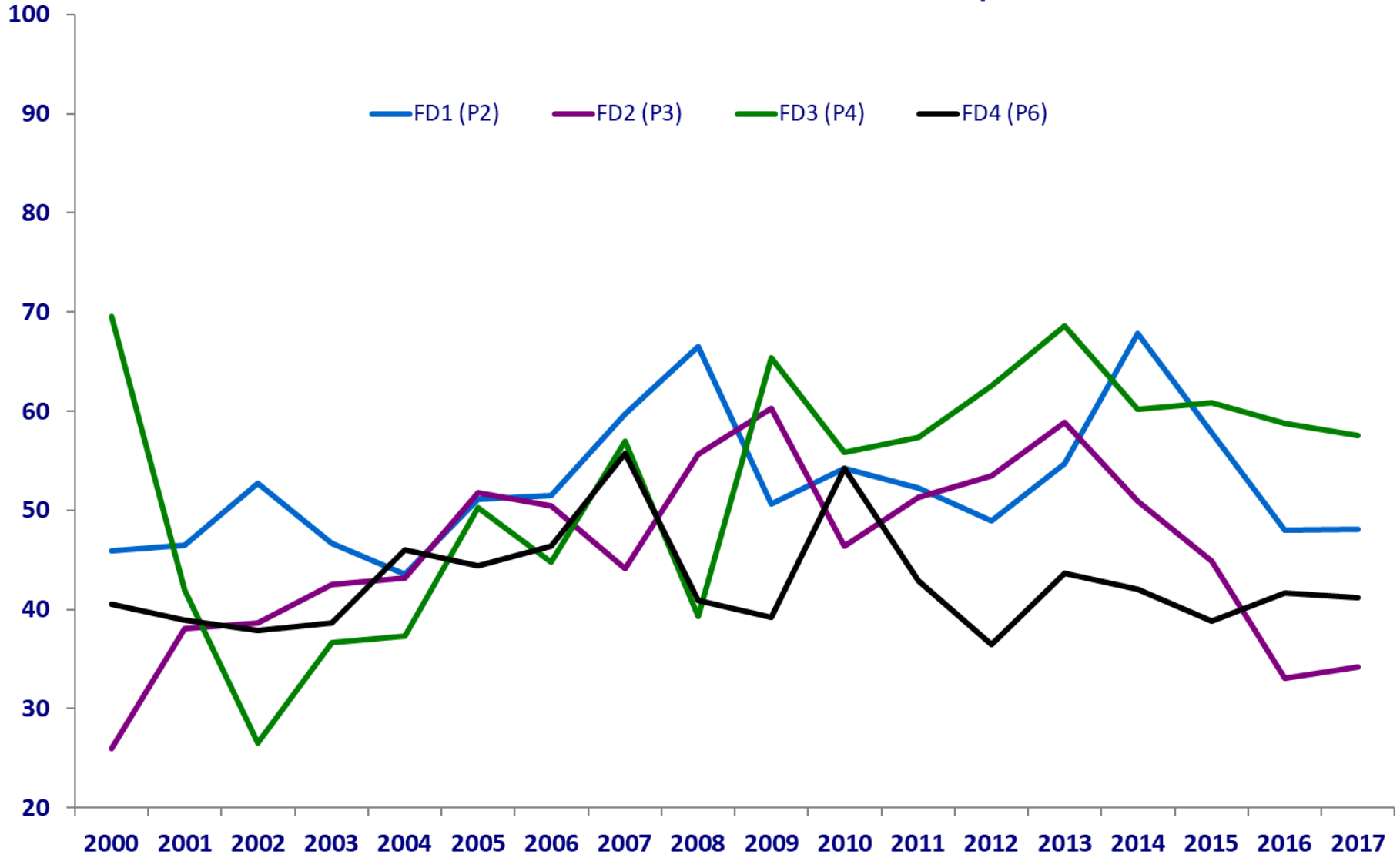
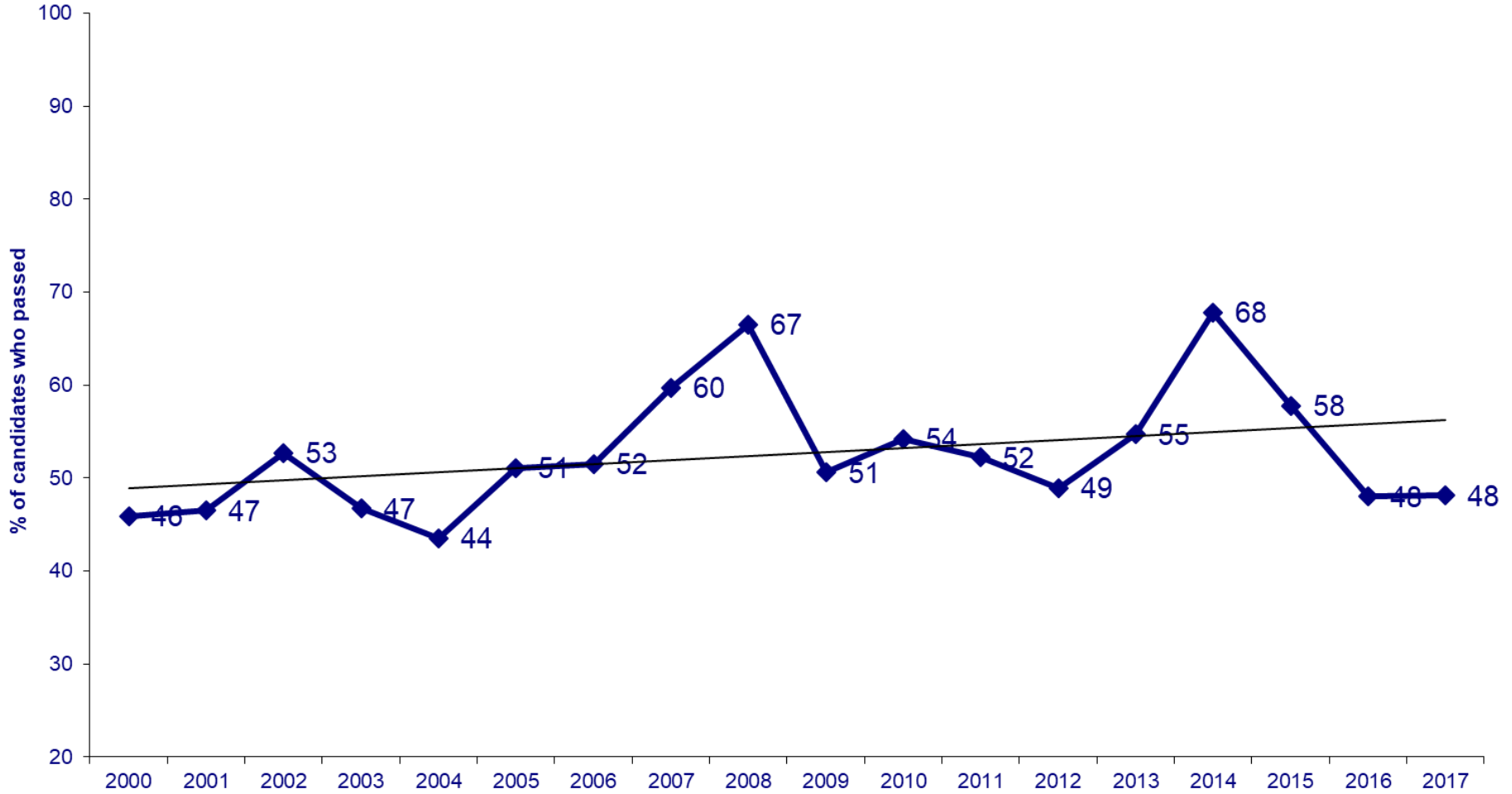


Figure 6

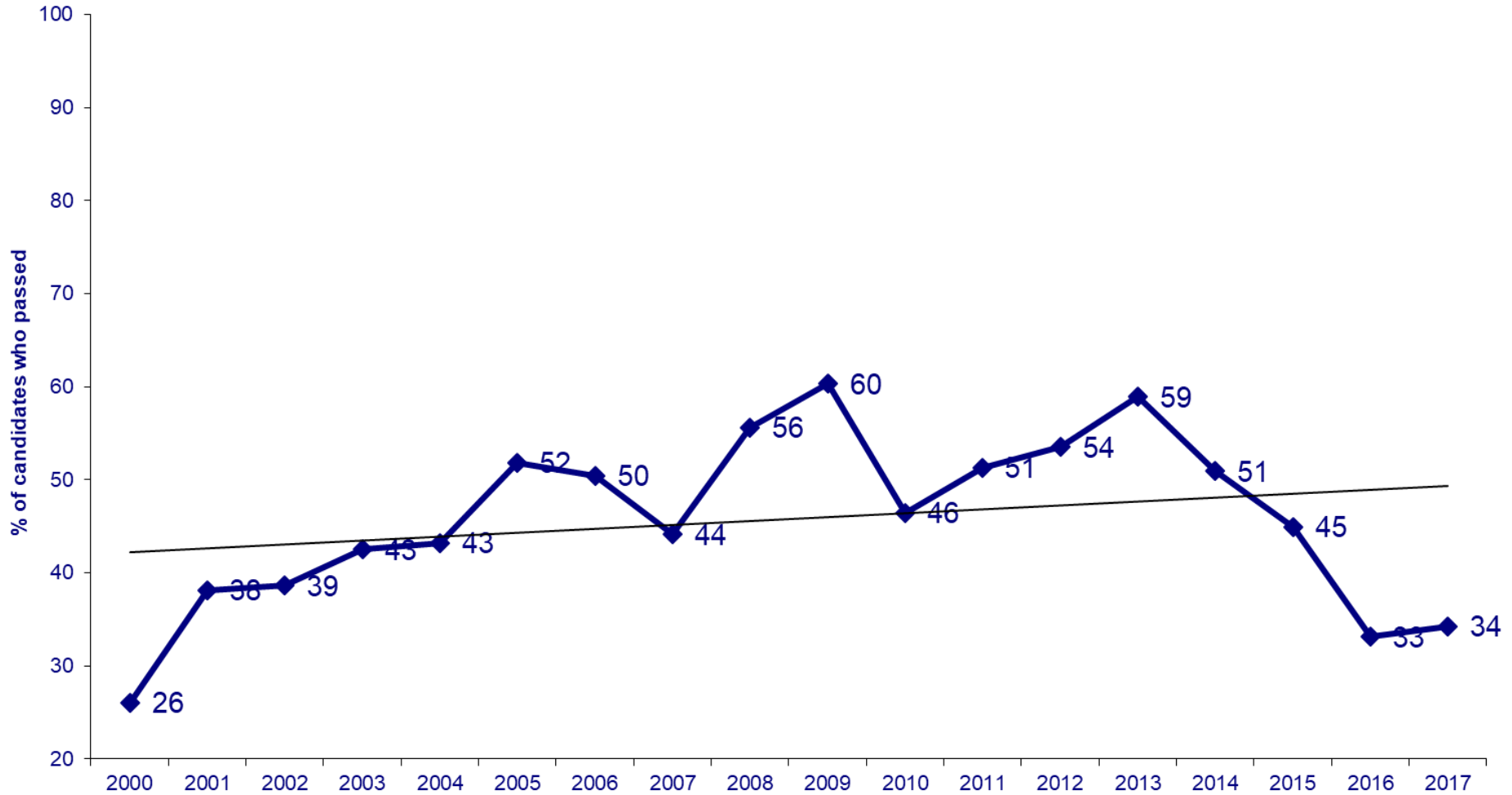
Trends in FD1 (P2) Pass Rate for all Candidates: 2000-17



The pass rate for FD1 showed a steady trend upward until 2014. It has risen from an average of 48% in 2000-03 to 51% in 2015-17.

Figure 7

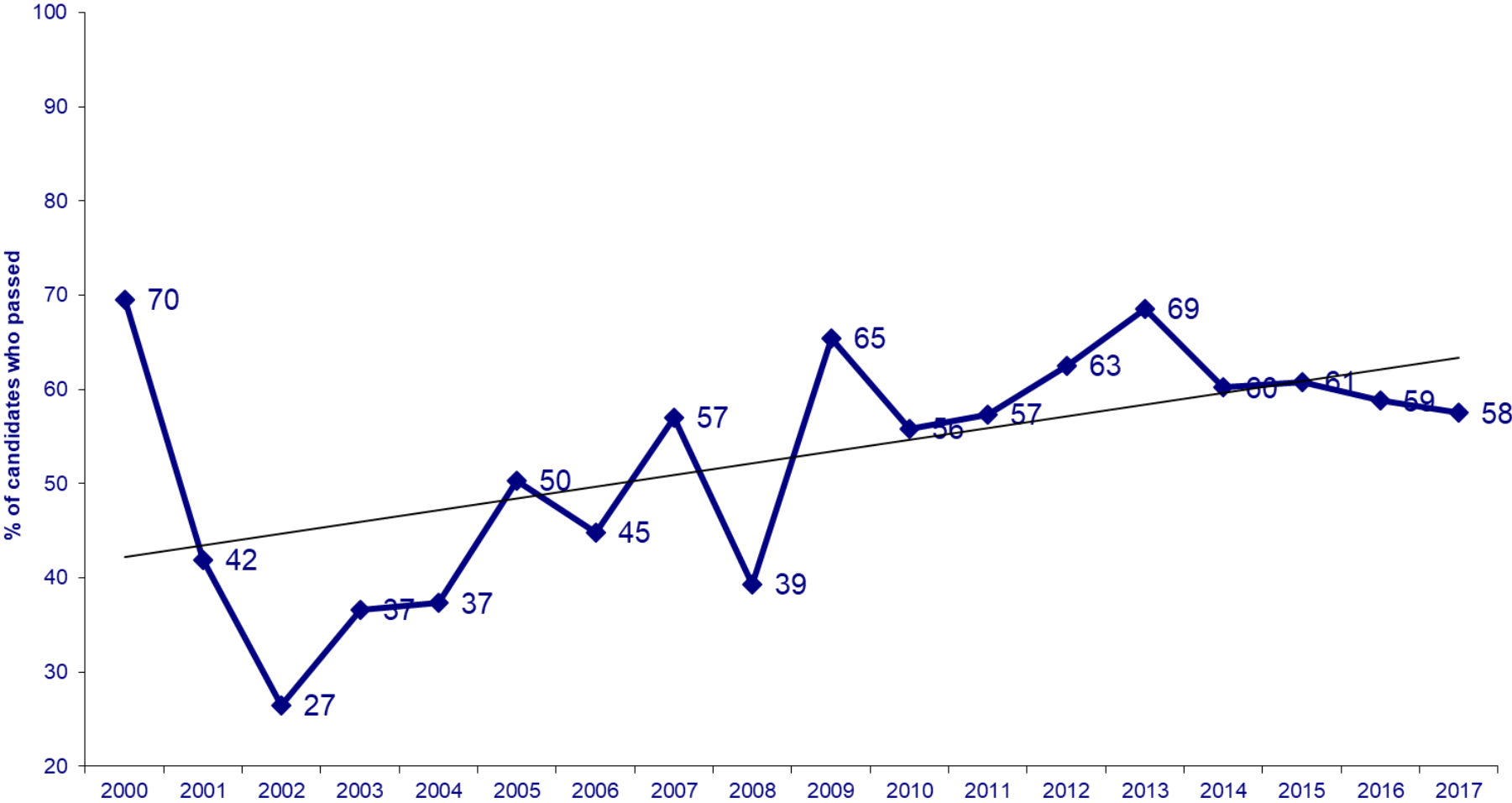
Trends in FD2 (P3) Pass Rate for all Candidates: 2000-17



The pass rate for FD2 showed a trend upwards until 2013. It has risen from an average of 34% in 2000-03 to 37% in 2015-17.

Figure 8

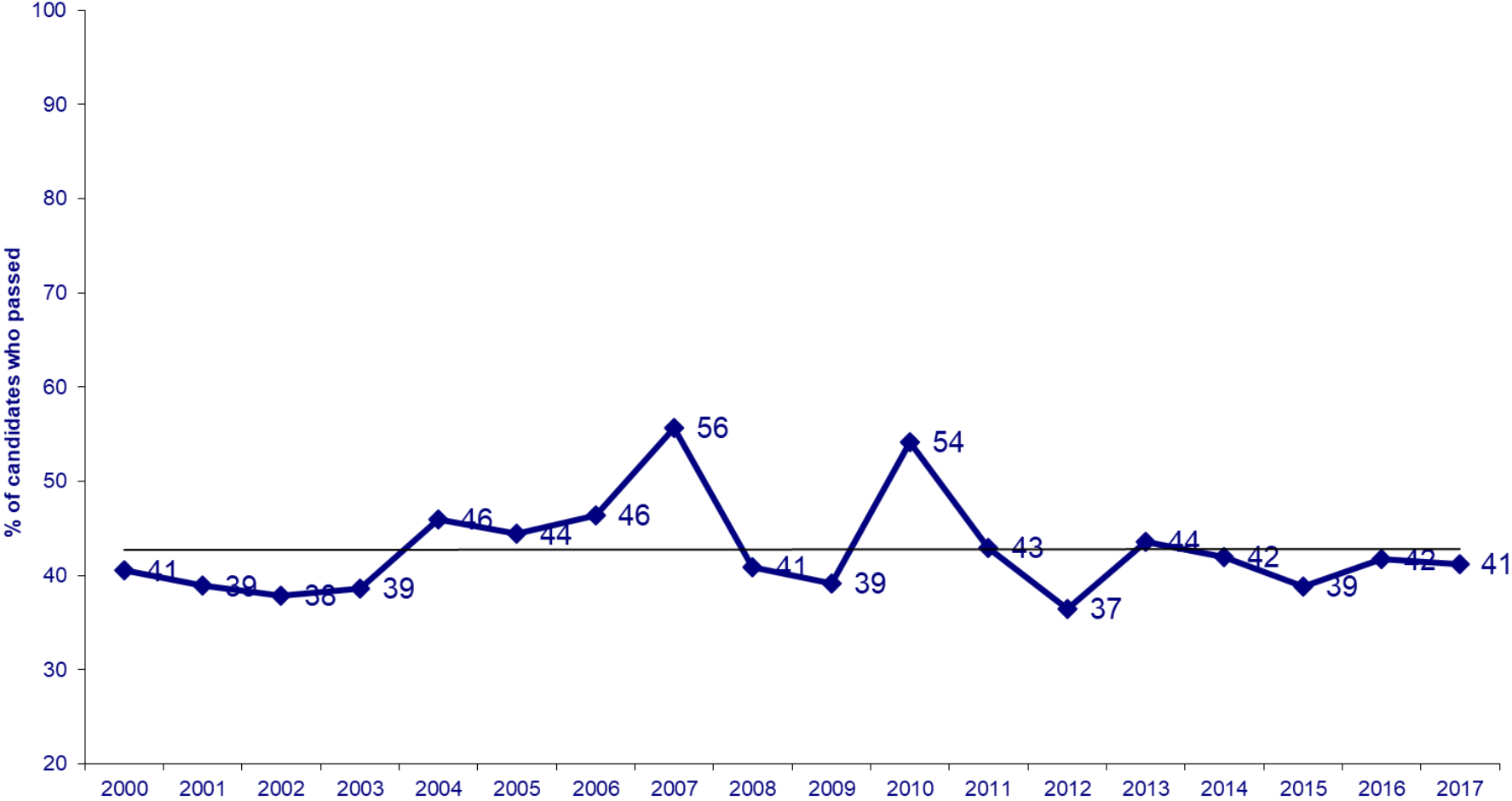
Trends in FD3 Pass Rate for all Candidates: 2000-17



The pass rate for FD3 shows a trend upwards, from an average of 46% in 2000-03 to 59% in 2015-17.

Figure 9

Trends in FD4 Pass Rate for all Candidates: 2000-17



The pass rate for FD4 shows little real trend, averaging 39% in 2000-03 and 41% in 2015-17.

Pass rates for those attending JDD courses

When calculating pass rates for those attending JDD revision courses three caveats apply:

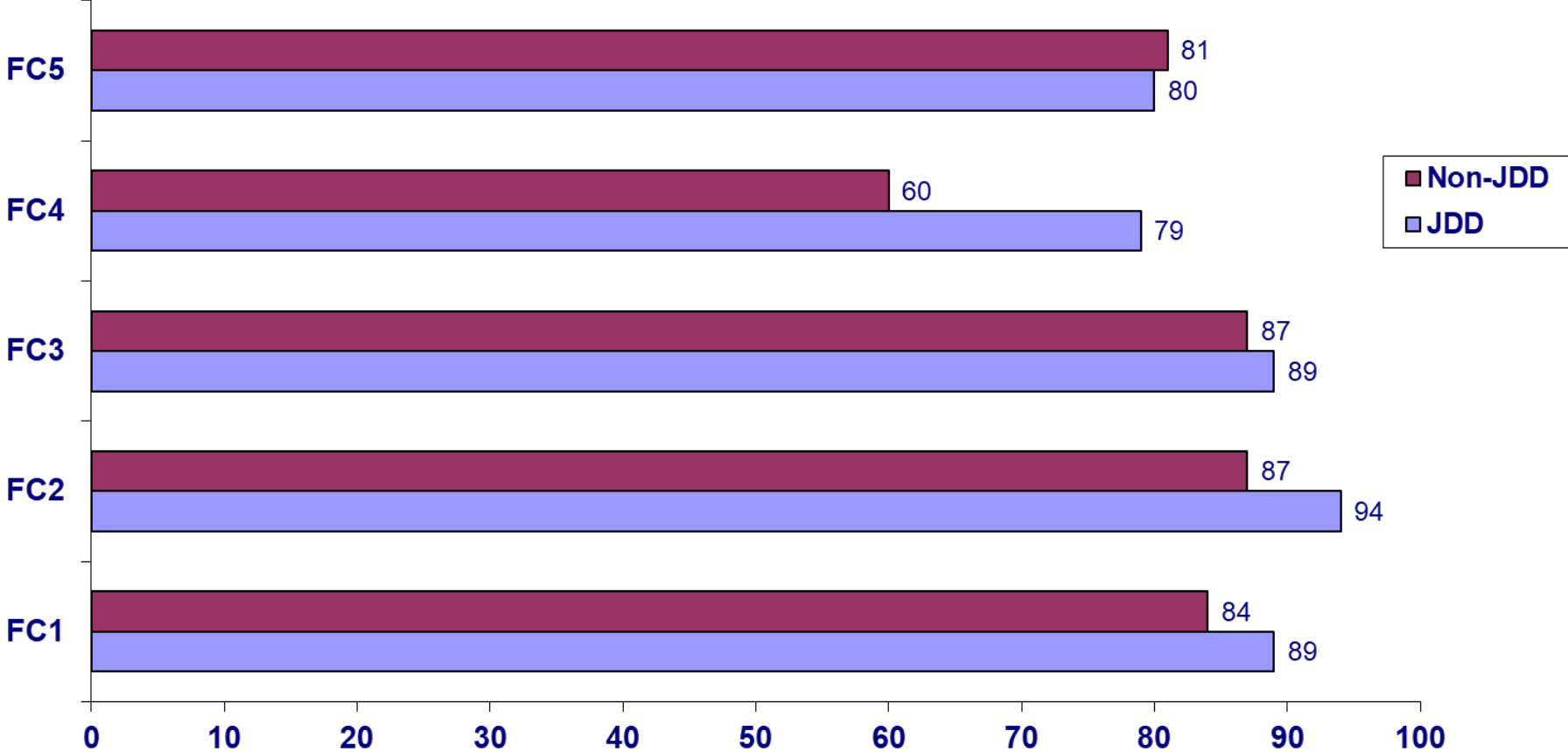
1. Some JDD course attendees do not sit the examination until the year following the course. In some cases, they advise us of this, but this is not always the case.
2. Each year some of our FD2 and FD3 course attendees withdraw from the exam because, in the period between booking and the October exam, they receive notice that they have passed Papers A and/or B of the March EQE.
3. Each year, a significant number of those who pass PEB papers have attended a JDD course one or two years before and have built on the guidance and knowledge from the course to have success at a second or further attempt. These candidates are shown in Figures 10 and 11 which follow as 'non-JDD', but in fact will have benefitted from attending a JDD course on the paper in an earlier year.

Foundation Certificate courses

- FC pass rates, for all candidates, are typically high, but also:
 - a significant proportion of candidates attend JDD FC revision courses;
 - as in previous years, pass rates for those who attended our FC course(s) in 2017 were higher than for those who did not attend our course(s) – particularly in the case of FC4 (**Figure 10**).

Figure 10

% Pass rates for JDD and non-JDD FC course attendees in 2017

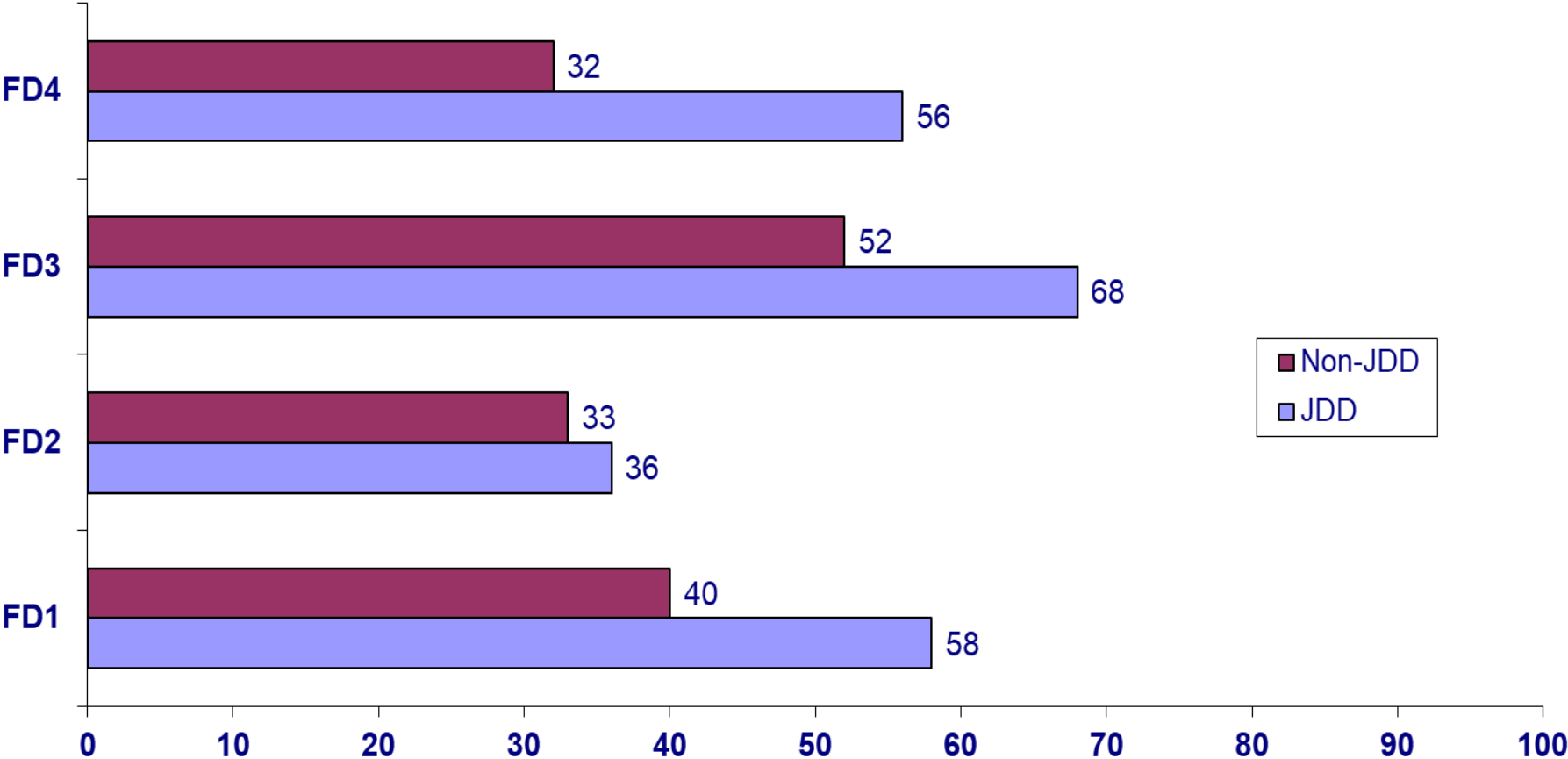


Final Diploma courses

- In the cases of FD1, FD3 and FD4, the pass rates for those who attended a JDD revision on the paper in 2016, were significantly higher than for those who did not (**Figure 11**).
- For FD2, the pass rate of JDD course attendees and non attendees appeared to be the same. However, the pass rate for JDD attendees may be significantly understated for FD2 since not all JDD FD2 attendees will have actually sat the exam, given the factor of EQE Papers A and B exemptions.
- A substantial proportion of those who are shown in Figure 11 as 'non-JDD' (i.e who passed the 2017 exam without taking a JDD revision course in 2017) had attended a JDD course on the paper in 2016: a third in the case of FD1, a quarter in the case of FD4 and over a fifth for FD2. In these cases, the candidates will have been able to build on guidance provided in the courses.

Figure 11

% Pass rates for JDD and non-JDD FD course attendees in 2017

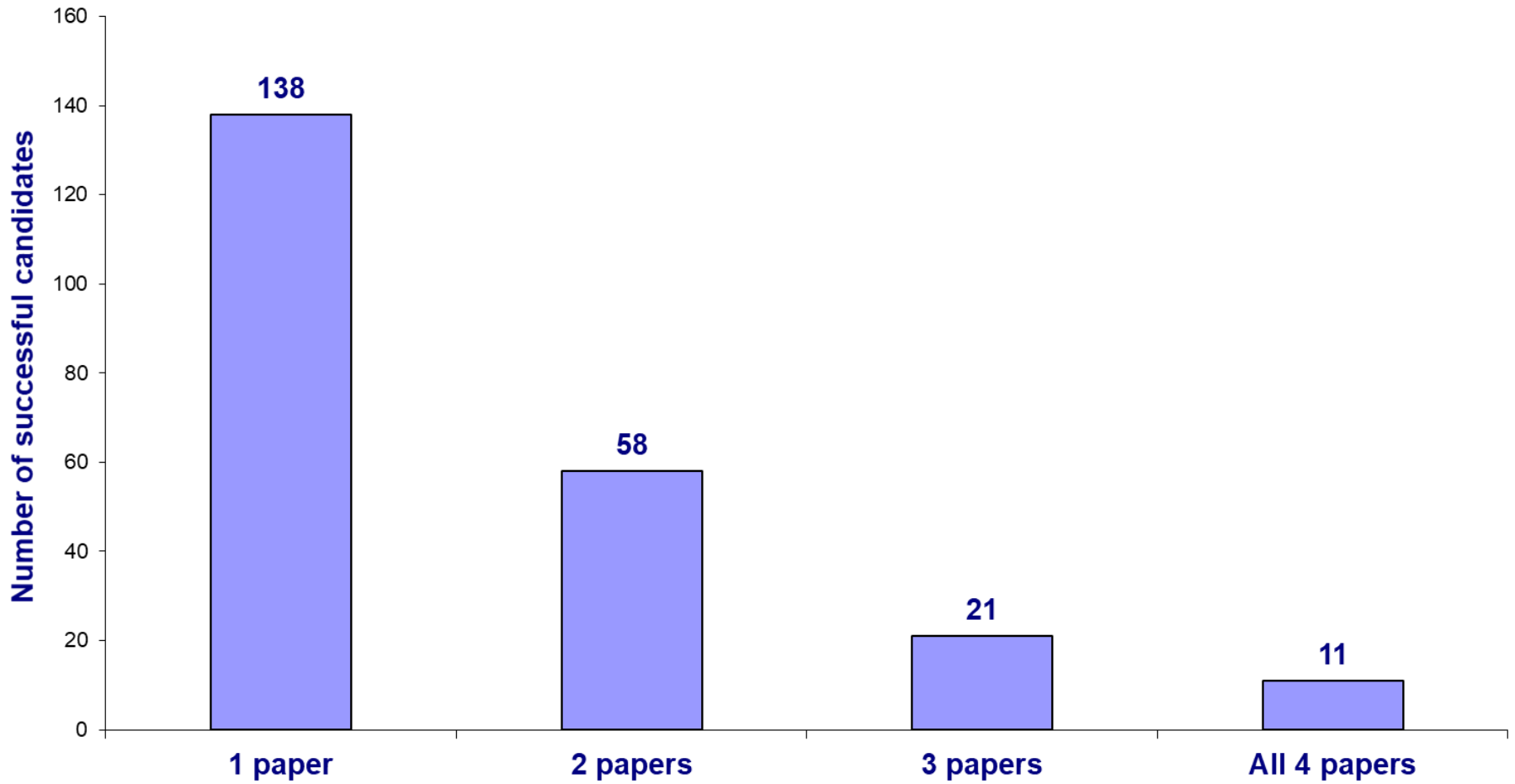


Successful FD candidates and how many papers they passed

- In 2017, the overall pass rate for FD papers was 45% (i.e. there were, in total, 811 entries for the four papers and there were 361 passes – 48% of whom were attendees on JDD FD courses in 2017).
- Around a half of candidates attempted just one paper (typically FD1 or FD4) in 2017, some two (the most common combinations being FD1 with FD4 or FD2 with FD3), some three and some all four. We estimate that the average number of FD papers taken was 1.8 and that there were around 450 unique candidates.
- 228 candidates passed one or more FD paper in 2017: i.e. over half of unique candidates had some success.
- 139 of these 228 successful candidates attended one or more JDD FD courses in 2017. And, overall, more than two-thirds of the trainees who attended a JDD FD course in 2017 passed one or more of the FD papers.
- A further 33 successful candidates in 2017 had attended a JDD course on that paper in the previous years.
- **Figure 12** shows that 138 of the 228 successful candidates passed one paper, 58 passed two papers, 21 three papers and eleven all four papers.

Figure 12

Successful candidates in FD exams in 2017: Numbers passing



The FD1 and FD2 low pass rates in 2017 (1)

- For **FD1** the overall pass rate (at 48%) was (as in 2016) substantially down on the high average pass rate of 60% registered between 2013-15.
- The Examiner's Report noted (as it did in 2016) that a factor behind some candidates failing was that they were taking the examination too soon in their professional careers. *“Those candidates who were scoring with marks in the low 40% region perhaps simply need another year of experience to get them to a position whereby they are ready to sit the examinations and the confidence to know when information is relevant to a question and what is simply not required”.*

The FD1 and FD2 low pass rates in 2017 (2)

- For **FD2** the pass rate in 2017, at 34%, was slightly up on 2016, which had been the lowest pass rate since 2000.
- The Examiner's Report for FD2 2017 notes that: *“This year’s paper was an exercise in invention-spotting, which is a skill that this paper seeks to test as an essential part of the unique skill set of a patent attorney. Candidates who had sufficient knowledge or experience of claim drafting were duly rewarded, while those who adopted a scattergun approach in the hope of hitting the right target, or those who appeared to set about drafting claims without taking the time to think about what the invention was, were not”*.

The student year profile of those passing FD4

- A feature we noted for the exam results for FD4 2015 was that a higher than normal proportion of those passing had been in the profession for a substantial number of years. It was an exam which favoured candidates with considerable experience and who had sat FD4/P6 several times before.
- For FD4 2016, we found this to be less clearly marked: around two-thirds of those who passed FD4 2016 had been in the profession for broadly three years or less (i.e. they came from student years 2013, 2014 or 2015), whereas for FD4 2015 the proportion (from student years 2012, 2013 or 2014) had been just over 50%.
- For FD4 2017, the situation was somewhat between 2015 and 2016. We calculate that around 55% of those who passed FD4 2017 came from the student years 2014, 2015 and 2016 (i.e. had been three years or less in the profession), while more than a third came from student years 2012 and 2013 (i.e. 4-5 years in the profession) and a tenth from student years of 2011 and earlier.

JDD Consultants

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