

JDD CONSULTANTS

ANALYSIS OF THE PEB 2019 EXAM RESULTS

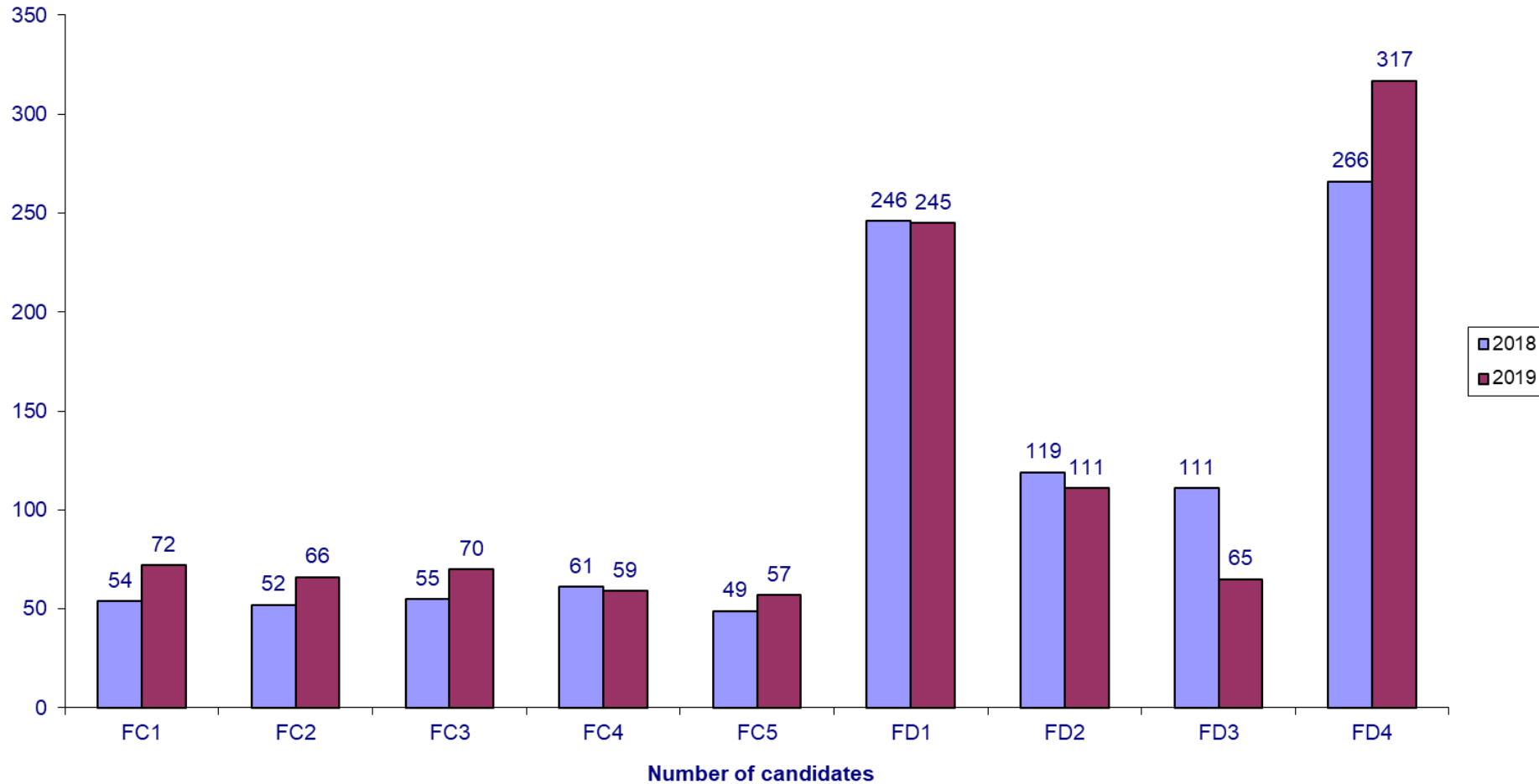
[MARCH 2020]

Candidate numbers

- **Foundation Certificate (FC) papers:**
the number of candidates ranged from 57 on FC5 to 72 on FC1 and, overall, were up by 20% on 2018, with the numbers taking FC1 up by 33% (**Figure 1**).
- **Final Diploma (FD) papers:**
the number of candidates ranged from 65 on FD3 to 317 on FD4 and, overall, were down by 1% on 2018, with a sharp (41%) fall in numbers sitting FD3 and 20% rise in those sitting FD4 (**Figure 1**).

Figure 1

Candidates taking the PEB papers in 2018 and 2019



Overall Pass Rates

(for all candidates)

- **FC papers:**

pass rates were similar to 2018, with slight rises for FC4 (D&C Law) and FC5 (Trade Mark Law) and small falls for FC1 (UK Patent Law) and FC2 (English Law). (**Figure 2**).

- **FD papers:**

pass rates fell significantly for FD1, FD2 and FD3, but rose slightly for FD4 (**Figure 3**).

Figure 2

% Pass Rates (for all candidates) in 2018 and 2019 FC Exams

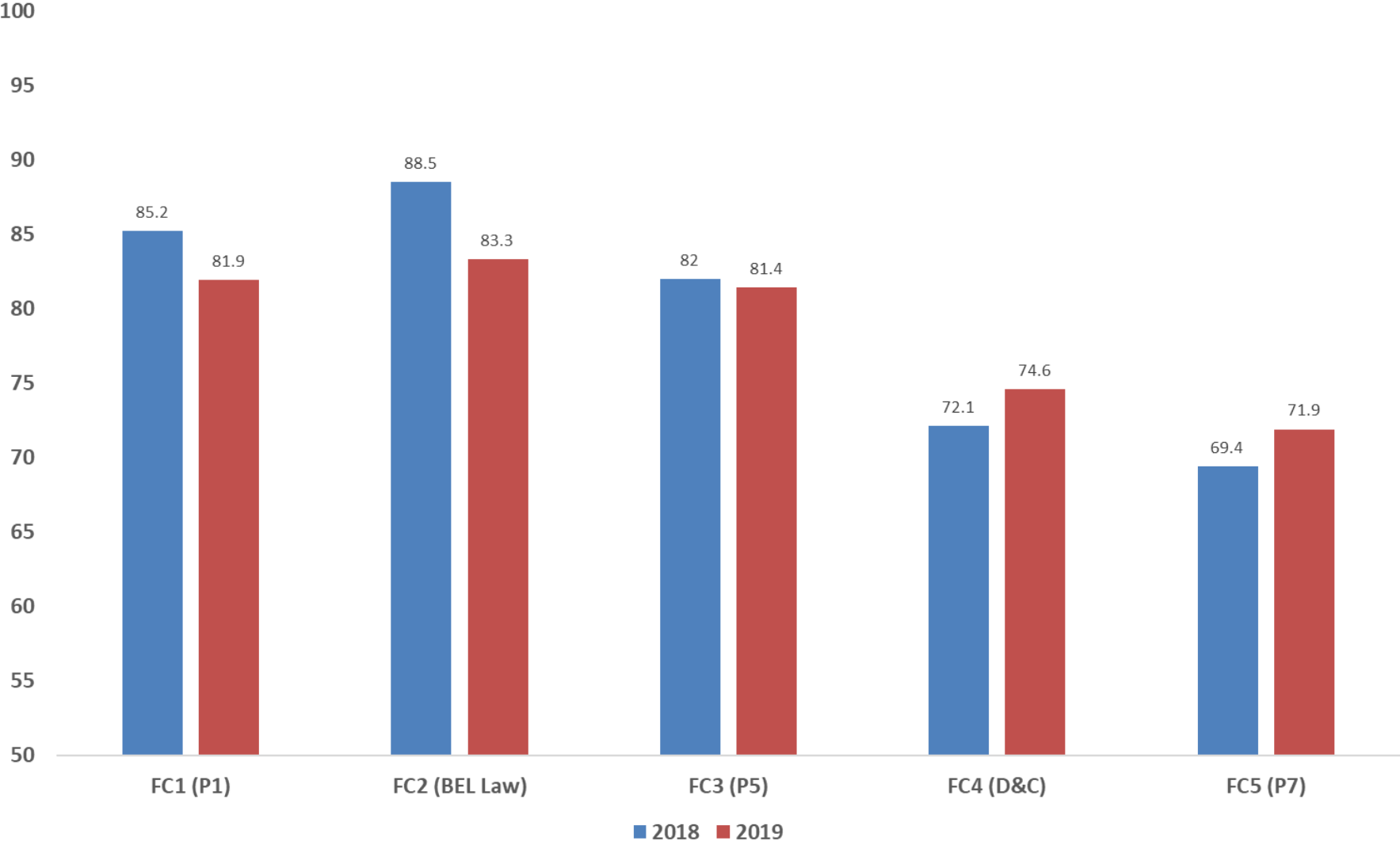
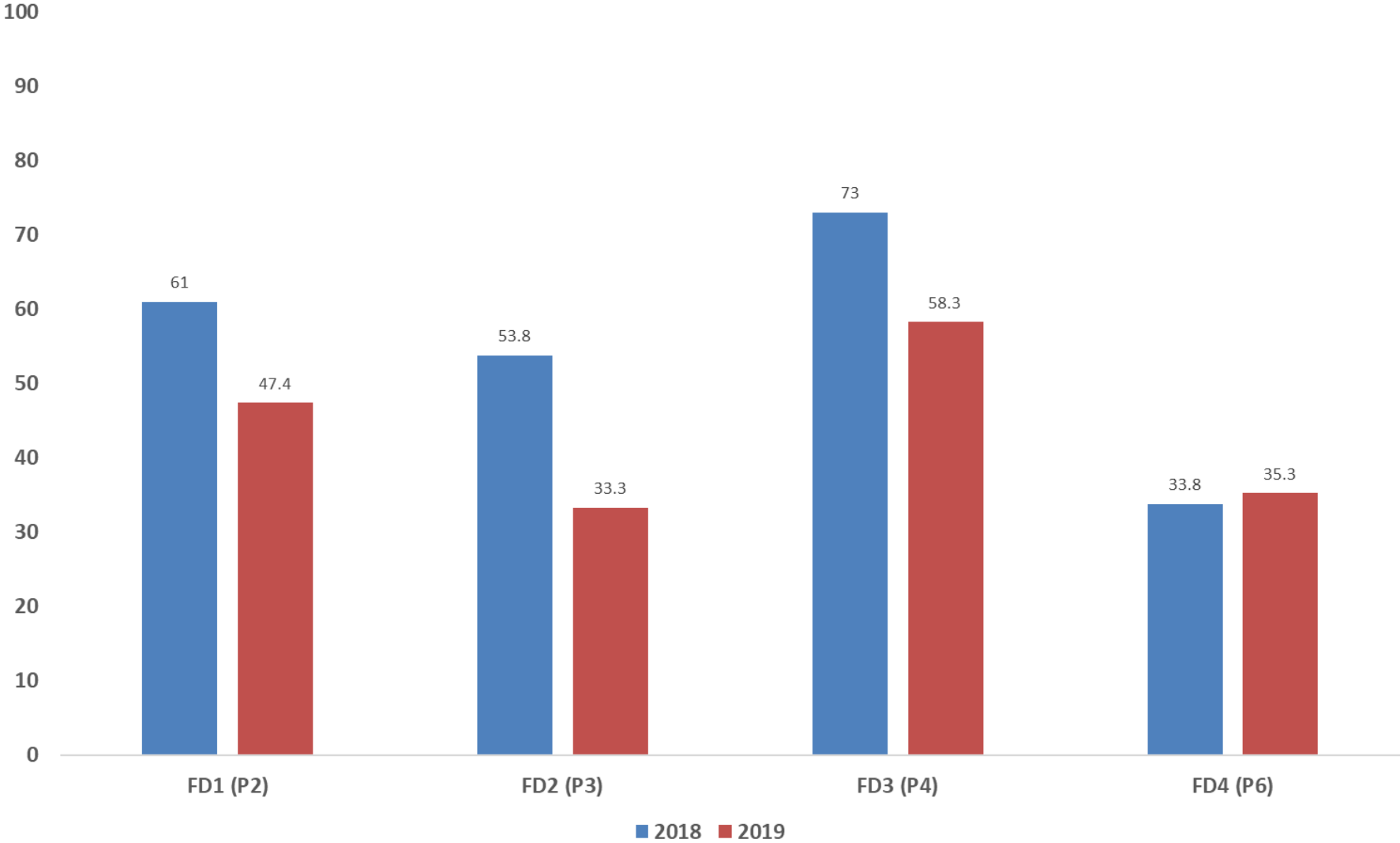


Figure 3

% Pass Rates (for all candidates) in 2018 and 2019 FD exams

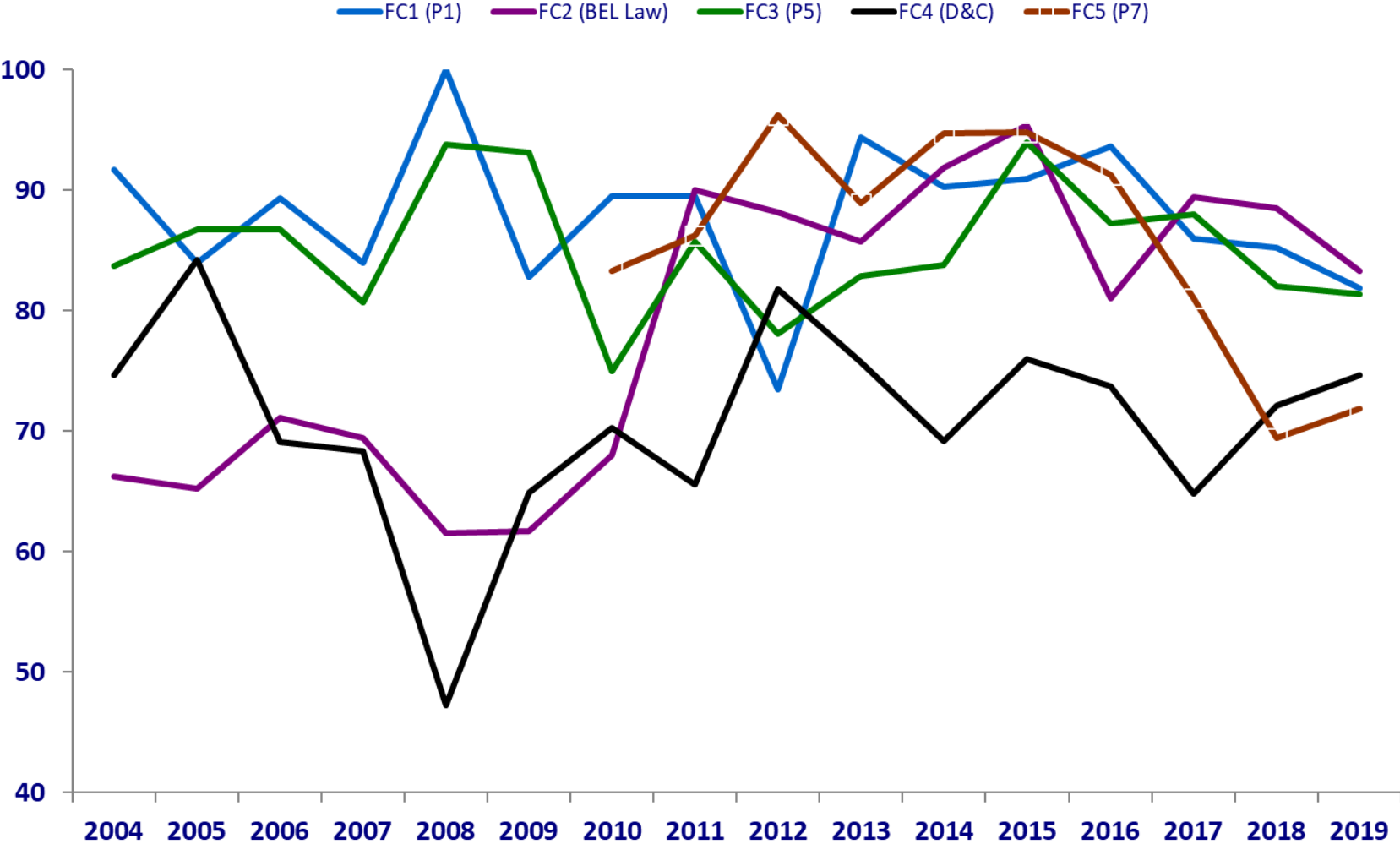


Trends in FC pass rates

- Pass rates have consistently been high for FC1, FC2 and FC3 and have improved for FC4 (D&C) over recent years (**Figure 4**).
- The Examiner's Report for FC1 noted that, *"The pass rate was lower than usual and some candidates failed the paper quite badly. It appeared that some candidates sat this paper too early. It is recommended that candidates should prepare for at least a year before sitting the paper"*.
- Since 2016, the FC5 pass rate has declined significantly (from 90% to around 70%). During this period the syllabus has changed and the exam format moved to one in which there is more emphasis on candidates needing to critically apply (rather than recite) knowledge. The Examiner's Report for FC5 noted, *"Only two unsuccessful candidates scored more than 40, and half picked up fewer than 36 marks. Conversely, candidates who passed did so with a median score of 61, and the prizewinning score was 86. In other words, unsuccessful candidates generally exhibited a stark difference in capability from their averagely- and higher-performing peers"*.

Figure 4

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



Trends in FD pass rates

- Year-to-year fluctuations in FD paper pass rates have traditionally been greater than for FC papers. Again, this was evident in 2019: the overall pass rates for FD1, FD2 and FD3 fell significantly while the FD4 pass rate rose only slightly from its 20 year low (**Figure 5**).
- For FD1, FD2 and FD3, there has been a long-term trend since 2000 of improvement in the pass rate:
 - for FD1 the average pass rate has risen from 48% between 2000-03 to 51% between 2016-19;
 - for FD2 from 34% to 39%; and
 - for FD3 from 46% to 62% (**Figures 6-8**).
- For FD4, there has been no discernible long-term trend: on average, 39% passed between 2000-03 and 38% between 2016-19 (**Figure 9**).

Figure 5

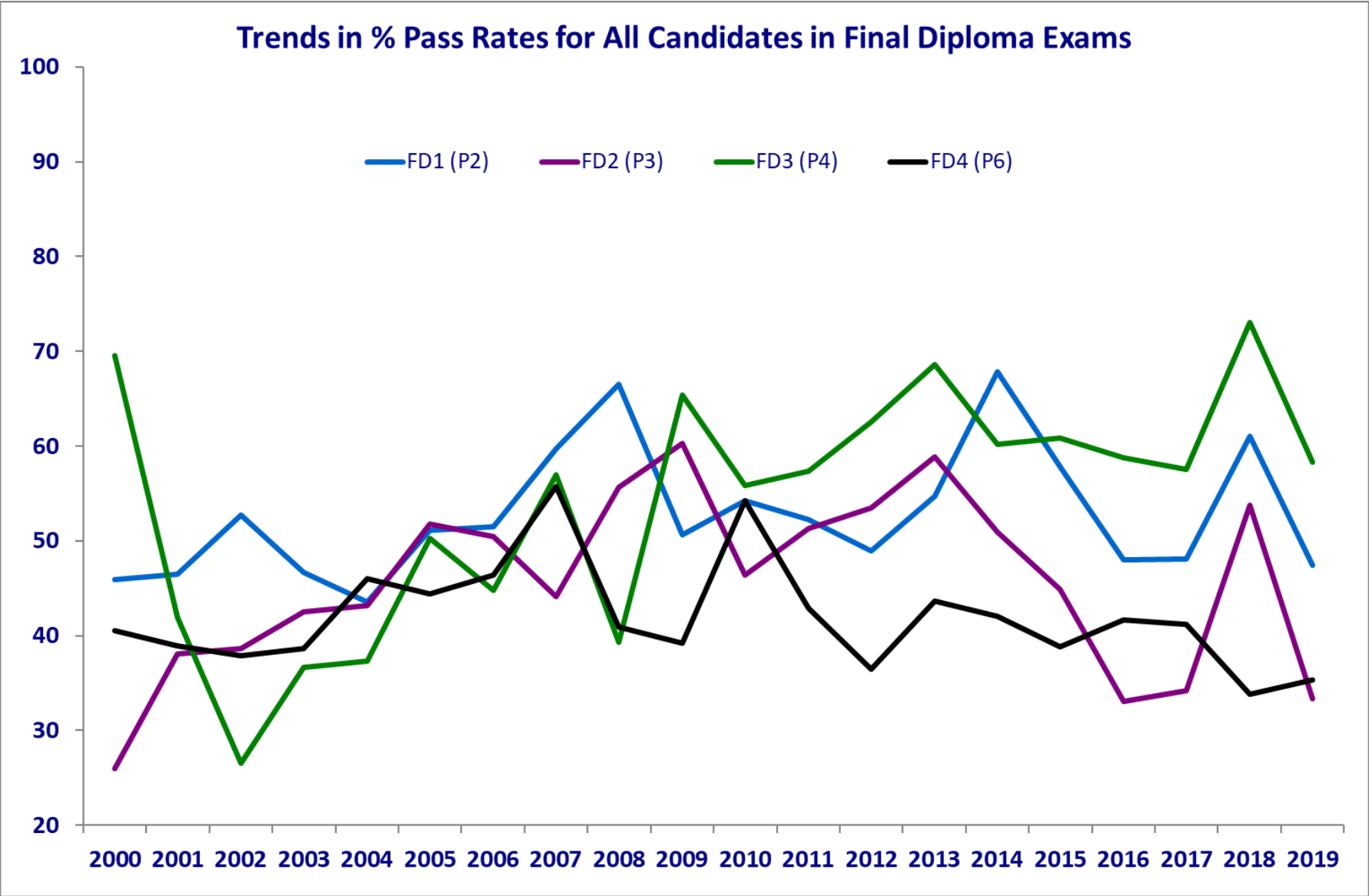
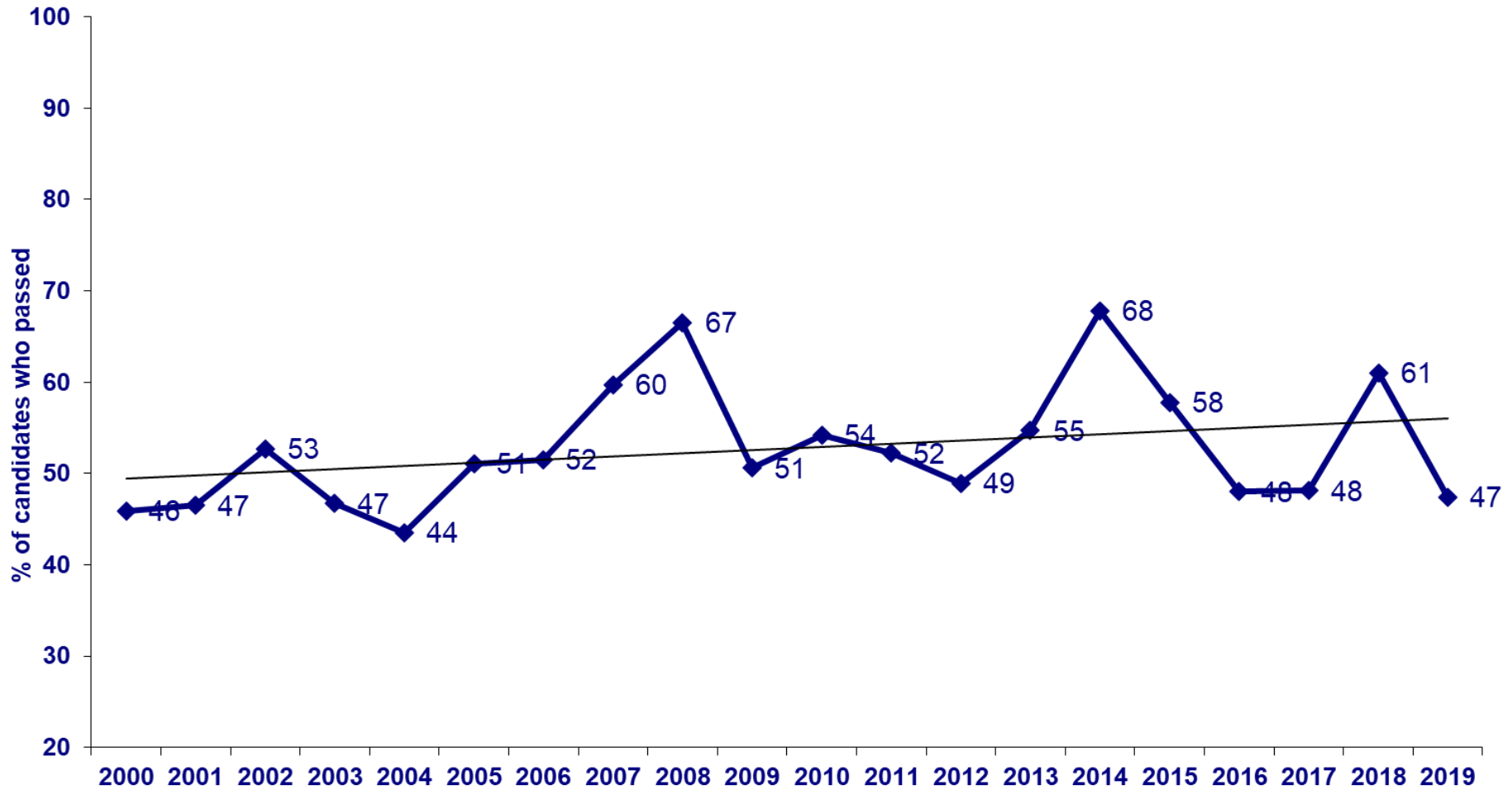


Figure 6

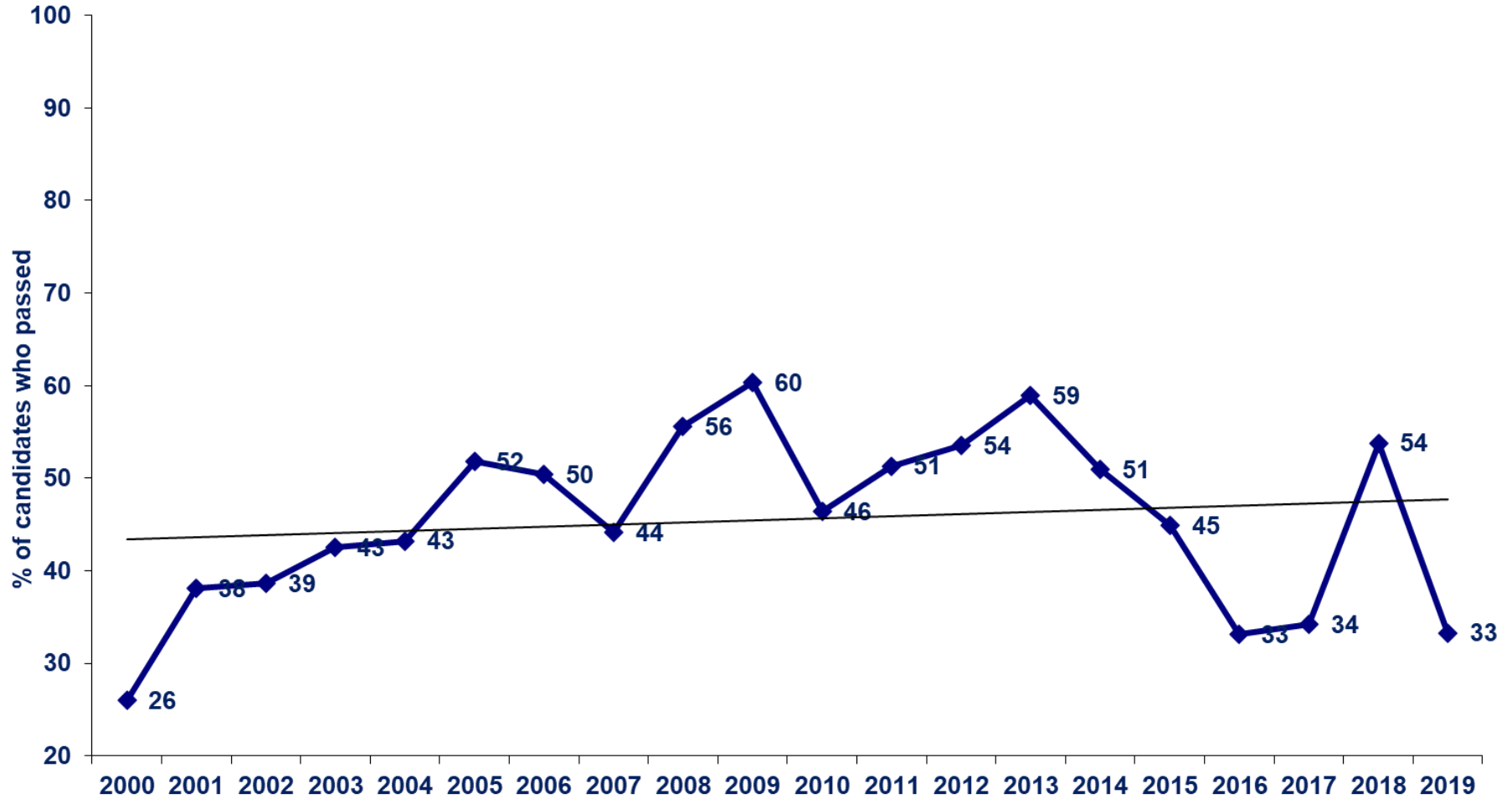
Trends in FD1 (P2) Pass Rate for all Candidates: 2000-19



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 2016-19.

Figure 7

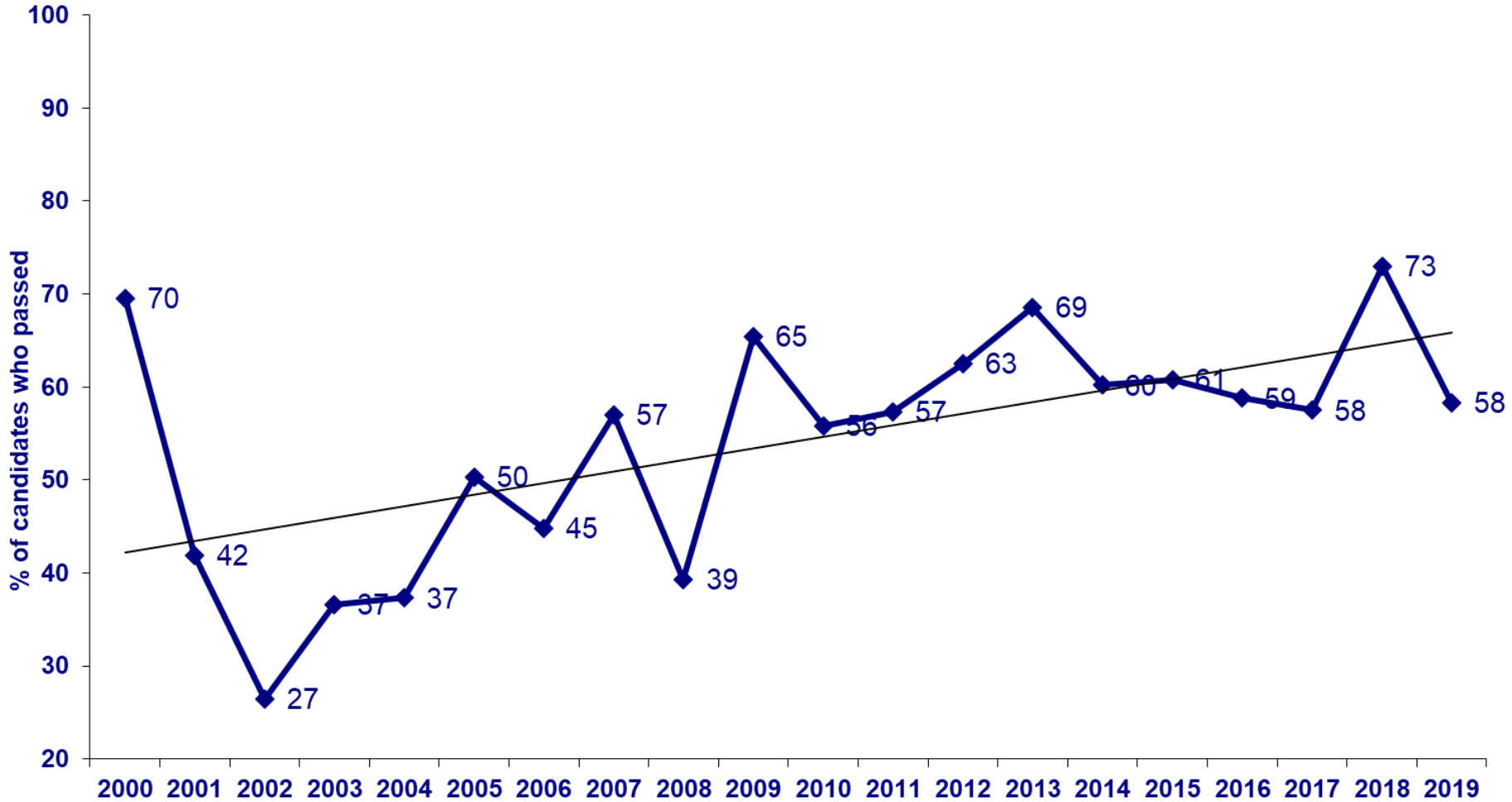
Trends in FD2 (P3) Pass Rate for all Candidates: 2000-19



The pass rate for FD2 showed a trend upwards until 2013. It has risen from an average of 34% in 2000-03 to 39% in 2016-19.

Figure 8

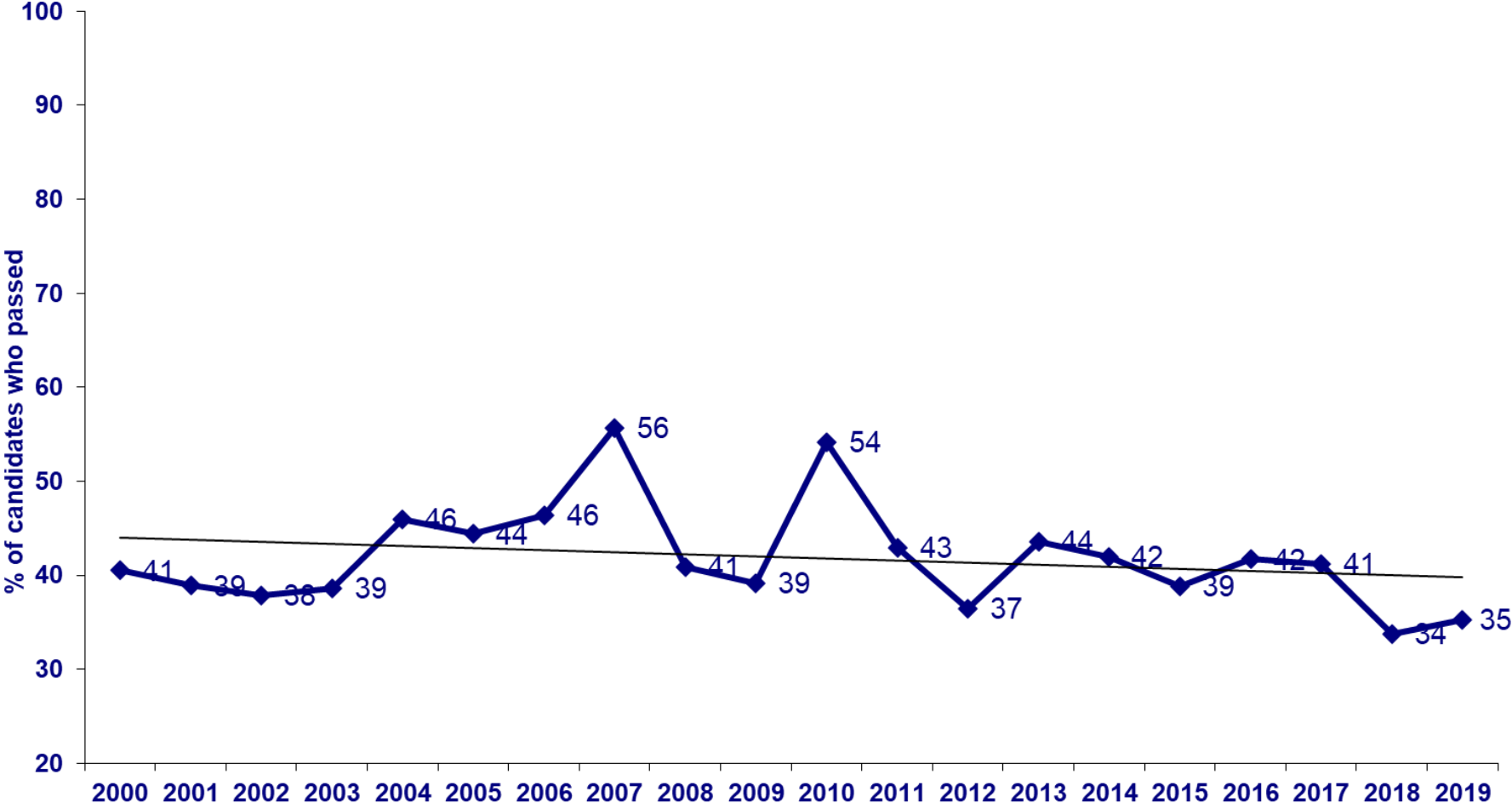
Trends in FD3 Pass Rate for all Candidates: 2000-19



The pass rate for FD3 shows a trend upwards, from an average of 46% in 2000-03 to 62% in 2016-18.

Figure 9

Trends in FD4 Pass Rate for all Candidates: 2000-19



The pass rate for FD4 has no real trend, averaging 39% in 2000-03 and 38% in 2016-19.

Pass rates for those attending JDD courses

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

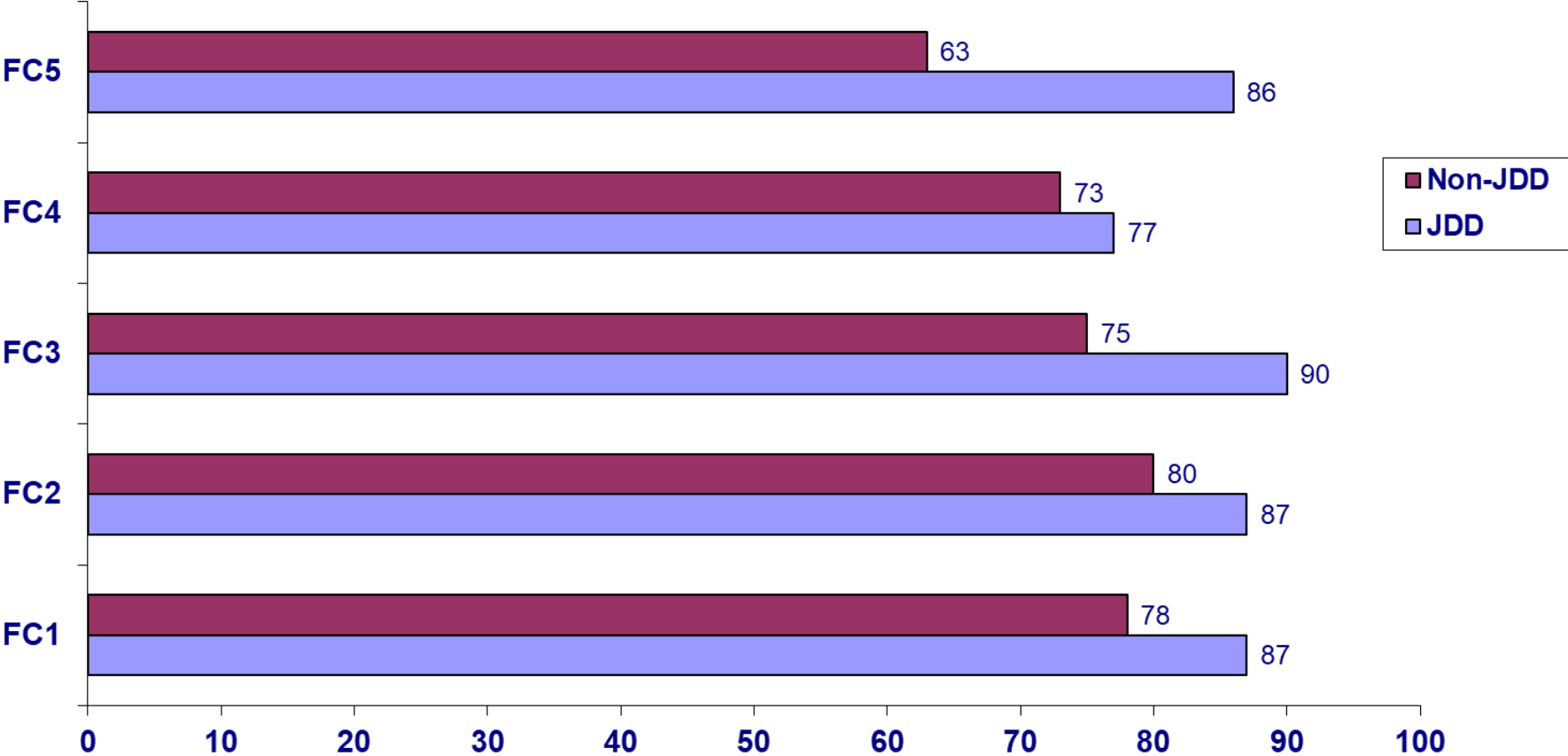
1. Some JDD course attendees do not sit the examination until the year following the course. In some cases, they advise us of this, but this is not always the case. This means that the pass rates shown in the following figures may understate the JDD pass rate.
2. In particular, some of our FD2 and FD3 course attendees do not take the PEB exam because, during the period between booking and the October exam, they receive notice that they have passed Papers A and/or B of the March EQE and so receive FD2 or FD3 exemptions.
3. Moreover, each year a substantial number of those who pass PEB papers and are shown as 'non-JDD' in Figures 10 and 11 (which follow) have attended a JDD course on the paper in the previous year or years. These candidates will have had the opportunity to build on the guidance, knowledge and pointers from the course during subsequent practice. So our courses may have partly contributed to these candidates' success in the paper at a second or further attempt.

Foundation Certificate courses

- FC pass rates, for all candidates, are typically high, but:
 - Between a third and two-fifths of all candidates attend JDD FC revision courses.
 - As in previous years, the pass rates for those who attended JDD FC1, FC2, FC3, FC4 and FC5 courses in 2019 were higher than for those who did not attend our courses. This was markedly so in the cases of FC3 and FC5 (**Figure 10**).

Figure 10

% Pass rates for JDD and non-JDD FC course attendees in 2019

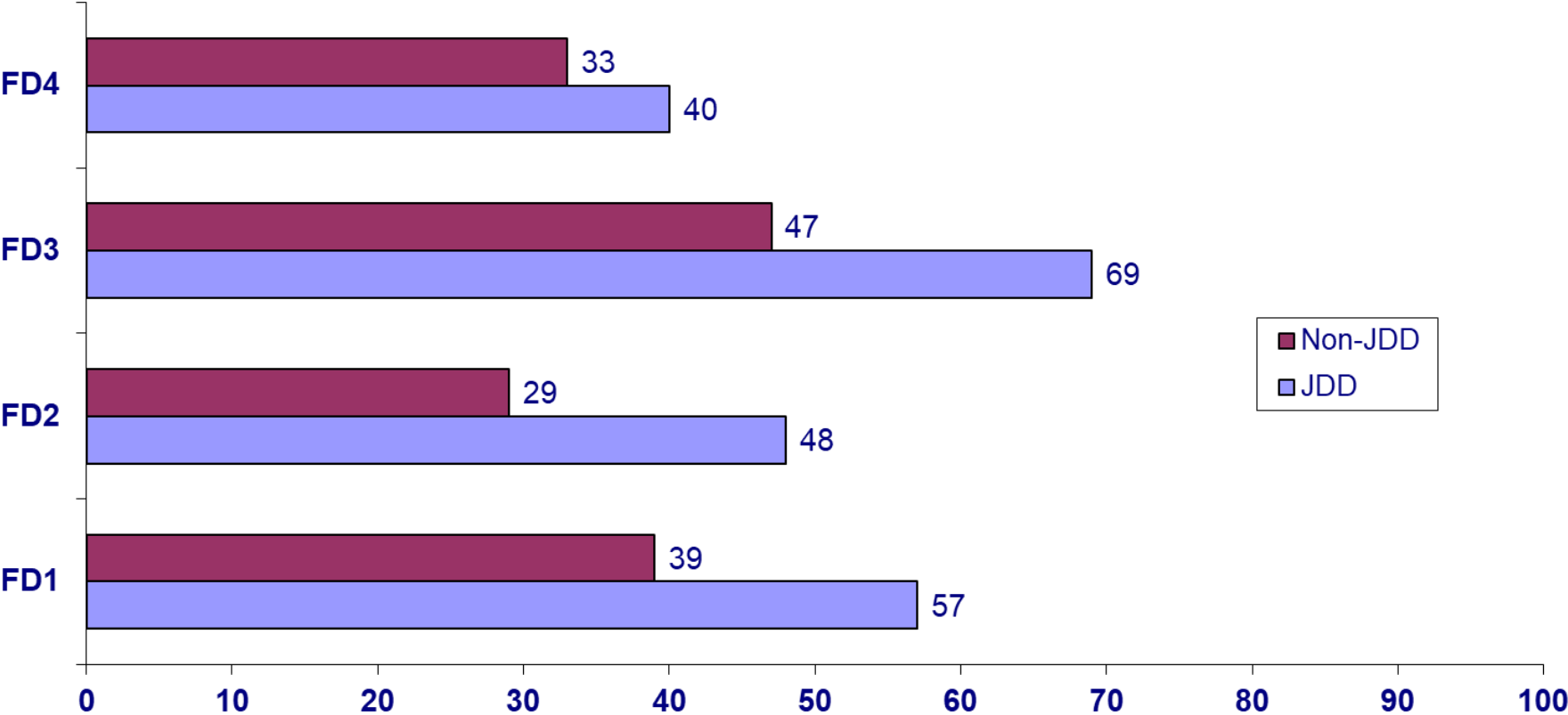


Final Diploma courses

- For FD1, FD2, FD3 and FD4, the pass rates for those who attended a JDD revision on the paper in 2019, were significantly higher than for those who did not (**Figure 11**).
- Moreover, a significant proportion of those labelled in Figure 11 as 'non-JDD' (i.e candidates who passed a paper in 2019 without attending the relevant JDD course in 2019) had attended a relevant JDD course in the previous year. The proportion was **14%** for FD1, **30%** for FD4 and **14%** for FD3. This meant that nearly 56% of those who passed FD4 in 2019 had attended a JDD FD4 course in 2019 or 2018.

Figure 11

% Pass rates for JDD and non-JDD FD course attendees in 2019

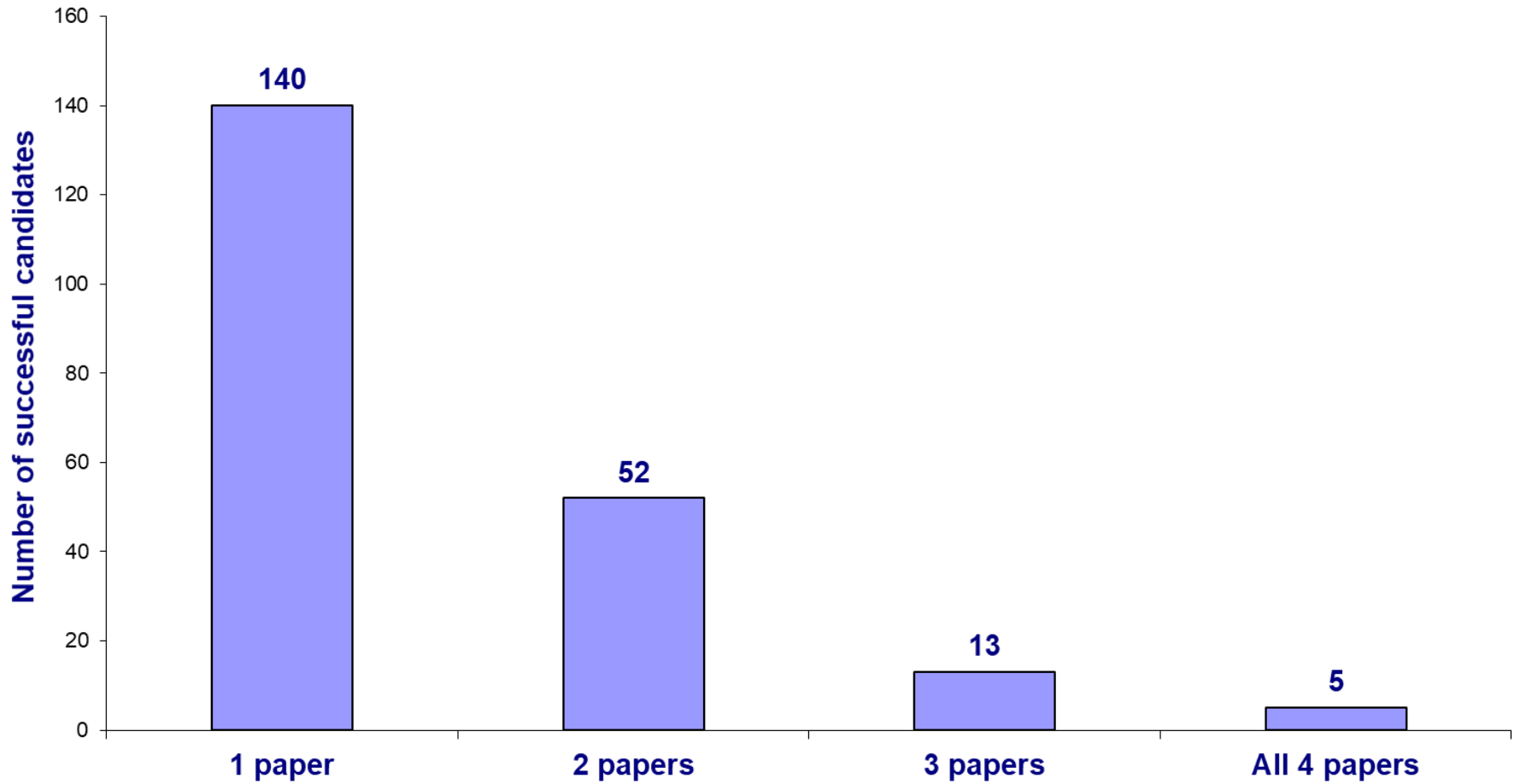


Successful FD candidates and how many papers they passed

- In 2019, the overall pass rate for FD papers was 41% (i.e out of 738 entries for the four papers there were 303 passes) and 50% of all passes were by attendees from JDD FD 2019 courses).
- Some highlights from the FD 2019 results:
 - 210 candidates passed one or more FD paper.
 - 140 of the 210 successful candidates passed one paper, 52 passed two papers, 13 three papers and 5 all four papers (see **Figure 12**).
 - Two of the 5 candidates who passed all four FD papers had attended all four of the relevant JDD courses. A further two had attended JDD courses for three papers.
 - 108 of the 210 successful candidates attended one or more JDD FD courses in 2019.

Figure 12

Successful candidates in FD exams in 2019: Numbers passing



Examiners' comments on FD1 and FD2

- The overall **FD1** pass rate in 2019 was, at 47%, significantly (14%) lower than in 2018. Two main concerns were raised by the Examiner:
 - *“There are still a number of candidates who score below 20% each year. These candidates are not at the right stage of their professional careers to be attempting Final Diploma examinations...FD1 is a difficult examination and candidates generally do better with more experience so they can identify what the key issues are and provide practical advice to their clients”.*
- The overall **FD2** pass rate in 2019 fell (by 20%) to 33% - one of its lowest ever levels. The Examiner's Report was brief (as usual), but noted:
 - *“Some candidates appeared to spend insufficient time working out the invention. Many included multiple unnecessary limitations in a main claim which would have been easy to work around and often bore little relation to the specific description”.*
 - *“disappointingly large number of candidates claimed either Figure 3 or, more commonly, every feature in Figure 5..... Candidates whose claims and specification did not encompass both embodiments of the invention were not able to accrue enough marks to pass.”*

Examiners' comments on FD3 and FD4

- The overall **FD3** pass rate in 2019 fell (by 15%) to 58%, but the Examiner's Report does not comment on this any suggest any reasons.
- The overall **FD4** pass rate in 2019 edged up slightly (by just over 1%) to 35%, but remained at a low level. The Examiner's Report noted:
 - *“The feedback from the candidate survey indicated that the subject matter of the examination was more accessible than the previous year's question paper.”*
 - *“The candidate survey indicated that many found the examination time pressured. The Examiners considered that, with the reduced complexity of subject matter, lack of multiple dependencies, single infringement and simple prior art documents, candidates would have had sufficient time”.*
- The issue of time pressure in the FD4 exam is something we noted recently in our response to the Mercer Review. We have recommended providing an extra hour to candidates in future exams to see whether this will lead to a significant improvement in the pass rate.

JDD Consultants

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