

Revised PEB Final Diploma Examinations 2025: Further feedback from IP Inclusive



1 Introduction

This feedback is provided by the IP Inclusive initiative, in response to the Patent Examination Board (PEB)'s call for further comments following the publication, in October 2024, of specimen materials for its revised Final Diploma (FD) examinations 2025.

It is based in particular on input from IP Inclusive's IP Ability community¹, which supports disabled and neurodivergent IP professionals and those with caring responsibilities.

Please note that IP Inclusive's interest in diversity, inclusivity and accessibility goes beyond the "protected characteristics" defined in the Equality Act 2010 and extends to other groups of people who could be vulnerable to discrimination or inequity.

2 Our feedback

2.1 General

We wish to thank the PEB for taking our August 2024 submissions into account in its Report on the Consultation on PEB Final Diploma Proposed Changes and its response to the report's key findings.

We do not wish to comment in detail on the proposed new FD syllabi, specimen question papers and specimen mark schemes. We do however wish to emphasise the importance of ensuring that the new approach does not unfairly prejudice or disadvantage any particular group of people among future candidates, in particular those who are disabled and/or neurodivergent or who have caring (including childcare) responsibilities. To this end, we recommend the PEB adopt the safeguards below.

In principle, we applaud the PEB's move to clarify the syllabi, question papers and mark schemes, and to provide better supporting materials, for future FD examinations. We believe this will help candidates from a wider range of backgrounds, and with more diverse characteristics, to access and succeed in the assessment process. This in turn should help the patent profession become more diverse and inclusive.

¹ See <https://ipinclusive.org.uk/community/ip-ability/>

2.2 The importance of “road-testing”

We urge the PEB to “road-test” its proposed new syllabi and examination procedures, alongside specimen question papers and mark schemes, with a range of volunteers. These should include in particular people who are disabled and/or neurodivergent, people with caring responsibilities, people whose first language is not English, and those with less experience and expertise in the technical field to which the relevant examination relates. The road tests should extend to the pre-release of technical background information for the proposed new FD4 examination.

We believe this is essential for identifying problems that could disadvantage some groups of candidates, in particular problems that might not be evident to people outside of those groups. In turn it will allow the PEB to ensure that appropriate adjustments can be considered and made available well in advance of the new examinations coming into effect. Such problems could relate, for example, to the accessibility of information, supporting documents and question papers (both in preparation for and during the examinations) or to the feasibility of completing or preparing for the examinations under the proposed assessment conditions. They could include some of the potential negative consequences identified by respondents to the PEB’s summer 2024 consultation in connection with the change from a 5-hour to a 4-hour FD4 examination.

2.3 Other safeguards

We strongly recommend that the following safeguards be put in place well before launching the proposed new FD examinations.

1. The PEB should ensure the availability of reasonable adjustments for disabled and neurodivergent candidates, in line with best practices elsewhere in further and higher education and professional assessment systems. To ensure equity for all candidates, such adjustments should also be available for people with caring responsibilities and people who are pregnant. The systems for requesting and granting reasonable adjustments should be objective and fair, transparent and easy to use.
2. The PEB should ensure that the training provided for examiners and question setters includes an understanding of the unconscious biases that can affect question setting and marking. We believe it is important that questions are phrased in a gender- and ethnicity-neutral way and avoid stereotypes such as those that might be associated with gender, ethnicity, age or disability. It is also important, in particular with the proposed move to a more synoptic marking style, that examiners understand how to avoid assumptions and other cognitive biases when assessing scripts. We further believe that the people who administer the examinations should receive training to ensure that unconscious biases do not come into play for example when assessing requests for guidance, support and in particular reasonable adjustments; it is vital that when candidates interact with the PEB, they do so through a system that is demonstrably fair and inclusive.
3. The PEB should commission an independent EDI (Equality, Diversity and Inclusion) impact assessment of its proposed changes to the FD examinations, to ensure they do not

disadvantage, discourage, or present a disproportionate barrier to entry for, any particular group of people. This will also help ensure that policies on reasonable adjustments align with current best practices.

Without these safeguards, we do not believe it will be possible to ensure that the new examination system, whatever the details of its syllabi, question papers and mark schemes, provides a level playing field for all candidates that tests only the objective competencies referred to in the syllabi and not, for example, extraneous criteria such as physical stamina, digital access or additional workplace support.

3 About IP Inclusive

IP Inclusive is an association of individuals and organisations who share a commitment to improving equality, diversity, inclusion and wellbeing throughout the UK's IP professions. Its founding organisations were the Chartered Institute of Patent Attorneys (CIPA), the Chartered Institute of Trade Mark Attorneys (CITMA), the IP Federation and The UK Association of the International Federation of Intellectual Property Attorneys (FICPI-UK), with active support and involvement from the UK Intellectual Property Office. The founding organisations do not have any ownership or control of IP Inclusive.

Our supporters span the IP-related professions and represent a range of career levels from new starters and trainees to senior leaders. They include patent and trade mark attorneys and paralegals, their business support colleagues, IP solicitors and barristers, and other professionals who work in or with intellectual property. Many CIPA members (including trainee patent attorneys and their colleagues) are actively involved in the initiative, as are their organisations, which support us as Charter signatories and/or donors.

Our work, which is overseen by the governing body IP Inclusive Management², includes:

- A voluntary best practice Equality, Diversity and Inclusion Charter³, which currently has 155 signatories from across the IP professions, and an associated "Senior Leaders' Pledge"⁴.
- The "Careers in Ideas"⁵ campaign, which raises awareness of IP-related careers in order to diversify the pool from which the professions recruit.
- Networking and support "communities"⁶ for under-represented groups and their allies, which currently include our Women in IP community; IP & ME for professionals from minority ethnic backgrounds; IP Ability for disabled and/or neurodivergent professionals and

² See <https://ipinclusive.org.uk/ip-inclusive-management/>

³ See <https://ipinclusive.org.uk/about/our-charter/>

⁴ See <https://ipinclusive.org.uk/the-ip-inclusive-senior-leaders-pledge/>

⁵ See <https://ipinclusive.org.uk/careers-in-ideas/>

⁶ See <https://ipinclusive.org.uk/community/>

carers; IPause for professionals affected by the (peri)menopause; IP Futures for early-career professionals; and IP Out for LGBTQ+ professionals.

- EDI- and wellbeing-related resources⁷, training, news⁸ and information, which we disseminate through our website, events⁹ and regular updates to our supporters.

Our Lead Executive Officer Andrea Brewster is a Chartered Patent Attorney, a former CIPA Council member and President, and now an honorary member of CIPA. In the past she has served on the Institute's Education and Business Practice Committees.

For more information about IP Inclusive, please visit our website at <https://ipinclusive.org.uk/>, or email contact@ipinclusive.org.uk.

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⁷ See <https://ipinclusive.org.uk/resources/>

⁸ See <https://ipinclusive.org.uk/newsandfeatures/>

⁹ See <https://ipinclusive.org.uk/events/>