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Multiple Choice Questions and Extended Matching Questions in IP Education.

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Written assessment in IP

- A variety of methods are available for student assessment.
  - Free-response questions (essay, short answer and problem)
  - Multiple-choice questions [MCQ].
  - Extended matching questions [EMQ].

- I intend to look at them all but to concentrate specifically on MCQ and EMQ.

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Why are we assessing?

- The purpose of the assessment is the main consideration. To demonstrate
  - Knowledge
  - Application
  - Analysis
  - Synthesis
  - Evaluation
- but
- practical factors are also important.



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Free response questions [essays]

> "We stand at a watershed in the development of the action for breach of confidence. …Lord Nicholls acknowledging in *Douglas v Hello! Ltd* that there are now separate confidentiality actions, depending on the nature of the information at stake"

Hazel Carty [2008] IPQ 416

Critically analyze and discuss this statement.

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Free response questions- benefits

- Tests important higher-order skills
  - Analysis
  - Synthesis
  - Evaluation



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Free response-drawbacks

1. In effect the students have to guess what the author intended and what will get the marks.
   - This ambiguity reduces the reliability of this type of assessment.
   - It can end up a **question of luck** whether the student interprets the question in the way that the author and marker expects.
2. Essays usually sample a relatively small portion of the topic.
3. They must be hand-marked. .
4. The biggest disadvantage is that marking essays is **subjective**. This **reduces their reliability**.

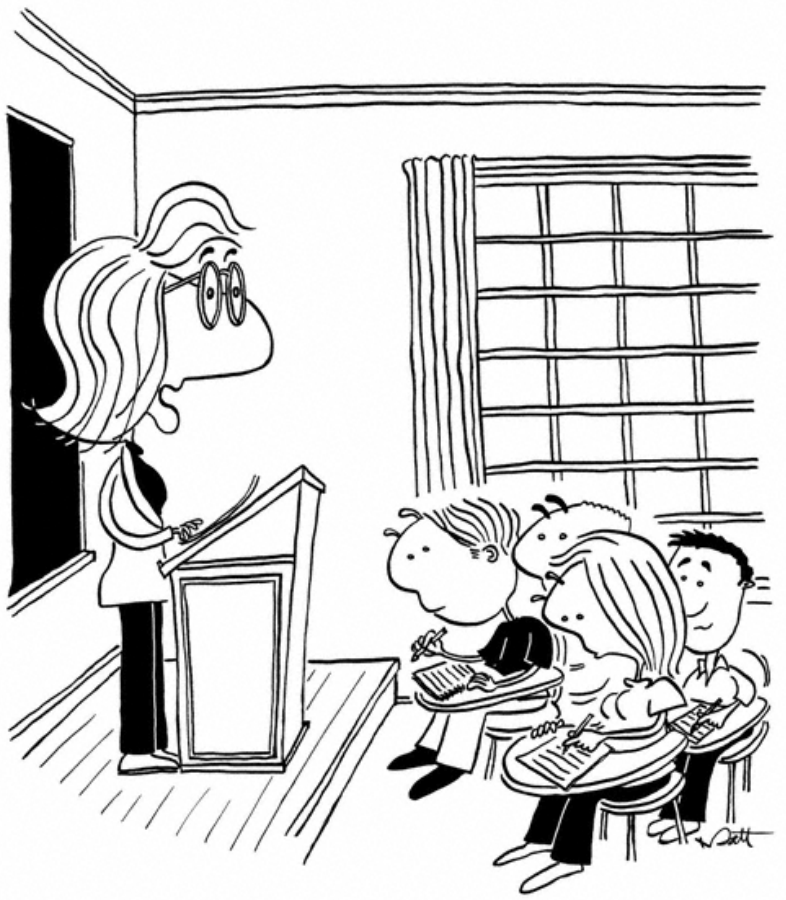
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To sum up free response

- Application of Knowledge
  - excellent
- Coverage of Topic
  - poor
- Reliability of marking
  - poor
- Ease of marking
  - poor
- Preparation time
  - moderate



"When writing your essays, I encourage you to think for yourselves while you express what I'd most agree with."

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Multiple Choice Questions [MCQ]

- Are used extensively in university science and numerical courses.
- Students pick one or more correct answers (*options*) from four or five choices given following a statement or *stem*.



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MCQ -benefits

- MCQ are **objective**.
- MCQ are **easy to mark** (they can be marked by computer) making them attractive for large classes.
- A bank of questions can be created and **used for future assessment.**



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MCQ can be quite simple

Which is the correct answer?

Registering a trade mark in the UK:

1. Allows the proprietor to prevent any others from using the same or a confusingly similar mark.
2. Gives the proprietor the exclusive right to use the mark in respect of the goods or services for which it has been registered.
3. Gives the proprietor the right to prevent any use of the same or a similar mark on the same or similar goods in the EU.
4. Gives the proprietor the right to prevent use of the same or a confusingly similar mark on the same or similar goods in the UK.

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They are good at testing knowledge and recall

Which statement is not true?

Section125 Patents Act 1977 states that the invention shall be taken to be that specified in the:

1. Abstract
2. Claim
3. Description
4. drawings

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They can be more complicated

- **Adrian Brown a poet wrote a series of poems about garden sheds. He granted Avant Garde Publishing [AGP]an exclusive licence to publish the poems as a collection in book form under the name 'Sheds I have known and loved'. There were no terms in the licence agreement relating to Adrian's moral rights. AGP published and sold the entire print run of 800 copies of the book with Adrian being acknowledged as the author on the cover. AGP decided not to reprint the book and informed Adrian accordingly. Adrian subsequently assigned the copyright in his shed poems to Garden Leisure Publishers [GLP]. A term in the assignment stated that Adrian was to be identified as author under his newly adopted pseudonym 'David Campbell'. GLP duly printed copies of the poems and put them on sale. They bore the author's name as Adrian Brown as a result of an oversight by GLP printing sub-contractor.**

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Which one of the following statements is CORRECT?

1. There is no infringement of Adrian's right to be identified as the author by Garden Leisure publishers as using his real name to identify him is a reasonable form of identification.
2. As the book of poems was lawfully first published with the name Adrian Brown as author, this overrides any later assertion of the right to be identified as author.
3. Although there is potential liability for failing to use the specified form of identification, Garden Leisure publishers is not liable as the mistake was that of its printing sub-contractor who will be liable to Adrian for its error.
4. Garden Leisure publishers is in breach of Adrian's right to be identified as author as he specified the pseudonym 'David Campbell' in the assignment and that form of identification only must be used.

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Another example

Fred has invented a new cockroach mouse trap and has made certain attempts to obtain commercial backing for his invention prior to applying for a patent.

Which one of the following statements CORRECTLY describes a novelty-destroying event in relation to Fred's trap?

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Options

1. The invention was disclosed in a private conversation between Fred and his patent agent.
2. The information was given to a potential joint-venture partner at a meeting with no other persons present. The documents themselves were not marked ‘Confidential’.
3. The invention was disclosed in confidence to a close circle of business associates, with a view to raising money for its development and subsequent manufacture.
4. Fred gave a paper on his invention to the Learned Society of Cockroach Exterminators in China in Chinese.

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Problems with MCQ

- Me!
- I find it quite difficult to write **good ones.**
- The fear is that either they are so **hard** that all the students get them wrong or so **easy** they all get 100% and finish the exam in half the time allocated.



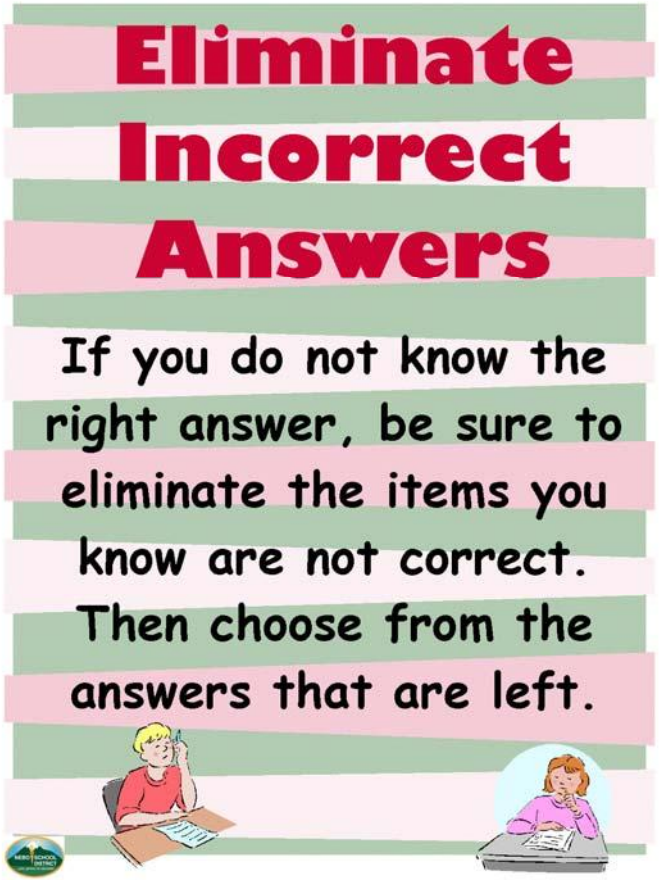
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The students approach

- Doing it by **elimination.**
- There will usually be a number of incorrect answers or “distractors” as well as the correct answer.
- Some students do not know the correct answer but eliminate the incorrect ones.



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MCQ can be a combination of:

- What the student **knows**
- **partially knows**
- can **guess**, or
- is cunning enough to **surmise** from cues in the questions.
- But
- They are always **excellent** for revision purposes.



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To sum up pros and cons of MCQ

- Application of Knowledge
  - poor
- Coverage of Topic
  - excellent
- Reliability of Score
  - excellent
- Ease of marking
  - excellent
- Preparation time
  - long [initially]



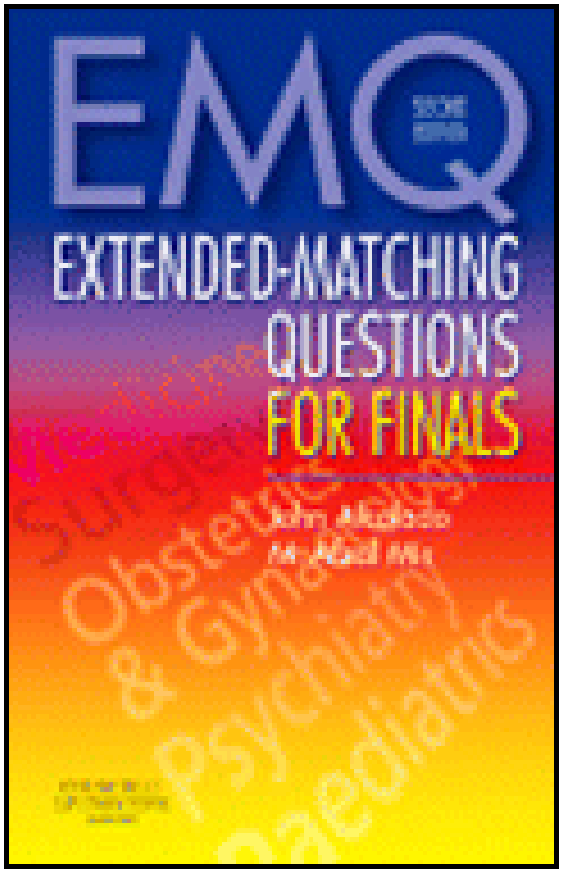
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Extended matching questions [EMQ]

- At the moment they are used mainly in numerical or medical exams but if the aim is to test the students **application of knowledge** they could be very useful for law examinations.

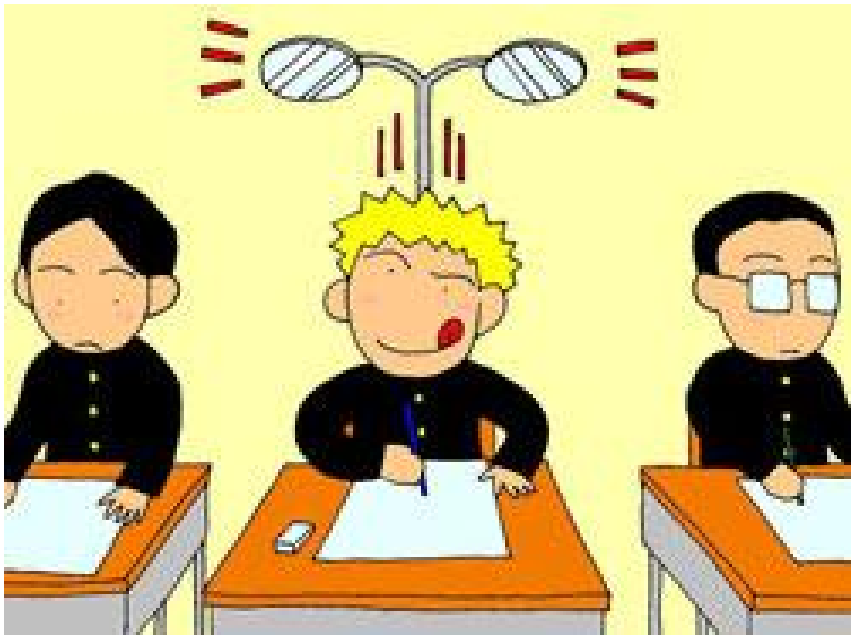


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EMQ -benefits

- The **reliability** of marking is higher than with essay questions.
- They can test the **application of knowledge** and not just recall.
- Less chance of students guessing the correct answer [or taking a peep at others papers].
- Bank of questions can be created and **reused.**



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EMQ-disadvantage

- Takes more time to mark than MCQ



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What are EMQs?

- There is a problem or **scenario.**
- Up to 20 questions or options are provided
  - some are correct and some incorrect [**pictures can be used**].
- The student can be asked eg
  I. which is the **best** answer
  II. to **rank** their first 5 choices of answer in priority order best answer first
  III. to briefly **justify** why they chose the answer they did.

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How to write an EMQ

1. Identify the **"theme"** or topic eg Trade marks.
2. Write the **"lead-in"** eg
   a) choose a best answer and briefly describe why this is the best choice
   b) rank your first 5 choices of answer in priority order best answer first and justify two of these
   c) what is the most likely outcome?

3. Prepare the list of **"options".**
4. Write the **"items"** or scenarios.

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Example

1. Theme

   Trade marks

2. Lead in

   Which is the most appropriate answer and briefly **explain** why.

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Options

1. Infringement has occurred as registration allows the proprietor of the Trade Mark to prevent any others from using the same or a confusingly similar mark.
2. Infringement has occurred as registration of a Trade Mark allows the proprietor of a registered mark to prevent any others from using an identical mark on identical goods.
3. Infringement has occurred as registration of a Trade Mark allows the proprietor of a mark who has built up a reputation in his brand within the UK to prevent others from using the mark on identical goods.
4. Infringement has occurred as registration of a Trade Mark allows the proprietor of a mark who has built up a reputation in his brand within the UK to prevent others from using the mark on similar goods if a mental link exists between his goods and the similar goods.

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5. Infringement has occurred as registration allows the proprietor of a mark who has built up a reputation in his brand within the UK to prevent others from using the mark on identical goods if consumers are confused.
6. Infringement has occurred as registration allows the proprietor of a mark who has built up a reputation in his brand within the UK to prevent others from using the mark on both similar and dissimilar goods'.
7 Infringement has occurred as registration allows the proprietor who has a well established reputation within a substantial part of the EU for the goods sold under the mark in question to prevent others from selling any goods under that mark.

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8. Infringement has occurred as registration allows the proprietor of the mark who has a well established reputation in his mark within the UK to prevent others using the mark on any class of good if unfair advantage is being taken of the mark with a reputation.
9. Infringement has occurred as registration gives the proprietor the exclusive right to use the mark in respect of the goods or services for which it has been registered.
10 Infringement has occurred as registration gives the proprietor of the mark the right to prevent use in the course of trade of the same or a confusingly similar mark on the same or similar goods in the UK.
11 Infringement has occurred as registration gives the proprietor of the mark the right to prevent use in the course of trade of the same or a confusingly similar mark on the same or similar goods in the UK if the use will result in unfair advantage.

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12. Infringement has occurred as registration gives the proprietor of the mark the right to prevent the use in the course of trade of the same or a confusingly similar mark on the same or similar goods in the UK if the use will result in dilution of the registered mark.
13. Infringement has occurred as registration allows the proprietor of a mark who has a well established reputation within a substantial part of the EU for the goods sold under the mark in question to prevent others from selling any goods under that mark if a metal link is established and unfair advantage taken.
14 Infringement has occurred as registration allows the proprietor of a mark which has a well established reputation within a substantial part of the EU for the goods sold under the mark in question to prevent others from selling any goods under that mark if a metal link is established and detriment to the registered mark will occur.

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Scenario/problem

1. The Mitel Corporation is a world famous computer processor manufacturer. Founded in 1968, the corporation has numerous trade marks consisting of or including the word ‘MITEL’, primarily in the field of computers and computer-related goods and services. Mitel Corporation wishes to bring an infringement action against the use by Jones’s Ltd of’ MITELMARK’ for marketing and telemarketing services [previously trading under the mark ‘Jones’s Telemarketing’] There is evidence that the sales of the telemarketing services has soared since the change of name from ‘Jones’s Telemarketing’ to ‘MITELMARK’

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EMQ

- When large numbers of options are used extended matching questions become more like free-response questions, forcing the students to **evaluate each option individually.**



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Pros and cons of EMQ

- **Application of Knowledge**
  - **medium [if justification provided]**
- **Coverage of Topic**
  - **excellent**
- **Reliability of Score**
  - **excellent**
- **Ease of marking**
  - **excellent**
- **Preparation time**
  - **long[but only initially]**



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Scores

- Essay
  - 1 excellent
  - 2 moderate
  - 2 poor
- MCQ
  - 3 excellent
  - 2 poor
- EMQ
  - 3 excellent
  - 2 moderate



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Conclusion

- Extended matching questions provide a **compromise** between free-response questions and multiple-choice questions, **retaining most of the advantages** of each and **avoiding many of the disadvantages.**
- The extended matching questions with **one best response** are useful were there are a **large number of students.**
- **Amplified [explain or rank]** extended matching questions are useful with smaller groups.

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