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European qualifying examination

Guide for preparation | 2nd edition



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Preface

Established in 1979, the European qualifying examination (EQE) is widely regarded as one of the most difficult and demanding professional examinations, both intellectually and physically, with candidates required to prove their aptitude and knowledge in four papers spread over three consecutive days.

Although 80% of all candidates who enrol for the EQE are finally successful - some of them only after many attempts - the success rate of first-time candidates is just 30-40%. This can be frustrating for candidates, their families, supervisors, tutors and employers alike.

This guide has been designed to bring together a wealth of advice, experience and information, including recommended training courses, from members of the joint EPO/CEIPI/**epi** working group, previous candidates and supervisors/tutors, to help candidates prepare for the EQE.

The usefulness of the guide depends very much on what candidates and their supervisors would like to see in

it, so please do not hesitate to send us your comments and suggestions (*studyguide@epo.org*).

This guide has been prepared by the European Patent Academy of the European Patent Office (EPO), the Centre d'Etudes Internationales pour la Propriété Intellectuelle (CEIPI) and the Institute of Professional Representatives before the EPO (**epi**). It does not necessarily represent the views of the EQE Examination Board or the Examination Committees.

It is emphasised that this guide is only intended to provide explanation and information relating to the EQE - it does not replace any official publication relating to the regulations on the examinations. Candidates are strongly advised to consult these official publications, in particular the Regulation on the European qualifying examination for professional representatives (REE) and its Implementing provisions (IPREE), both published on the EPO's website.

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Foreword

There are few examinations that require candidates to demonstrate such a wide range of technical, legal and administrative knowledge as the European qualifying examination (EQE). Passing the examination means entering a profession that is challenging and rewarding - and practitioners provide an invaluable service to innovation in Europe.

Taking the examination is only the first step of a long and arduous journey: once you have passed, an unfailingly interesting and intellectually demanding job awaits you.

This guide is a collection of explanations, information and advice that gives candidates a head-start in organising the time they spend preparing for the examination. It will allow them to channel their efforts so as to maximise their chances of passing the examination. It offers:

- a better understanding of what the EQE is
- an appropriate order in which to tackle the subject-matter that has to be covered over a number of years
- ideas on how much time is probably going to be needed for each step
- hints on examination techniques
- a brief insight into how the Examination Committees mark the papers
- lists of other training material and courses.

This collection has been compiled not only from official information sources, but also in the light of the experience of previous candidates, their tutors and their supervisors. Candidates can benefit from this wealth of knowledge and avoid common pitfalls.

This is the second edition of the guide. Amendments were made necessary by changes to the Regulation on the European qualifying examination for professional representatives

(REE) and its Implementing Provisions (IPREE). The structure of the examination has changed considerably, mainly due to the introduction of a pre-examination, which will be held for the first time in 2012. This change is reflected in an amended Chapter I.

A new chapter has been added with a detailed list of study topics, highlighting key areas and a suggested study timetable. All other chapters have been amended more or less to take

account of changes in the regulations and feedback from candidates and trainers received after the publication of the first edition in 2009.

This guide can certainly be further improved. We would therefore welcome any comments or suggestions which could make a future edition even more useful to candidates (study-guide@epo.org).

Good luck in the examination!

Helge Rasmussen
Executive Director
European Patent
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Kim Finnilä
President
epi

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CEIPI



provides legal protection to
inventors

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Chapter I

The European qualifying examination

“The EQE is designed to establish whether a candidate is qualified to practise as a professional representative before the European Patent Office.”

About the examination

The European qualifying examination (EQE) is organised and conducted by a Supervisory Board, an Examination Board, Examination Committees and an Examination Secretariat.

The Supervisory Board, consisting of two members from the EPO and two members from the **epi**, is chaired by one of its members who is appointed by the President of the EPO and is either an employee of the EPO or a member of the **epi**. Every two years, the chairmanship alternates between an employee of the EPO and a member of the **epi**. The main duties of the Supervisory Board are to determine the nature, structure and number of examination papers and the time allowed for each, to monitor and evaluate the conduct and results of the examination, and, where necessary, to amend the Implementing Provisions to the REE (IPREE). It also takes care of the financial aspects of the examination.

The Supervisory Board is advised on the conduct and results of the examination by the Examination Board, also consisting of employees of the EPO and members of the **epi** (four each). Its chairman - again alternately a member of the EPO and the **epi** - is also appointed by the President of the EPO. When the chairman of the Supervisory Board is a member of the **epi**, the chairman of the Examination Board has to be an employee of the EPO and vice versa. Supervisory or Examination Board members of the **epi** always have to be nominated by the President of the **epi** before they can be appointed by the President of the EPO. Other duties of the Examination Board include instructing the Examination Committees on how to mark the answer papers consistently and deciding on pass or fail.

The President of the EPO also appoints, on a proposal from the Examination Board, the members of several Examination Committees. The Committees, responsible inter alia

for preparing the examination papers and marking sheets, marking the answers and proposing the grades to be awarded, are also made up of members of the **epi** and employees of the EPO. The number of **epi** members on each Committee must be at least half the total. Each examination paper is marked by two markers.

The Examination Board and Committees are supported, and provided with administrative facilities, by an Examination Secretariat consisting of EPO employees. The Secretariat prepares and organises the examination and is in charge of registration and enrolment.

The (main) examination comprises four (written) papers: A, B, C and D. Each of papers A and B is offered in the technical fields chemistry and electricity/mechanics. Candidates can opt for one of these technical fields. Papers C and D are the same for all candidates. Candidates can choose whether they sit one or more papers in a given year and are free to select the paper(s) they sit. They can, however, only re-sit papers they have previously failed.

In 2012, a pre-examination will be held for the first time. Thereafter, candidates who apply to be enrolled for the first time for the (main)

examination must have obtained a pass grade in the pre-examination. In other words, every candidate enrolled for the first time to sit the examination in 2013 and thereafter (because only then will he or she have been able to fulfil all the requirements, e.g. the three-year or other period of training) will have to have passed the pre-examination in 2012 or later. Transitional provisions for candidates already in the system will apply. The pre-examination will consist of one written paper, for which a maximum of 100 marks can be awarded. A candidate will pass the paper if he or she obtains at least 50 marks. A compensation system does not apply to the marking of pre-examination papers (see page 12 below).

The examination is held once a year, usually at the beginning of March, over three consecutive days. Paper D is on the first day, papers A and B on the second day, and paper C on the third day. The pre-examination will be held during the same period.

The maximum number of marks that can be awarded in the (main) examination is 400. Of these, 100 marks are assigned to each paper, 50 being the pass mark. In order to pass, candidates must score at least 200 marks overall, and a minimum of 50 in each paper. However, they can

benefit from an offsetting arrangement whereby, under certain circumstances, a mark of between 45 and 50 can be offset by better marks in other papers (see below). The answers are marked anonymously.

Each of the examination papers is drawn up in the three official languages of the EPO (English, French and German). You can choose the official language in which you wish to read and answer the questions. It is assumed that you will read and answer the questions in the same language unless you indicate otherwise. At the time of enrolment, you can also state whether you wish to write your answers in an official language of one of the contracting states. You can then use either an EPO official language or the language of a contracting state or both to answer the questions. The Examination Secretariat then has the relevant parts translated.

Your supervisor should ensure that you are well prepared in terms of your language proficiency. Dictionaries and reference material such as the Guidelines for Examination, the PCT, an annotated EPC and so on, which you will have to bring with you, can be used during the examination as long as they are in paper form. The use of electronic devices is not permitted.

The EQE is held simultaneously in all locations, i.e. if a paper starts at 09.00 hrs in Munich, it has to start at 08.00 hrs in Bristol. Expected venues for 2011 are Berlin, Berne, Bristol, Helsinki, Madrid, Munich, Paris, Rome, Stockholm, Taastrup and The Hague. At least 50 candidates need to enrol for an examination paper at each location.

Candidates may enrol for the EQE if they have completed a full-time training period of at least three years under the supervision of a professional representative or have worked full time for at least three years as an employee fully responsible for patent matters in an industrial company established in one of the contracting states (evidence must be provided that the employer acts as a representative before the EPO in a wide range of capacities). In a few cases, particularly if a candidate has completed certain IP courses, a reduction in the three-year requirement may be granted (Rule 16, IPREE). EPO examiners must have worked as such for at least four years prior to enrolment for the examination.

Candidates may sit the pre-examination after completing a full-time training period of at least two years.

The enrolment form can be downloaded from the EPO website and then sent to the EQE Secretariat. The dates, fees and other details of the examination, such as information about courses that might lead to a reduction in the required period of employment before enrolment, are published every year in the Official Journal and on the EPO's website (www.epo.org/patents/learning/qualifying-examination.html).

Candidates should bear in mind that the registration deadline is quite some time in advance of the examination, usually in July of the previous year. A second deadline applies to candidates who are not enrolling for the first time, but only if they sat the examination the year before.

It is recommended that candidates and supervisors take the time to read the rules governing the examination carefully (www.epo.org/patents/learning/qualifying-examination.html). Shortly after beginning their training, candidates should register with the Examination Secretariat (Rule 28, Implementing Provisions REE) as soon as this rule has entered into force. As this has yet to happen, there will be a transitional regulation for candidates who have already started their training.

The following is a brief description of the individual papers. The Examination Committees are not obliged to apply the same marking system every year, so this information is for guidance only.

Pre-examination

In the pre-examination, which can generally be taken two years after the beginning of their period of training, candidates are required to give evidence of their expertise in certain legal areas and to answer questions on at least one technical proposal, one draft claim in respect of that technical proposal and at least one relevant prior art document. Important points to consider when answering these questions include various aspects of claim analysis (novelty, inventive step, the problem-solution approach, inadmissible extension of the scope of the patent application, and clarity of the claims).

It has been suggested that the pre-examination could be given a multiple-choice format, but candidates are advised to closely follow the information provided on the EPO's website (see: "Possible format for a future pre-examination" at www.epo.org/patents/learning/qualifying-examination.html).

A mock pre-examination can also be taken online (www.eqe-online.org/questions/mock-pre-exam/). Candidates' attention is drawn to the fact that the questions in this mock pre-examination were extracted from previous examination papers. The marking scheme is explained in the instructions to candidates for preparing their answers. Wrong answers and failure to answer result in the deduction of points. As indicated on the website, candidates cannot take this format for granted, as other options are on the cards.

The pre-examination will be held for the first time in 2012 and will last four hours.

Examination

Paper A - Drafting paper

In this paper candidates are provided with a fictitious letter from a client describing a recent invention, its development and the related prior art at hand. You have to compare the client's invention with the prior art, and establish whether a patentable invention has been made. You then have to draft claims covering the invention and offering the client the broadest possible protection while complying with the requirements of the EPC. A

short introduction (i.e. that part of the description which proceeds the examples or the explanation of the drawings - make sure you include the field of the invention, the prior art, the problem to be solved and its solution) for one European patent application must also be drafted. The application also has to fulfil the requirement of unity. In case you seek to protect more than one invention in more than one application, it is expected that you clearly identify the features of the independent claim(s) of the further invention(s) in a note to the examiner. By analysing answers to examination papers from previous years, and comparing them with the examiners' reports (both published in the Compendia: <http://www.epo.org/about-us/publications/legal-professionals/eqe-compendium.html>), you will understand what needs to be included.

Time allowed: 3 hours (morning of day 2)

Examiners' reports from previous years contain information about the allocation of marks to independent and dependent claims as well as the introduction of the patent application.

Paper B - Reply paper

In 2011 and 2012, paper B will require you to prepare a reply to an official communication in which prior art has been cited with respect to a previously filed application (different from that in paper A). You are expected to respond to all the objections raised in the official action, submit an amended set of claims, if appropriate, and justify the amendments. The amendments should comply with the EPC and, as in paper A, offer the client the broadest possible protection for all his inventions. Here again, information about the allocation of marks to the individual parts of a candidate's answer can be found in the Examiners' reports from previous years. Marks may be allocated to amendments and to relevant arguments.

From 2013 onwards, there will still be the same requirement to reply to an official communication. In addition to prior art referred to in this communication, you will also receive a client's letter containing instructions about the way he wishes to proceed with the European patent application and a draft set of claims, to be amended if appropriate, and filed together with the response to the communication.

In your reply to the communication, you will almost certainly have to ar-

gue that the claimed subject-matter involves an inventive step. Make sure you fully understand the correct use of the problem-and-solution approach. It is strongly recommended to correctly apply this approach when answering paper B.

Time allowed: 4 hours in 2011 and 2012, 3 hours from 2013 (afternoon of day 2)

Paper C - Opposition paper

The third paper involves drafting a notice of opposition to a European patent. You are provided with a letter from a client, a European patent to be opposed, several documents and an EPO opposition form. The client's letter raises several questions, and you have to choose whether to answer them in your reply to the client or, if possible, deal with them directly in the notice of opposition. You also have to select the prior art and decide how to use it to attack the patent in suit. In recent examination papers, around 5-10 marks of a total of 100 were awarded for answers to brief legal questions asked by the client (language, fee reduction, representation, etc.). The rest of the marks were split between the candidates' use of the information (choice of prior art, documents selected in respect of novelty, where to find the features of a

claim, etc.) and their arguments (how to combine the documents for an inventive step attack, correct use of the problem-and-solution approach, etc.). An overview of the distribution of marks for previous examinations can be obtained from the compendia.

Again, make sure you understand how to correctly apply the problem-and-solution approach used at the EPO when arguing against the presence of an inventive step. If you cannot use this approach correctly, your chances of passing paper C are minimal.

Time allowed: 6 hours in 2011 and 2012, 5 hours from 2013 (day 3)

Paper D - Legal paper

In 2011 and 2012, paper D will consist of two parts: DI and DII. Part DI consists of legal questions on the EPC and the PCT, while part DII requires the candidate to give a legal assessment of a more complex situation involving a client's applications, a competitor's position, etc.

Time allowed for DI: 3 hours (morning of day 1)

Time allowed for DII: 4 hours (afternoon of day 1)

DI will be worth 40 marks, divided between your replies to each of the legal questions, the legal basis for the conclusion you reached, and a short statement of reasons. All these aspects must be covered in your answer - check the examiners' reports for previous examinations and compare them with the candidates' solutions provided in the Compendia (<http://www.epo.org/about-us/publications/legal-professionals/eqe-compendium.html>). A maximum of 60 marks will be awarded for DII. The sum of the marks you obtain in DI and DII will make up your total mark for paper D.

From 2013 onwards, paper D will be a single paper comprising the previous parts DI and DII. It will be worth a total of 100 marks and will last 5 hours (morning of day 1).

Choice of papers

Candidates may enrol for all the papers, an individual paper or any combination of papers, provided they have not yet passed a paper they want to enrol for. From 2013 onwards, these options will only be available to candidates who have passed the pre-examination.

To pass, you need at least 50 marks in each of the papers.

The compensation system offers an exception to the above arrangement. This allows you to score between 45 and 49 marks (a so-called COMPENSABLE FAIL) in a maximum of two papers if you have at least 50 marks (a PASS) in the other two papers and your total is at least 200 marks. Less than 45 marks is a FAIL. The compensation system applies to all candidates, not only to first-time sitters.

Re-sitting: You may only re-sit papers which you have not passed previously. That rule allows you to re-sit FAILS and COMPENSABLE FAILS. But if you re-sit a COMPENSABLE FAIL, your previous marks will be replaced by your new marks (see Art. 16(1) REE and Rule 6(5) IPREE).

Passes valid on 01.01.2009 or awarded for the 2009 examination will remain valid for future examinations.

Fees

Each enrolment for the examination or pre-examination is subject to a basic fee (currently EUR 130). One additional basic fee is payable for each paper you wish to sit for the first or second time, and the same applies to the pre-examination paper. For papers you sit more than twice, the fee will increase up to a maximum of

four times the basic fee. It therefore pays to prepare well before sitting the examination.

Conclusion

When enrolling for the EQE, you and your supervisor should evaluate your personal situation and decide whether you should enrol for all the papers at once or opt for one, two or three papers instead.

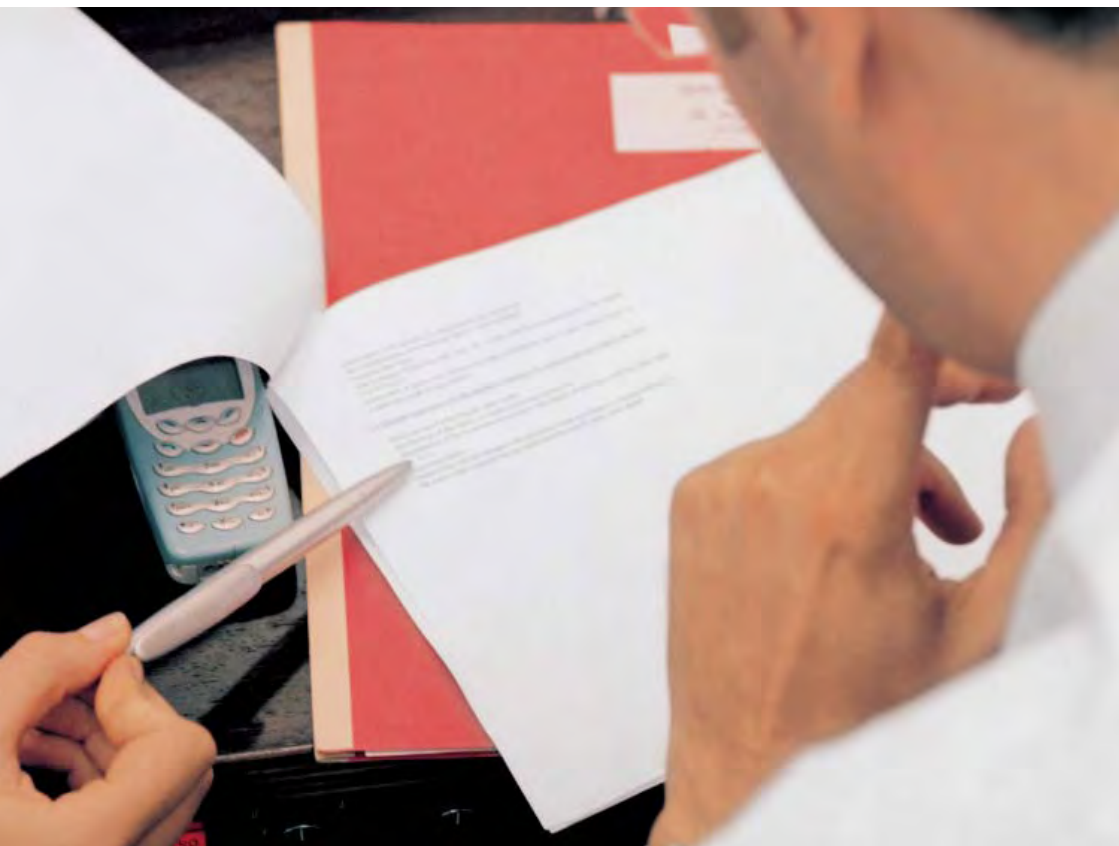
Sitting all the papers together has the advantage that you only have one date to work towards. If, however, you sit some of the papers individually, you have more time to concentrate on the one(s) you choose and the examination itself is more relaxed.

On the other hand, taking all the papers at the same time has the drawback that, with all the work involved, you might not be well enough prepared. You should bear in mind the considerable amount of work involved before enrolling for the examination. As long as you don't feel adequately prepared to sit all papers, it may be better either to sit selected papers only or not to sit the examination at all.

If you do change your mind, it is important to remember that you can

withdraw from the examination or parts of it only until the start of the first paper. However, if you withdraw by 20 September of the year previous to the examination, the examination fee(s) will be reimbursed, but not the registration fee (see the Official Journal or the EPO website: <http://www.epo.org/patents/learning/qualifying-examination/enrolment/2011.html>).

Statistics on the EQE pass rate are published every year on the EPO website. We recommend studying them carefully. They will give you an idea of the degree of difficulty involved (<http://www.epo.org/patents/learning/qualifying-examination/statistics.html>).





Chapter II

Overview of work organisation during the preparation period

Year 1

The aim of your first year of study should be to gain an understanding of the basic concepts of the EP and PCT patent systems, including in particular novelty, inventive step and priority. Other important general aspects, such as rights conferred by a patent, should also form part of this basic understanding. You should be supervised during this time by an experienced European patent attorney, who should be able to spend sufficient time discussing specific cases with you.

It is important to familiarise yourself with the way patent specifications are written, so that you can read them quickly and efficiently. Compared with other texts, patent specifications are typically quite cryptic and reading them is intellectually demanding. You should also work on drafting applications, supervised by an experienced person with whom you can discuss the inventions in detail. Another key aspect is learning how to identify essential information in a text or a verbal explanation given by a client, and to see the overall

picture. All the papers in the EQE examination are focussed on finding the relevant information, an essential skill in the day-to-day work of a patent attorney.

It is likewise helpful to practise drafting replies to a variety of communications from patent offices, again under supervision. Here too, sufficient time should be allocated to discussing the invention, the documents cited and the different possible responses, including limitation of the claims. You should also look at how claims can be interpreted and discuss the different possibilities for limiting claims in talks with the client. This exercise will be especially useful in your preparation for the pre-examination and paper DII (paper D after 2012), and eventually, of course, for your daily work.

If you do not have any new applications to draft or communications to reply to, you can find examples of cases to study on Register Plus, the EPO's online file inspection service.

Recommended reading

Initial material includes the Guidelines for Examination, “How to get a European patent” and “How to get a European patent - Euro-PCT”, all published by the EPO (see list at the end of this guide). These will give you a basic introduction to how the patent system in Europe works. You are also recommended to read an annotated EPC and PCT. Once you have a grasp of the basic concepts, there are courses on the PCT organised by WIPO (<http://academy.wipo.int/>).

You should also focus on learning how to read and understand legal language. Special courses on legal

language are available (such as the legal English courses run by the British Council). Reading the Official Journal and decisions of the boards of appeal, accompanied by discussions with colleagues, is also highly recommended.

It is also a good idea to take a basic training course in European patent law and, if possible, some basic training in patent and IP law in general. As a candidate, you should also in your daily work start referring to EPC and PCT articles and rules wherever appropriate. This will also help you to memorise the structure of these provisions.



Your supervisor should ensure that you have

- the most up-to-date material (EPC, PCT, Guidelines, etc.) throughout the training period
- access to the Official Journal, either in printed form or on the EPO website (free of charge).

Candidates are advised to enrol as an **epi** student. In return for the enrolment fee, student members receive their own regular copy of **epi** Information and are entitled to reductions for **epi** tutorials. **epi** students also have priority over non-**epi** students when it comes to **epi** courses.

It is intended that candidates should be required to register as soon as they have the necessary scientific or technical qualifications and have started in the profession. The time limit for registration would be six months from starting in the profession, and only time after registration would be counted towards the time required for enrolment for the examination (the six months immediately preceding registration also being taken into account).

Year 2

A pre-examination will be held for the first time in 2012. Candidates will be entitled to sit the pre-examination once they fulfil the requirements for enrolling for the examination, the time requirements being reduced by one year (i.e. typically two years of experience instead of three). Once the pre-examination has been introduced, it will be necessary to have obtained a pass grade in the pre-examination in order to enrol for the examination itself.

Candidates are exempted from the pre-examination if they have enrolled for the examination no later than the year the first pre-examination is held. The following study timetable thus differs according to whether you are to take the pre-examination or not.

In year two, you should plan to devote more time to EQE-related content. If you are to pass the pre-examination, you should start studying at the beginning of year two. While continuing to work on basic skills, such as drafting applications and replies, you should start to familiarise yourself with the examination itself. Although it is generally advisable to pass the EQE as early as possible, as your daily workload will normally increase as each year goes by, it also has to be

considered that sufficient experience is a prerequisite for success in the examination. Some candidates may need more time for preparation than the legal minimum laid down in the “Regulation on the European qualifying examination for professional representatives before the EPO” published by the EPO.

A good way to start is to read the Regulation, and also the “Instructions to candidates” enclosed with all papers.

It is advisable to start practising short legal questions (DI type) at this stage and to decide how you are going to organise the material you intend to use for preparation and during the examination itself. Keeping this material updated by referring to the Official Journal and the PCT is essential. You should know your material inside out, so that you can find the answers as quickly as possible in the short time available during the examination. The pre-examination will comprise legal questions on the material listed in Rule 22(1) IPREE. Therefore, if you are to pass the pre-examination, you need to start studying the short legal questions at an early stage. Please refer to the proposed study timetable for the third year (see below).

The pre-examination will also comprise questions on allowability and the scope of protection of the claims. You will thus need to discuss these issues with your supervisor in your daily work. In addition to that, you should practise answering the questions within the time limit of four hours. At the time of writing this, one mock pre-examination paper is available from the EPO website.

During the second half of the second year you should have a go at a set of past papers. Attempt to answer each paper as well as possible, but without setting yourself a time limit (although it is useful to note how long it took you). These papers should be corrected by a third person and your answer compared to the examiners report published in the compendia.

Note: There are only a limited number of past papers available, so remember to leave some for practising closer to the examination date.

You should by now have started to read and study the Official Journal of the EPO, in particular the case law. Reading the OJ will help you familiarise yourself with the legal language and prepare you for more serious study. The more you do this, the quicker you will be able to read decisions and locate the relevant parts.

It is recommended that you join a study group, either in person or online. Your supervisor can help you with this. Study groups help you stay motivated by allowing you to share the work with someone else and giving you the opportunity to discuss matters rather than just think about them on your own.

Make plans now if you want to take some EQE-specific training courses at the end of the second year and during the third year (see annex). Look out for suitable courses for the pre-examination.

You should also start to think about drawing up a study plan for the third year to give yourself an idea of the amount of work you will need to do. Again, your supervisor should be able to help you with this, and should also ensure that you have sufficient time for studying, for example by keeping an eye on your workload.

Year 3

The third year, which is often the last year before the examination itself, is dedicated to EQE-specific training. At this stage you should seriously consider taking a course in EQE techniques (see annex). You should also continue studying after the pre-examination in order to build up the knowledge you need to answer the questions in the (main) examination. Remember that throughout your professional life you will have to keep up with the law!

Now practise doing some past papers within the allotted time. It is also helpful to take a mock examination, i.e. attempt a set of past papers under examination conditions, on three consecutive days. You could either get someone else to look at your answers or wait for a few days and then look at them again yourself. One cannot overestimate the importance of training with previous examination papers and meticulously analysing your answers, and also comparing them with the examiners' reports and candidates' answers (all published in the Compendia: <http://www.epo.org/about-us/publications/legal-professionals/eqe-compendium.html>). Answers to previous EQE papers, together with comments, can also be found on the Academy's EQE online Forum.

Now is also the time to start studying the case law of the EPO boards of appeal, in particular decisions of the Enlarged Board of Appeal, decisions published in the Official Journal in the past few years, and the special case law supplements to the Official Journal. It is useful to read at least a few of these special editions to learn how the case law book is organised and find your way around it. Decisions of the boards of appeal are also useful for familiarising yourself with the type of arguments used at the EPO.

The EPO's Ancillary Regulations ought also to be studied at this stage. You should know what the book contains and how it is structured. Certain information relevant to the examination can only be found in these regulations. All the President's decisions and all information from the EPO are included, so you must make sure you have the latest edition with you in the examination.

Another piece of useful advice is to practise writing quickly and legibly, as you have to write your answers by hand.

It is important to be familiar with and as fluent as possible in the specialist terminology in at least one of the EPO's three official languages. If you do not have one of these languages

as your mother tongue, it is worth considering selecting your mother tongue when enrolling and using it in some of the papers if need be.

Most importantly, the value of personal study cannot be overestimated. It does not matter how many courses you attend: you will not pass the examination without a serious amount of personal study. A "try and see" approach is not recommended at all.

A significant number of candidates pass each year thanks to the offsetting option. You should therefore focus your efforts and energy on passing the examination as quickly as possible. Here again, personal study must be emphasised, plus support from your supervisor and an appropriate (i.e. less than normal) amount of work in the office for the six-month period leading up to the examination.

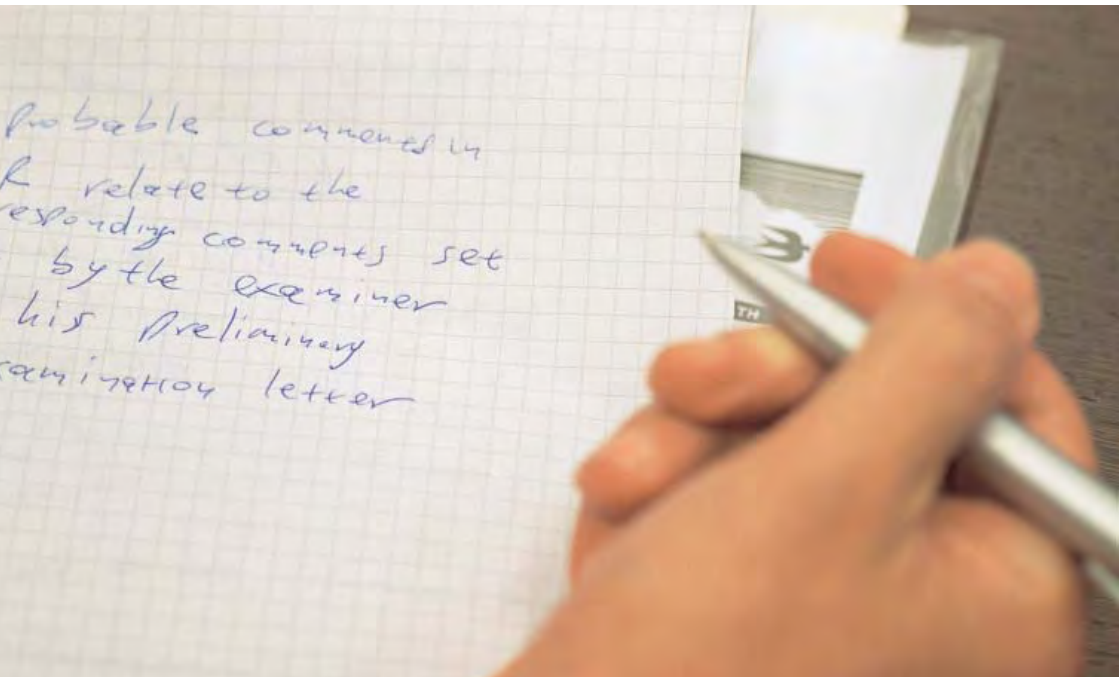
Chapter III

Study topics - suggested timetable

General

Candidates often seem to need more detailed information on what topics to study and how much time should be devoted to each topic. The following table offers some suggestions, including general subjects, the corresponding articles and rules, and a list of key topics which should be dealt

with in each case. This is the schedule used in the **epi**-CEIPI basic training courses held in various locations in many of the contracting states to the EPC (<http://www.ceipi.edu/index.php?id=5447&L=2>). The time indicated in the table is that actually spent in the **epi**-CEIPI basic training course in question. Your personal study time will be much longer!



Table

Substantive Law			
	Subject	Articles & rules	Key topics
A	General introduction		
A1 1h	Introduction to intellectual property law		<ul style="list-style-type: none"> – Intellectual property rights - Copyright - Trademarks - Patents - Industrial designs - Trade secrets – Economic growth
A2 0.5h	Patents and other rights for the protection of inventions		<ul style="list-style-type: none"> – National patents – Regional patents – International applications
A3 1h	History of patent law		<ul style="list-style-type: none"> – From Venetian patent ordinance to EPC 2000
A4 0.5h	International patent conventions		<ul style="list-style-type: none"> – Paris Convention – Strasbourg Convention – Vienna Convention – Patent Co-operation Treaty – TRIPs Agreement – Patent Law Treaty
B	Introduction to European patent law		
B1 1h	Introduction to the EPC		<ul style="list-style-type: none"> – EPC as multilateral treaty – Autonomous legal system for granting European patents – Bundle of European patents
B2 2h	Interpretation of the EPC	Preamble, Art. 125, 150(2), 164 and 177 EPC Vienna Convention Art.31-32	<ul style="list-style-type: none"> – Rules for interpretation – Vienna Convention – Good faith

Substantive Law			
	Subject	Articles & rules	Key topics
B3 3h	Institutional provisions	Art. 1-13, 15-50, 166, 168-169, 170-176 and 178 EPC Rules 8-13 EPC Protocol on Centralisation Protocol on Privileges and Immunities Protocol on the Staff Complement	<ul style="list-style-type: none"> – European Patent Organisation - Administrative Council - European Patent Office (EPO) – Departments of the EPO – Independence of the boards of appeal - Exclusion and objection - Partiality departments of first instance – Technical Opinion – Competence Administrative Council – Financial provisions – Accession to the EPC – Territorial effect – Revision of the EPC
B4 3h	Languages and translations of applications	Art. 14, 65, 70 and 177 EPC Rules 3-7, 36(2) and 40(3) EPC	<ul style="list-style-type: none"> – Official languages of the EPO – Filing a European patent application and translation – Language of application filed by reference – Language of divisional application – Language of the proceedings – Filing further documents and translations – Fee reduction – Publications of EPO – Entries in European Patent Register – Languages in written and oral proceedings – Language of publication of European patent application and patent – Authentic text of application

Substantive Law			
	Subject	Articles & rules	Key topics
B5 3h	Representation before the EPO	Art. 133-134a EPC Rules 151-154 and 130 EPC	<ul style="list-style-type: none"> – Parties before the EPO - Applicant - Professional representative - Employee – Compulsory representation for non-resident applicants – Institute of Professional Representatives - Disciplinary power - Attorney Evidentiary Privilege – Appointment and authorisation of representative – Common representative – Accompanying persons in oral proceedings
C	Patentability		
C1 3h	Patentable and non-patentable inventions, industrial application	Art. 52 and 57 EPC Rule 42(1)(f) EPC	<ul style="list-style-type: none"> – Patentable inventions – Definition of invention – Technical character - Contribution approach – Discoveries, aesthetic creations, presentations of information – Mathematical methods – Computer programs – Methods of doing business - Exclusion of subject-matter “as such” – Industrial application - Industry - Manufacturability

Substantive Law			
	Subject	Articles & rules	Key topics
C2 4h	State of the art	Art. 54(2),(3), 55 and 89 EPC Rule 25 EPC EPC 1973: Art. 54(4), Rules 23a and 87	<ul style="list-style-type: none"> – State of the art – Admissible prior art <ul style="list-style-type: none"> - Availability - Public - Secrecy - Means of disclosure – when available <ul style="list-style-type: none"> - Oral disclosure - Internet disclosure - Public prior use - Accessibility and analysability - Disclosure: explicit – implicit – Prior rights <ul style="list-style-type: none"> - EPC 1973 - EPC 2000 – Effect of priority date – Non-prejudicial disclosures <ul style="list-style-type: none"> - Evident abuse - International exhibition <ul style="list-style-type: none"> - Certificate of Exhibition
C3 2h	Novelty	Art. 54(n) EPC	<ul style="list-style-type: none"> – Single disclosure – Conformance of all features – Multiple embodiments – Optional, use features – Genus – species – Selection inventions – Method versus use claims – Disclaimers
C4 3h	Exceptions to patentability; medical uses	Art. 53, 54(4) and (5) EPC Rules 26-29 EPC	<ul style="list-style-type: none"> – Exceptions to patentability <ul style="list-style-type: none"> - Ordre public and morality - Plant and animal varieties - Methods for treatment of the human or animal body <ul style="list-style-type: none"> - Treatment by surgery - Treatment by therapy - Diagnostic methods – First medical use – Second medical use – Biological processes and products – Gene sequences

Substantive Law			
	Subject	Articles & rules	Key topics
C5 2-3h	Inventive step	Art. 56 EPC	<ul style="list-style-type: none"> - Person skilled in the art - Common general knowledge - Technical field - Problem-solution approach - Combining teachings - Secondary indications - Partial problem - Surprising effect - Non-technical feature - Chemical claims - Inventive step attack - Defence against attack
C6 2-3h	Unity, disclosure, claims	Art. 82-84 EPC Rules 30-34 and 42-44 EPC	<ul style="list-style-type: none"> - Unity of invention - Single general inventive concept - Markush grouping - Disclosure - Clear and complete disclosure - Sufficiency of disclosure - Functional formulation - Repeatability - Claims - Clear, concise, supported by description - Form of claims - Claim categories - Independent/dependent claims - Disclaimers - Product-by-process claims - Use features

Substantive Law			
	Subject	Articles & rules	Key topics
C7 2-3h	Priority: Paris Convention, EPC, US and JP patent law relating to priority	Preamble, Art. 87-89 EPC Rules 52-54 EPC Paris Convention Art. 1-5quater and 11	<ul style="list-style-type: none"> - Paris Convention - vPriority under the EPC <ul style="list-style-type: none"> - Duly filed application - Paris Convention state and WTO member - Person or his successor in title - Same invention – disclosure test - “First” application - Outcome of priority application - Subsequent application becomes a first application - Claiming priority <ul style="list-style-type: none"> - Multiple priorities - Effective dates of claims - Disclosure in “previous application as a whole”, specific disclosure - Declaration of priority <ul style="list-style-type: none"> - Addition of priority claim - Correction of priority claim - Priority document <ul style="list-style-type: none"> - Filing of priority document - Translation of priority document - Re-establishment of rights in the priority period - Multiple priorities - Effect of priority date - Correction/addition of priority claim <hr/> <ul style="list-style-type: none"> - US applications <ul style="list-style-type: none"> - First-to-invent - Hilmer doctrine - Provisional - Continuation/continuation-in-part - Grace period - JP applications <ul style="list-style-type: none"> - Grace period

Substantive Law			
	Subject	Articles & rules	Key topics
D	Right to a European patent		
D1 1h	Right to file, entitlement to a patent	Art. 58-60 EPC	<ul style="list-style-type: none"> - Inventor and applicant - Multiple applicants - First-to-file principle - Double patenting
D2 1.5h	Entitlement disputes	Art. 61 EPC Rules 14–18 and 78 EPC Protocol on Recognition	<ul style="list-style-type: none"> - Entitlement proceedings - Recognition of entitlement decisions <ul style="list-style-type: none"> - Only for applicants - Final decision - Suspension of proceedings - Actions after decision of national court <ul style="list-style-type: none"> - Prosecute application as his own - File new application - Request refusal
D3 0.5h	Designation of the inventor	Art. 62 and 81 EPC Rules 19–21 EPC	<ul style="list-style-type: none"> - Designation of the inventor <ul style="list-style-type: none"> - Rectification of designation inventor - Publication of mention inventor <ul style="list-style-type: none"> - Waiver right to be mentioned
E	Rights conferred by a European patent and application		
E1 1h	Rights conferred by a European patent	Art. 2(2), 63-65, 68 and 70 EPC London Agreement on the Application of Art. 65 EPC Paris Convention Art. 5quater	<ul style="list-style-type: none"> - European patent <ul style="list-style-type: none"> - Term of patent - Rights conferred by patent <ul style="list-style-type: none"> - Protection of product directly obtained by process - London Agreement <ul style="list-style-type: none"> - Translation of granted patent - Effect of revocation or limitation - Authentic text of patent <ul style="list-style-type: none"> - Close translation
E2 1h	Protection conferred by the application	Art. 67, 66 and 69(2) EPC	<ul style="list-style-type: none"> - Provisional protection by publication of application - European filing equivalent to regular national filing
E3 0.5h	Interpretation of the patent (application)	Art. 69 EPC Protocol on the Interpretation of Art. 69 EPC Strasbourg Convention Art. 8(3)	<ul style="list-style-type: none"> - Extent of protection determined by claims - Equivalents

Substantive Law			
	Subject	Articles & rules	Key topics
E4 0.5h	Infringement and sanctions	Art. 2(2) and 64(3) EPC	<ul style="list-style-type: none"> – Infringement and sanctions - National law - Scope of protection
F The European patent and application as objects of property			
F 3h	Transfer and constitution of rights, assignment and licences	Art. 71-74 EPC Rules 22–24 and 85 EPC	<ul style="list-style-type: none"> – Registering a transfer of a European patent application – Assignment of patent application – Licences - Exclusive licence - Sub-licence – Applicable law
G Information from the EPO			
G1 1h	Information to the public	Art. 128 EPC Rules 143–147 EPC	<ul style="list-style-type: none"> – File inspection - Parts not open for file inspection - Electronic file inspection
G2 1h	Register of European patents	Art. 127, 14(8) and 20 EPC Rule 143 EPC	<ul style="list-style-type: none"> – European Patent Register - Entries in Register - Languages - Competence Legal Division
G3 0.5h	Periodical publications	Art. 129 and 14(7) EPC	<ul style="list-style-type: none"> – European Patent Bulletin – Official Journal
G4 0.5h	Exchange of information between authorities	Art. 130-132 EPC Rules 148–150 EPC	<ul style="list-style-type: none"> – Communication between EPO and central industrial property offices and inter-governmental organisations – Communication between EPO and courts or national authorities – Exchange of publications between EPO and central industrial property offices

Procedural Law			
	Subject	Articles & rules	Key topics
H	Procedure		
H1 1h	General introduction to procedure before EPO		<ul style="list-style-type: none"> - Substantive law versus procedural law - Overview EPC procedure
H2 2h	European patent application	Art. 78, 79, 85 and 118 EPC Rules 41-43, 45-50 and 138 EPC	<ul style="list-style-type: none"> - Filing a European patent application <ul style="list-style-type: none"> - Content of application - Filing, search and page fee - Request-for-grant form - Claims fees - Drawings - Abstract - Prohibited matter - Designation of states <ul style="list-style-type: none"> - Designation fee - Extension fees - How to designate - Withdrawal of designations
H3 2-3h	Filing the application, accordance of a date of filing and formalities examination	Art. 75-77, 80, 90 EPC Rules 1-2, 25, 31-34, 35-40, 52-54, 55-60 and 152 EPC	<ul style="list-style-type: none"> - Filing a European patent application <ul style="list-style-type: none"> - Where to file - How to file - Filing a divisional application - Accordance of date of filing <ul style="list-style-type: none"> - Invitation to correct deficiencies - Consequences - Missing parts of description or missing drawings <ul style="list-style-type: none"> - Re-dating of the application - Missing parts based on priority - Consequence of non-compliance - Examination as to formal requirements <ul style="list-style-type: none"> - Translation - Request for grant - Claims - Abstract - Filing and search fee - Designation of inventor - Priority claim and documents - Representation - Drawings - Physical requirements - Sequence listing - Loss of rights - Further documents required

Procedural Law			
	Subject	Articles & rules	Key topics
H4 2h	Search, search opinion and search report	Art. 92 EPC Rules 61–66 EPC	<ul style="list-style-type: none"> – Basis of the European search – Extended European search report <ul style="list-style-type: none"> - European search report - Search opinion - Transmittal to applicant – Multiple independent claims during search – Incomplete search <ul style="list-style-type: none"> - Statement indicating subject-matter to be searched - Consequence of non-compliance – Lack of unity – Definitive content of abstract
H5 1h	Publication of the patent application	Art. 93 EPC Rules 67–69 EPC	<ul style="list-style-type: none"> – When is the patent application published? <ul style="list-style-type: none"> - Content and form of publication - Types of publication - Technical preparations – Information about publication – Withdrawal of application – Deferred publication – Invalid publication – Legal effect of publication
H6 3h	Request for examination and substantive examination	Art. 94 EPC Rules 70, 70a, 71(1)–(2) and 138 EPC	<ul style="list-style-type: none"> – Request for examination <ul style="list-style-type: none"> - When to file the request for examination - Examination fee - Effect of non-payment – Response to search opinion <ul style="list-style-type: none"> - Compulsory response - Consequence of non-compliance – Substantive examination <ul style="list-style-type: none"> - Objection examiner - Response from applicant - Auxiliary requests – Different claims, description and drawings for different states

Procedural Law			
	Subject	Articles & rules	Key topics
H7 3h	Amendments and correction of errors	Art. 123 EPC Rules 137 and 139–140 EPC	<ul style="list-style-type: none"> – Amendments <ul style="list-style-type: none"> - Opportunity - Own volition - Indication of basis of amendment - Lack of unity - Extension of subject-matter - Disclaimers - Amendment during opposition – Corrections <ul style="list-style-type: none"> - R. 139, first sentence - R. 139, second sentence <ul style="list-style-type: none"> - Immediately evident - Correction of errors in decisions
H8 3h	Decision to grant the European patent or to refuse the patent application	Art. 97 and 98 EPC Rules 71(3)–(11) and 72–74 EPC	<ul style="list-style-type: none"> – Grant <ul style="list-style-type: none"> - Approval text - Amendment or correction - Translation of priority document - Mention of grant - Patent specification - Technical preparations and form of publication - Effects of grant – Refusal of patent application <ul style="list-style-type: none"> - Reasoned decision - Option to file appeal

Procedural Law

	Subject	Articles & rules	Key topics
Hg 2-3h	Opposition, request for limitation or revocation	Art. 99–105, 105a–105c and 123(3) EPC Rules 75, 76–87, 88, 89 and 90–96 EPC	<ul style="list-style-type: none"> – Notice of opposition <ul style="list-style-type: none"> - Who may file - Where to file - Language - Payment opposition fee - Parties to opposition proceedings <ul style="list-style-type: none"> - Inter partes proceedings – Extent of opposition – Grounds for opposition <ul style="list-style-type: none"> - Separate grounds – Indication of facts and evidence – Examination of opposition <ul style="list-style-type: none"> - Notice of opposition deemed to have been filed - Admissibility of opposition - Substantive examination of opposition – Decision in opposition proceedings <ul style="list-style-type: none"> - Rejection of opposition - Revocation of patent - Patent maintained in amended form - Interlocutory decision – Continuation of own motion – New specification – Apportionment of costs <hr/> <ul style="list-style-type: none"> – Intervention <ul style="list-style-type: none"> - Payment opposition fee - Treated as opposition – Intervention in appeal proceedings <hr/> <ul style="list-style-type: none"> – Limitation/Revocation procedure <ul style="list-style-type: none"> - Subject of proceedings - Competence of the examining division - Requirements of the request for limitation or revocation - Precedence of opposition proceedings - Decision on the request for limitation or revocation - Publication of the amended specification of the European patent

Procedural Law

	Subject	Articles & rules	Key topics
H10 3h	Appeal and petition for review	Art. 21, 22(1)(c), 23 and 106–112 and 112a EPC Rules 97–103 and 104–110 EPC	<ul style="list-style-type: none"> – Appealable decisions – Suspensive effect – Who is entitled to appeal? <ul style="list-style-type: none"> - Adversely affected party - Parties to appeal proceedings – Reformatio in peius – Termination of appeal – Notice of appeal <ul style="list-style-type: none"> - Where to file - Payment appeal fee – Statement setting out grounds for appeal – Interlocutory revision – Assessment of appeal <ul style="list-style-type: none"> - Notice of appeal deemed to have been filed - Admissibility of appeal - Substantive examination of appeal – Decision of board of appeal <ul style="list-style-type: none"> - Binding nature – Reimbursement appeal fee <ul style="list-style-type: none"> - Substantial procedural violation – Intervention in appeal proceedings
			<ul style="list-style-type: none"> – Enlarged Board of Appeal <ul style="list-style-type: none"> - Referral by board of appeal: decision <ul style="list-style-type: none"> - Binding nature - Referral by President EPO: opinion
			<ul style="list-style-type: none"> – Petition for review by the Enlarged Board of Appeal <ul style="list-style-type: none"> - Fundamental procedural defects - Criminal acts - Obligation to raise objections during appeal proceedings - Contents of the petition for review - Examination of the petition - Procedure - Reimbursement of the fee for petitions

Procedural Law			
	Subject	Articles & rules	Key topics
H11 3h	Common provisions governing procedure	Art. 113–119, 124 and 125 EPC Rules 4, 111, 113, 114, 115–116, 117–124, 125–130 and 142(1)–(3) EPC	<ul style="list-style-type: none"> – Decisions <ul style="list-style-type: none"> - Right to be heard - Text agreed by applicant/proprietor – Own motion – Observations by third parties – Oral proceedings – Taking of evidence – Unity of application/patent – Notification – Information corresponding to national patent applications – Reference to general principles
H12 3h	Periods	Art. 120 and 51(2) EPC Rules 131–134, 14(4), 78(1) and 142(4) EPC	<ul style="list-style-type: none"> – Periods <ul style="list-style-type: none"> - Calculation of periods – Periods specified by the EPO <ul style="list-style-type: none"> - Extension upon request – Late receipt of documents – Extension of periods – Interruption of periods <ul style="list-style-type: none"> - Suspension of proceedings - Interruption of proceedings
H13 3h	Further processing and re-establishment of rights	Art. 121 and 122 EPC Rules 112, 135 and 136 EPC	<ul style="list-style-type: none"> – Loss of rights communication <ul style="list-style-type: none"> - Application for decision – Further processing <ul style="list-style-type: none"> - Requirements - Periods exempt from further processing – Re-establishment of rights <ul style="list-style-type: none"> - Requirements - Cause of non-compliance - All due care - Periods exempt from re-establishment of rights

Procedural Law			
	Subject	Articles & rules	Key topics
H14 3h	Fees	Art. 33(2)(d), 39(1), 51, 78(2), 79(2), 86, 99(1), 105a(1), 108, 112a(4) and 141 EPC Rules 36(3)–(4), 38–39, 45, 51, 71, 82(2), 88(3), 89(2), 135(1) and 136(1) EPC Rules relating to Fees Arrangements for Deposit Ac- counts (ADA) Arrangements for the Auto- matic Debiting Procedure (AAD)	<ul style="list-style-type: none"> – Fees for applications – Renewal fees – Rules relating to fees <ul style="list-style-type: none"> - 10-day fail-safe arrangement - Insufficient payment - Refund of fees - Reduction of fees – Deposit accounts <ul style="list-style-type: none"> - Replenishment – Automatic debiting <ul style="list-style-type: none"> - Excluded fees
I/J	Revocation and national rights		
I 1h	Revocation	Art. 2(2), 138 and 139 EPC	<ul style="list-style-type: none"> – Grounds for revocation – Proceedings for revocation – Partial revocation
J1 1h	Relations European and national patents	Art. 139 and 140 EPC	<ul style="list-style-type: none"> – Rights of earlier date or the same date <ul style="list-style-type: none"> - National prior rights – National utility models and utility certificates
J2 1h	Conversion to national ap- plication	Art. 135 and 137 EPC Rules 155–156 EPC	<ul style="list-style-type: none"> – Conditions for conversion – Procedure for conversion
K	Community Patent Convention and other agreements		
K1 1.5h	Special agree- ments	Art. 142–149a EPC Agreement relating to EU patents EU Patent Regulation	<ul style="list-style-type: none"> – Switzerland and Liechtenstein

Procedural Law			
	Subject	Articles & rules	Key topics
K2 1.5h	TRIPs and other agreements	Strasbourg Convention TRIPs Agreement Patent Law Treaty	<ul style="list-style-type: none"> – Strasbourg Convention - Substantive patent law – TRIPs - Patentable subject-matter – PLT - Filing date - Representation

Patent Co-operation Treaty			
	Subject	Articles & rules	Key topics
L	Patent Co-operation Treaty		
L1 3h	Introduction PCT	PCT Art. 1, 2, 9, 10, 27(7), 43–45, 49, 53, 55 and 58 PCT Rules 2, 79–82, 83, 90, 90 <i>bis</i> , 91, 92 and 94 Art. 150 EPC	<ul style="list-style-type: none"> – Structure of the PCT – International phase/national phase – International Bureau – General articles and rules <ul style="list-style-type: none"> - Definition of application - Definition of priority date - Definition of national Office - Applicant - Receiving Office - Seeking certain kinds of protection - Seeking two kinds of protection - Regional patent treaties - Right to practise before international authorities - Assembly - International Bureau - Periods - Irregularities in the mail service - Agents and common representatives - Obvious errors in documents - Correspondence - Withdrawals - Access to files
L2 3h	International application	PCT Art. 3–14 PCT Rules 3–11, 12–13 <i>ter</i> , 14–16 <i>bis</i> , 17, 18, 19–23, 24–26, 26 <i>bis</i> , 26 <i>ter</i> , 27–32 and 92 <i>bis</i> Art. 151 EPC Rule 157 EPC	<ul style="list-style-type: none"> – Filing an international application <ul style="list-style-type: none"> - Request - Applicant - Where to file - Languages - Agent - Inventor - Signature - Fees - Designation of states - Priority – Filing date <ul style="list-style-type: none"> - Right to file international application - Procedure for correction - Filing missing elements or missing parts - Effect on filing date – Defects in international application <ul style="list-style-type: none"> - Procedure for correction

Patent Co-operation Treaty			
	Subject	Articles & rules	Key topics
L3 3h	International search, international supplementary search, international publication and international preliminary examination	PCT Art. 15–19, 20–30, 31–38 PCT Rules 33–45, 45 <i>bis</i> , 46, 48, 53–78 and 94 Art. 152 EPC Rule 158 EPC	<ul style="list-style-type: none"> – International search <ul style="list-style-type: none"> - Competent ISA - Subject-matter not searched - Oral disclosure - Lack of unity and protest procedure - International search report [ISR] - Written opinion of ISA - Filing amendments of the claims - IPRP (Chapter I) – EPO as ISA <ul style="list-style-type: none"> - Subject-matter not searched - Limitation US: business methods - Lack of unity and protest procedure - Refund of search fee
			<ul style="list-style-type: none"> – International publication <ul style="list-style-type: none"> - Languages of publication - Contents of publication - PCT Gazette - Preventing/postponing publication - Technical preparations - Provisional protection – International publication – EPO as designated/elected Office <ul style="list-style-type: none"> - Provisional protection
			<ul style="list-style-type: none"> – Supplementary international search <ul style="list-style-type: none"> - Supplementary search request - Supplementary search handling fee - Supplementary search fee - Correction of defects - Start, basis and scope - Unity of invention - Review of opinion of SISA - Supplementary international search report - Transmittal to applicant - ISA competent to carry out supplementary international search (SISA) – EPO as SISA <ul style="list-style-type: none"> - Refund of supplementary search fee - Subject-matter not searched - Non-unity and review

Patent Co-operation Treaty			
	Subject	Articles & rules	Key topics
L3 3h	International search, international supplementary search, international publication and international preliminary examination	PCT Art. 15–19, 20–30, 31–38 PCT Rules 33–45, 45 <i>bis</i> , 46, 48, 53–78 and 94 Art. 152 EPC Rule 158 EPC	<ul style="list-style-type: none"> – International preliminary examination <ul style="list-style-type: none"> - Filing demand and fee payment - Competent IPEA - Written opinion of IPEA - Response to written opinion - Amendment - Lack of unity and protest procedure - Subject-matter not searched - IPER = IPRP (Chapter II) – EPO as IPEA <ul style="list-style-type: none"> - Subject-matter not searched - Limitation US: business methods - Non-unity and protest procedure - Filing amendments

Patent Co-operation Treaty			
	Subject	Articles & rules	Key topics
L4 3h	National phase and Euro-PCT application	PCT Art. 22–25, 27, 28, 39–41, 45(1) and 48 PCT Rules 47, 49–50, 51– 52, 74, 76 and 82 <i>bis</i> Art. 150 and 153 EPC Rules 159–165 EPC	<ul style="list-style-type: none"> – Acts for entry into national phase <ul style="list-style-type: none"> - Period for entry - Translation international application - Fee payment - Naming of inventor - Priority documents - Representation - Amendment before designated/ elected Office – Review and excuse procedure <ul style="list-style-type: none"> - EPO: examining division competent to take decisions – EPO as designated/elected Office <ul style="list-style-type: none"> - Precedence of PCT over EPC – Acts for entry into EP regional phase <ul style="list-style-type: none"> - Translation - Filing and page fee - Designation fee - Search fee for supplementary European search - Request for examination - Renewal fees – Consequences of non-compliance <ul style="list-style-type: none"> - Further processing – Amendment of the Euro-PCT application <ul style="list-style-type: none"> - Mandatory response to written opinion - Claims fees – Examination of formal requirements <ul style="list-style-type: none"> - Designation of inventor - Priority claim and document - Sequence listing - Address/nationality of applicant - Representation – Non-unity <ul style="list-style-type: none"> - Filing divisional application – Euro-PCT application as prior right – Substantive examination – Inspection of files

Chapter IV

EQE preparation checklists

1. General

- The EQE is due to change: candidates who wish to be enrolled for the first time in 2013 must pass a pre-examination to be held in 2012.
- Candidates can normally enrol for the pre-examination after two years of experience.
- The pre-examination will assess candidates' ability to answer legal questions and questions relating to claim analysis (topics include clarity, novelty, inventive step, added subject-matter, etc.).
- Learn how to tackle multiple-choice papers, because the Examination Board for the EQE has proposed a multiple-choice format as an option for the pre-examination.
- Personal study time: at least 400-600 hours spread over a minimum of three years (excluding time spent on courses). The total time including the pre-examination is expected to exceed 600 hours.
- Make sure to spend enough time to answer legal questions across the broad spectrum of the curriculum. In allocating your preparation time it is also important not to neglect time for studying for the claim analysis part.
- Add a considerable amount of study time if you have no opportunity for practical work experience (drafting, prosecution).
- For the pre-examination, spread your study time over at least six months within the two years.
- For the rest of the EQE, again spread your studies over at least six months, and preferably longer.
- Test your knowledge with previous examination papers in real time - and don't look at the examiners' reports or the answers in the Compendium until you have answered the relevant paper. Compare your answer to the examiners report.
- Keep up to date with the EPO/WIPO websites.
- Remind your supervisor of the importance of his or her role during the training period.
- Don't forget that you are preparing for an examination, not a real-life situation. So the cases are specially made up for this examination and you will be expected to produce the right answers.
- For each part of the EQE, draw up a personal strategy (including timeline, feature matrix, examples of various forms, etc.) so you can spend the time during the exami-

nation on the important issues (i.e. the ones you get marks for!).

- Read and understand the G decisions of the boards o appeal.
- Attend relevant courses for both the pre-examination and the rest of the EQE to help you prepare.
- Previous examination papers are an important training tool - make sure you read and understand the examiners reports!

2. Pre-examination

At the time of writing this guide, only one possible format for the pre-examination has been published by the Examination Board for the EQE: (<http://www.epo.org/patents/learning/qualifying-examination.html>). Whether the pre-examination will definitely be in that format is, however, not yet known. Candidates are advised to regularly check the website for further information. In line with the mock pre-examination, candidates who prepare for the pre-examination should focus on the following aspects:

Legal part:

- Starting early on practising legal questions.
- Answering questions several times to develop a faster working method.
- Making a timetable per question/ point.
- Compiling a list of all G decisions and landmark decisions (OJ).
- Reading OJ special editions from the last three years.
- Studying the Guidelines for Examination, Guides for Applicants, PCT Newsletters, Ancillary Regulations, National Law and the case law book.
- Studying the EPC/PCT.
- Answering at least five to seven previous EQE DI papers, at least two of them under examination conditions (including time pressure), for correction by your tutor or another suitable person (bearing in mind that there have been numerous changes to the law which affect the correctness of the answer suggested for earlier examinations).
- Answering past DI papers in less than three hours, as aspects of the correct answers often form a basis for the annotations in books for EQE preparation, thus making it easier to answer questions from previous papers when using these annotated books.

- Choosing the books and other reference material you wish to use during the examination, making a fast indexing system with added references, and practising using it with past papers.
- Making a summary sheet of the legal bases for commonly recurring EPC/PCT concepts such as time limits, remedies, EPO acting as PCT authority, etc.
- Checking for updates to PCT rules (bearing in mind the PCT is an essential part of the EQE).
- Checking for updated EPC transitional provisions.
- Filing patent applications or studying complete file histories to learn about administrative procedures.
- Reporting to clients on (costs and) deadlines associated with the filing of national, EP and PCT applications.
- Familiarising yourself with EPO forms (what they contain and what information is required to complete them).
- Creating your own personal strategy for tackling legal questions.
- Getting familiar with the marking of multiple-choice tests - the marking scheme may be so constructed that negative points are awarded for not answering questions (further information should become available on the EPO's website).

Claim analysis part:

- Getting familiar with the marking of multiple-choice tests.
- Studying basic aspects of claim analysis, such as novelty, inventive step (problem-solution approach), added subject-matter and clarity.
- Drafting claims.
- Carrying out novelty searches and reporting on the patentability of inventions.

3. Examination

Paper A

Candidates preparing for paper A should focus on the following aspects:

- Inclusion of a description when drafting applications.
- Answering at least three to five previous EQE A papers, at least two of them under examination conditions (including time pressure), for correction by your supervisor or another suitable person.
- Drawing up a strategic time plan for preparing for paper A, practising with past papers and for the whole examination.
- Noting points about which you are not sure when answering past papers.

- Taking an (extra) course on claim drafting (if required).
- Reading the Guidelines, Chapter C-III, paying particular attention to clarity, novelty and inventive step.
- Noting the following distribution of marks applied to previous examination papers (which varies according to whether you sit the chemistry or the electricity/mechanics paper - and it also varies from one year to another):
 - independent claims: up to 50 in total - 40 for main independent claim, 10 for secondary independent claim
 - dependent claims: normally 35 in total – for good fall-back positions based on clusters of embodiments, distinguishing characteristics of new essential features, and embodiments
 - description: normally 15 in total - 5 for closest prior art, approx. 10 for correct presentation of problem-and-solution approach.
- The claim analysis part of the pre-examination, but excluding multiple-choice tests.

Paper B

Candidates preparing for paper B should focus on the following aspects:

- The information provided for paper B and the answer to be handed in will be different for paper B in 2011/2012 and thereafter (see Rule 24 IPREE: http://archive.epo.org/epo/pubs/oj010/03_10/03_sup10a.pdf).
- Drafting responses to Office actions.
- Learning to use the problem-solution approach to argue for or against the presence of novelty or an inventive step.
- Studying decisions on inventive step (OJ).
- Studying decisions on amendments, Art. 123(2) EPC and related topics (OJ).
- Responding to EP and/or PCT search reports, amending claims and description.
- Drawing up a strategic time plan for preparing for paper B, practising with past papers and for the whole examination.
- Reporting to clients on the content of substantive examination communications.
- Answering at least three to five previous EQE B papers, at least two of them under examination condi-

- tions (including time pressure), for correction by your supervisor or another suitable person.
- Noting points you are not sure about and clarifying them.
 - Taking an (extra) course on drafting responses to Office actions (if required).
 - Reading the Guidelines, Part C, paying particular attention to clarity, novelty, inventive step, unity, Art. 123.
 - Noting the following distribution of marks applied to previous examination papers (which varies according to whether you sit the chemistry or the electricity/mechanics paper - and it also varies from one year to another):
 - claims: normally 50 in total - 25 for main independent claim, approx. 10 for secondary independent claim, 15 for dependent claim
 - arguments: normally 50 in total - 10 for overall rating, 5 for novelty, 25 for inventive step, 10 for other issues
 - The claim analysis part of the pre-examination, but excluding multiple-choice tests.

Paper C

Candidates preparing for paper C should focus on the following aspects:

- The time available for answering paper C will change from six hours in 2011 and 2012 to five hours in 2013 and thereafter.
- Checking file inspections in real-life opposition cases.
- Answering five to seven previous EQE C papers, at least two of them under examination conditions (including time pressure), for correction by your supervisor or another suitable person.
- Learning how to fill in the opposition form.
- Familiarising yourself in particular with the following aspects: prior art, industrial application, priority, amendments, first invention, ranges, representation.
- Learning to make claim charts.
- Trying different methods of tackling paper C.
- Reviewing the available material on paper C and developing a personal strategy for the whole examination.
- Reading J decisions (OJ).
- Reading G decisions (OJ).
- Analysing claim features.
- Reading the Guidelines, Part D.

- Getting involved in opposition cases and, if possible, attending oral proceedings when your firm is involved.

Note: Chemistry candidates should bear in mind that paper C is not specifically a chemistry paper.

Paper D

Part DI (for the examination in 2011 and 2012)

Candidates preparing for paper DI should focus on the following aspects:

- Maximum marks: 40.
- Starting to practise D questions during year two of your preparation.
- Answering questions several times to develop a faster working method.
- Making a timetable per question/point
- Compiling a list of all G decisions and landmark decisions (OJ).
- Reading OJ special editions from the last three years.
- Studying the Guidelines for Examination, Guides for Applicants, PCT Newsletters, Ancillary Regulations, National Law and the case law book.
- Studying the EPC/PCT.
- Answering at least five to seven previous EQE DI papers, at least two of them under examination conditions (including time pressure), for correction by your tutor or another suitable person (bearing in mind that there have been numerous changes to the law which affect the correctness of the answer suggested for earlier examinations).
- Answering past DI papers in less than three hours, as the correct answers are already available in the annotated books, thus making them easier.
- Choosing the books and other reference material you wish to use during the examination, making a fast indexing system with added references, and practising using it with past papers.
- Making a summary sheet of the legal bases for commonly recurring EPC/PCT concepts such as time limits, remedies, EPO acting as PCT authority, etc.
- Checking for updates to PCT rules (bearing in mind the PCT is an essential part of the EQE).
- Checking for updated EPC transitional provisions.
- Filing patent applications or studying complete file histories to learn about administrative procedures.

- Reporting to clients on (costs and) deadlines associated with the filing of national, EP and PCT applications.
 - Familiarising yourself with EPO forms (what they contain and what information is required to complete them).
 - Getting accustomed to including in each answer: the response, the exact legal basis and a short argument in support of your conclusion.
 - Creating your own personal strategy for tackling paper DI.
 - The legal part of the pre-examination, but excluding multiple-choice tests.
- Note: Candidates should bear in mind that - especially with regard to paper DI - EQE papers before 2008 relate to the EPC before changes came into force in December 2007. Care should therefore be taken when using them for preparation.
- Part DII (for the examination in 2011 and 2012)**
- Reporting to clients on (costs and) deadlines associated with the filing of national, EP and PCT applications (including time pressure), for correction by your supervisor or another suitable person.
 - Making a checklist of issues that have come up in recent DII papers.
 - Gaining practical experience in advising clients.
 - Accompanying your supervisor to business meetings.
 - Checking past papers for questions on priority, first invention, disclosure, corrective actions, further processing, restitution, stay of proceedings, etc.
 - Drawing up a strategy for tackling paper DII, trying it out and adapting it where necessary.
 - Creating a structure for commonly recurring items. For example, if an application is to be filed, the name of the applicant, the subject-matter per claim, the priority application/ date per claim, and so on.
 - Studying EQE-related parts of US patent law basics, such as grace period, inventorship, licensing (e.g. what exactly are you going to license?).

Candidates preparing for paper DII should focus on the following aspects:

- Maximum marks: 60.
- Answering at least seven previous EQE DII papers, at least two of them under examination condi-

Paper D in 2013 and thereafter

In 2013 the format for paper D of the examination will change. According to the information at present available, i.e. the Regulation on the European qualifying examination for professional representatives (REE) and its implementing provisions (IPREE) (see: Supplement 2 to Official Journal 3, 2010 and: http://archive.epo.org/epo/pubs/oj010/o3_10/o3_sup10a.pdf), the purpose of paper D will be to

assess candidates' ability to answer legal questions and to draft legal assessments.

Candidates preparing for paper D should thus focus on all aspects mentioned in respect of papers DI and DII.



Chapter V

Some tips and tricks

In general, successful candidates are those who come to the examination well prepared and have attended a special course or courses on the EQE.

On average, you need to allow for at least 400-600 hours of personal study, excluding time spent on courses, so make sure you start to prepare in good time (around six months before the examination for your intensive final preparation if you plan to take all four papers in one year)! Additional preparation time will be required for the pre-examination to be held for the first time in 2012.

Prepare a timetable showing the main outlines of your planning for the EQE and discuss it with your supervisor.

Discuss the material you plan to bring to the examination with your supervisor. Make sure it is up to date, especially for part D and the future pre-examination. Bring copies of the latest decisions, guidelines and notices. Even though old decisions and/or notices in the Official Journal may be similar in content to the new ones, the Committee expects you to cite the new ones only!

For papers A, B and C you will need a lot of practice with the Compendia. For paper DI, the legal part of the future pre-examination and the future paper D, you will also need to know your material very well in advance. It is not sufficient to bring a book with you, you have to know where to find the information you need in it. As it is, you have very little time to write your answers, and part of this time should be spent considering whether you have answered the question as fully as possible. Bear in mind also that annotated EPC books already contain the answers to questions in past papers.

For paper DII (and the corresponding part of the future paper D) it is very important to practise building up a time line or chart with all the data contained in the client's letter. The information is so voluminous that you will lose yourself in it if you haven't devised a method of grouping it. Bring prepared time lines or charts to the examination so you can fill them in with the information.

To save time, you can prepare some standard formulations that you can copy from, such as a preamble for

a description in A, a heading for a letter of reply to the EPO in B, and a skeleton outline for the first part of the notice of opposition, saying what documents are used, in which languages, and what the effective dates of the claims are, etc., for paper C. However, you will have to copy this prepared material onto the official answer sheets. You must never hand in any papers prepared at home!

Although the Examination Committees are aware that some answer papers may have been written in a language other than the mother tongue of the candidate, and no points are deducted for faults of grammar and style, candidates should make every effort to write their papers legibly.

Time management is essential, so be sure you have practised this aspect. Every year many candidates fail because, although they have prepared well and would have been able to give a good answer, they did not have time to write everything down, or they expressed themselves in such a way that the Committee could not understand their line of argument.

Apart from any books, charts and time lines to be filled in, or any standard formulations, you should also bring the following with you to the examination:

- scissors and glue. You can often use part of the client's letter in paper A for the description; this will save you time and is permitted, but take care that the papers are properly glued and that the lined pages are not stuck together to avoid loss of information during the automated copy process.
- plenty of suitable pens (black ink) which will be easy to use for several hours (paper C lasts for six hours, around three of which will be spent writing).
- something to eat and drink (the examination is hard enough, treat yourself with something nice - but try it out before).

Make sure you stay fit and healthy - the examination is very stressful, with each paper lasting for several hours. Check with candidates from previous years as to what the conditions were like: were the tables big or small, how was the temperature of the room, and so on. And it goes without saying that you should know when and where you are due to sit the papers, and how to get there. Consider making use of public transport - especially after an examination day you will feel quite exhausted and maybe not capable any more of driving yourself.

If you are not sure whether you meet the conditions regarding the duration of employment prior to enrolling

(because you worked part-time for a while, or were sick or on maternity leave, for example), make sure to check the regulations (<http://www.epo.org/patents/learning/qualifying-examination.html>) for the necessary information before asking the Examination Secretariat or submitting your application form.

The following list has been extracted from the annual survey of candidates carried out by the EQE Secretariat after the examination, and includes valuable tips from people who have already sat the examination (www.epo.org/patents/learning/qualifying-examination.html).

- Start early.
- Spend lots of time on preparation.
- Draw up a study timetable.
- Form study groups with colleagues.
- Prepare your own material (including tables and standard clauses) instead of using a book.
- Know your material well; use only one (up-to-date) set of notes or book in the examination.
- Study the Guidelines carefully - they contain many of the answers you are expected to know.
- Do as many past papers as you can under examination conditions.
- Get qualified feedback on your answers to past papers - and accept it.
- Pay close attention to examiners' reports.
- Try to find out which elements of the answer give you marks.
- Learn to recognise what it is the examiner wants to see.
- Don't just learn what the correct answer is; make sure you know how to write it, including the detail expected.
- Use a template or checklist so that you don't forget anything (also during the examination).
- Practise writing quickly and legibly.
- Attend courses.
- Stay fit and healthy.
- Don't panic.



Chapter VI

After the Examination

The Examination Board normally finishes marking the papers by the end of July of the year in which the examination is held. Usually at the beginning of August, the candidates can preview their results via a password-secured internet query. However, the official results will only be delivered by mail. All candidates are normally sent a copy of their papers, and any translations into one of the official languages, in advance, shortly after the examination. An alphabetical list of successful candidates is published in the October issue of the Official Journal and on the EPO's website. Statistics on the outcome of the examination are now also available from the beginning of August each year.

If you pass

Under Art. 134(1), (2) EPC, representation in proceedings established by the EPC can only be undertaken by a natural person who has passed the European qualifying examination, is a national of a contracting state and has his place of business or employment in a contracting state. There is also the so-called "grandfather" clause under Art. 134(3) EPC, which

we do not need to go into here. Legal practitioners may also undertake representation provided they meet the requirements of Art. 134(8) EPC.

Persons having their residence or principal place of business in a contracting state are not obliged to be represented by a professional representative (Art. 133 EPC). Other persons do need to be represented by a professional representative in all proceedings other than filing a European patent application or paying fees.

The names of such representatives must be entered on the EPO's list of professional representatives. The form for requesting inclusion on this list is sent to successful candidates along with their certificate. Names are normally entered within a matter of days and are published around two months later in the Official Journal. Any amendments or deletions should be sent to the EPO's Directorate 5.1.1.

The EPO operates a searchable database of authorised representatives on its website. At the time of writing (July 2009) this list contains around 9 600 names (6 200 who successfully

passed the exam, and 3 400 “grand-fathers”).

Successful candidates are entitled to use the designation “European patent attorney” or “professional representative before the European Patent Office” (this does not necessarily apply to EPO examiners, who are not required to have two years’ experience of working with a European patent attorney before they can enrol for the examination). Professional representatives are entitled to set up a place of business and practise in any of the contracting states.

Qualification as a European patent attorney entitles you to act in patent matters under the EPC/PCT, but not in national proceedings. Passing the European qualifying examination does not entitle you to act before the OHIM in Alicante in matters concerning trade marks and designs.

All representatives on the list are automatically members of the Institute of Professional Representatives before the European Patent Office (**epi**). **epi** members must pay an annual subscription (currently EUR 160), which is waived for those joining for the first time after 30 September. As the professional body for European representatives, the Institute is responsible for working with the

European Patent Organisation in matters pertaining to the rules of the profession, and particularly disciplinary matters.

In some contracting states, passing the European qualifying examination is taken into account for the purposes of becoming a national patent attorney. For example, you may benefit in:

- DE: facilitated admission to the German patent attorneys’ qualifying examination under section 172 of the Rules and Regulations for the German Bar (§ 172 Patentanwaltsordnung, PatAnwO).
- GB: those who have passed the European qualifying examination as a whole, or papers A and/or B, are deemed to have passed Patent Advanced Papers P3 and/or P4 of the national qualifying examinations (see the Regulations for Examinations for the Registration of Patent Agents & Trade Mark Agents, www.cipa.org.uk/download/2007_Exam_Regulations.pdf).
- NL: after passing papers A and B of the European qualifying examination you do not have to do the A/B paper of the Dutch Patent Examination (Uitvoeringsreglement Rijksoctrooiwet 1995, Art. 27d, lid 3).

Successful candidates are urged to pass on their knowledge to new can-

didates wherever possible, for example by acting as tutors in the various organisations (CEIPI, epi, etc.).

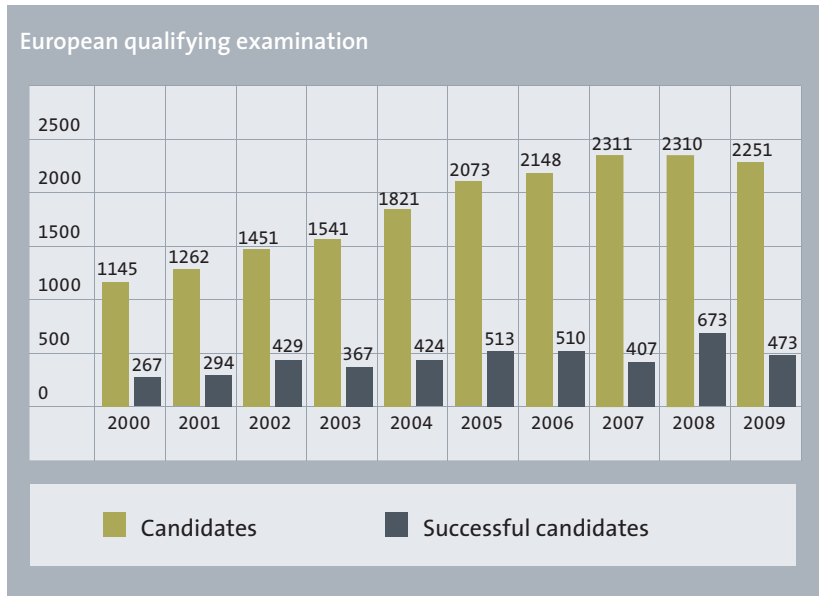
Continual professional training is important if patent professionals are to meet the challenges and requirements of a knowledge-based economy. By way of example, CEIPI at the University of Strasbourg has set up “Master of Law” programmes.

If you fail

The pass rate for the European qualifying examination is very low. In fact,

the vast majority of candidates sitting the examination for the first time fail (failure rate 76% in 2007, 58.5 % in 2008, 63% in 2009). For detailed annual statistics see <http://www.epo.org/patents/learning/qualifying-examination/statistics.html>.

As can be seen from the following diagram, the number of applicants (including re-sitters), having risen continually each year until 2007, has now levelled out, whereas the number of successful candidates has remained low over the years.



Source: EPO

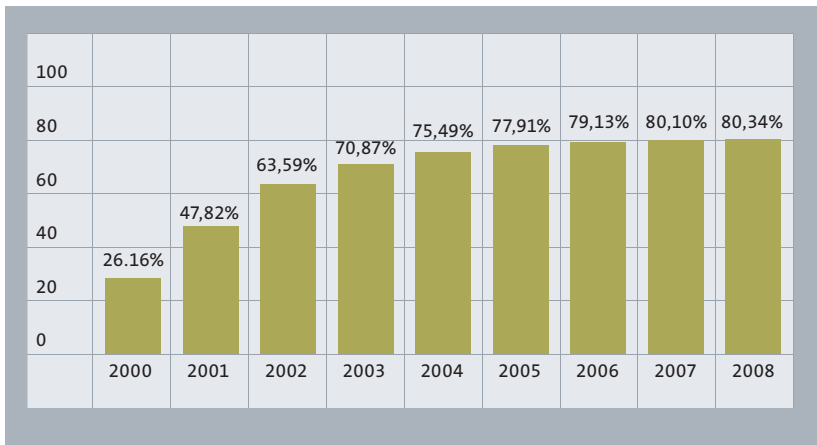
The following graph shows the pass rate for candidates sitting the EQE for the first time from 2000 to 2008. It is interesting to note that around 80% of them finally passed, with the pass rate increasing asymptotically to reach a maximum after approx. five re-sits. The other 20% seem to have left the system.

If you fail the examination you can file a written appeal within one month of the decision of the Examination Board being communicated to you. The appeal can, however, only be against an infringement of the Regulation on the European qualifying examination or the Implementing Provisions. Since the marking of papers is a matter of discretion, the chances of succeeding in an appeal against a particular mark are normal-

ly - provided that uniform assessment criteria have been applied - extremely small.

Under the current rules, candidates can re-sit the examination as often as they wish. At the same time, the re-sit statistics paint a particularly disheartening picture (failure rate for partial re-sits: 77% (2009), 65% (2008); failure rate for full re-sits: 100% (2009, 2007), 95% (2008)).

All the more reason, then, to emphasise at this point that “100%” preparation is not enough if you are re-sitting the examination. You need an extra reserve of knowledge to cope with the possible pitfalls and you must work much harder on learning the material and refining your examination strategy than you did the first



Source: EPO

time round. You also need to give careful thought to the timing of your re-sit.

As it is not easy to retain all the specialist knowledge accumulated in your preparation for the examination the first time round, we recommend that you work on keeping up your level of knowledge after the examination, at least until the results are known. You could liken this to the kind of basic training an athlete might put in to maintain form outside the main season.

Because the results are announced relatively late, i.e. in August, there is little time left to enrol and prepare for the next examination. For candidates who have sat the examination and handed in at least one paper, the deadline is extended until shortly after the results are announced (the deadline for enrolling for the examination on 3-5 March 2009 was 22 September 2008). If you decide to re-sit the following year (i.e. a year later), then the normal deadline (usually July of the previous year) applies. If you miss this deadline you cannot appeal and you have no recourse to “further processing” or “reinstatement of rights”. Candidates re-sitting the examination must use a special enrolment form and pay the examination fee.

Candidates have the right to see their papers and the marks they were awarded. However, only a very rough indication is given as to why they were deemed to have failed the paper. We therefore recommend going through it in detail with a tutor/supervisor and discussing any errors. This service is available for a fee from *epi*, Patskills or DeltaPatents, for example.

Starting in 2012, a pre-examination is to be held to assess candidates’ ability to answer legal questions and questions relating to the drafting of claims. Candidates will be exempted from the pre-examination provided that either they have been successfully enrolled for an examination before the first pre-examination is held, or they have successfully applied for enrolment for the main examination for the first time in 2012. Candidates planning ahead may also consider that fees increase when they re-sit more than once, e.g. the fee for enrolling for a specific paper for the fifth time will be four times the basic fee payable for sitting a paper for the first time.

In terms of career choices, this is a very specialised area and the options for changing direction after a few years are severely limited. It is possible to continue in industry or private practice, carrying out a restricted range of activities.

Chapter VII

Reference material, literature, courses and training

This chapter contains information about (legal) reference material, literature (textbooks, etc.), training (including language training) and handy guides to passing the examination.

The latest edition at the time of publication of this guide is indicated in each case. It is up to you to check that you have the current edition – texts and textbooks can change while you are preparing for the EQE, so make sure that the version you are working with is not out of date.

The section on introductory publications lists publications which give a general rather than legally binding overview and which may be useful at the start of your training.

You must have a sound working knowledge of all the publications listed in the reference material section.

The literature and training opportunities listed are given simply by way of an overview of what is on offer, and whether or not you avail yourself of them is entirely up to you.

The list is only a sample of available sources and is not exhaustive. Suggestions for additions are welcome (*studyguide@epo.org*).

Introductory publications

EPC-related

- How to apply for a European patent
 - A step-by-step guide to the grant procedure, EPO (<http://www.epo.org/patents/One-Stop-Page.html>)
- How to get a European patent e-learning guide, EPO public e-learning module (<https://www.e-learning.epo.org/>)
- Guide for Applicants, Part I – How to get a European Patent, EPO, 13th edition, 2010

PCT-related

- Guide for Applicants, Part II – Euro-PCT – How to get a European Patent, EPO, 5th edition, 2010
- PCT Applicant's Guide, Introduction to the International Phase + Index, WIPO, last updated 25 March 2010 (<http://www.wipo.int/pct/en/>)

- PCT Applicant’s Guide, Introduction to the National Phase, WIPO, last updated 14 January 2010 (<http://www.wipo.int/pct/en/>)
- PCT Applicant’s Guide, Annexes A, B, C, D, SISA and E, WIPO, continuously updated (<http://www.wipo.int/pct/en/appguide/index.jsp>)
In particular, the annexes relating to the EPO are important: general information, receiving Office, ISA, SISA, and IPEA. If, in a question in the EQE, the EPO is acting as International Authority under the PCT, you must always cite the relevant legal provisions in the PCT and EPC.
- Official Journal of the EPO (OJ), monthly periodical (online or paper copy) (<http://www.epo.org/patents/law/legal-texts/journal.html>)
- Guidelines for Examination in the European Patent Office, April 2010 edition (<http://www.epo.org/patents/law/legal-texts/guidelines.html>) including replacement sheets
- Rules relating to Fees, OJ EPO 2009, 587 and 2009, 593 (<http://www.epo.org/patents/law/legal-texts/journal/2010.html>)
- Schedule of Fees and Expenses, Supplement No.1 to OJ EPO 3/2010 (<http://www.epoline.org/portal/public/registerplus>)

Reference material

EPC-related (published by the EPO unless otherwise stated)

- European Patent Convention, 14th edition, April 2010 (<http://www.epo.org/patents/law/legal-texts/epc.html>)
Note: the most recent version of the EPC is not yet available in printed form, but as an html document on the EPO’s website
- Update of decisions of the President and notices from the EPO of relevance for patent practitioners, Special Edition No. 3, OJ EPO 2007 (<http://www.epo.org/patents/law/legal-texts/journal/2007.html>)
- Case law of the Boards of Appeal, 6th edition, 2010 (<http://www.epo.org/patents/ap-peals/case-law.html>)
- List of G decisions (to be kept up to date by the candidate) (www.eqe-online.org/wiki)
- Legal Advice from the EPO. These have not been updated to take account of EPC 2000. A list can be found at: <http://www.deltapatents.com/data/uploads/downloads/legal-advice-from-ancillary-regulations-EPC1973.pdf>

- National Law relating to the EPC, 14th edition, 2009 (<http://www.epo.org/patents/law/legal-texts/national-law-epc.html>)
- Agreement on the application of Article 65 EPC – London Agreement (<http://www.epo.org/patents/law/legal-texts/london-agreement.html>)
- Regulation on the European qualifying examination for professional representatives (REE), Supplement No. 2 to OJ EPO 3/2010 (<http://www.epo.org/patents/law/legal-texts/journal/2010.html>)
- A. Veronese, P. Watchorn: Procedural law under the EPC-2000, Kastner, 2008 (<http://www.epc-compass.com/EPC/>)
- J. Hoekstra: References to the EPC, 2009 edition (updated every year) (<http://www.hoekstradoc.nl>)
- H. Kley, H. Gundlach, C. Jacobi: Kommentar zum EPÜ 2000, 2. Auflage, mfh-verlag, 2010 (updated twice a year)
- T. Bremi: The European Patent Convention and Proceedings before the European Patent Office (EPC 2000), Heymanns, 2008

PCT-related

- Patent Co-operation Treaty (last amended on 3 October 2001)
- Regulations under the PCT (as in force from 1 July 2010) (<http://www.wipo.int/pct/en/texts/index.htm>)
- **epi** Information (<http://www.patentepi.com/>)
- EQE Compendium, EPO (<http://www.epo.org/about-us/publications/legal-professionals/eqe-compendium.html>)
- DeltaPatents: Training for the EQE Paper D, Part 1 “Basic questions for paper D”/Part 2 “Exam-related questions for paper D”, 9th edition, July 2010 (updated every year to incorporate legal changes) (http://www.deltapatents.com/en/ip_courses/)
- DeltaPatents: Past Exam Papers with Analysis and Model Solutions – separate booklets for Papers DI/DII, C, B and A (Electricity-Mechanics) (updated every year to incorporate legal changes) (http://www.deltapatents.com/en/ip_courses/)

Literature

EPC-related

- D. Visser: The annotated European Patent Convention, 17th edition, H. Tel, 2009 (updated every year) (www.htelpublisher.com)
- Singer/Stauder, Europäisches Patentübereinkommen – Kommentar, 5th edition, Heymanns, 2010

PCT-related

- M. Köllner: PCT Handbuch, 5. Auflage, Wolters Kluwer, 2010 (<http://shop.wolterskluwer.de>)
- C.A.M. Mulder: The Cross-Referenced Patent Co-operation Treaty, Helze, 8th edition, 2010 (<http://www.helze.com/>)
- O. Trinks: PCT in der Praxis, 2nd edition, Heymanns, 2009 (<http://shop.wolterskluwer.de>)
- A. Veronese, P. Watchorn: PCT Procedures and Passage into the European Phase, Kastner, 2nd edition, 2010 (<http://www.pct-compass.com/PCT/>)

Methodology

- S. Roberts and A. Rudge: A Complete Guide to Passing the European Qualifying Exam and Qualifying as a European Patent Attorney, Sweet & Maxwell, 5th edition, 2010
- S. Exner: DII-Book – Sachverhalte analysieren und Rechte bewerten – Erfolg im DII-Teil der Europäischen Eignungsprüfung, Heymanns, 2009
- M. Herzog: The European qualifying examination (EQE) exam techniques and tactics, **epi** Information 3/1995, 95-99
- DeltaPatents: Methodology Paper A and B Electricity-Mechanics, October 2008 edition (http://www.deltapatents.com/en/ip_courses/)

- B. Cronin: ABC/D Comprehensive – A comprehensive analysis of the EQE for candidates preparing for the exam (Patskills, www.unibook.com)
- S.J. Schmidt: Tipps und “Tricks” für das Bestehen der Prüfungsaufgaben A, B der Europäischen Eignungsprüfung, **epi** Information 1/1995, 10-13
- W. E. Chandler and H. Meinders: C-Book – How to write a successful opposition and pass paper C of the EQE, 3rd edition, Heymanns, 2010
- J. Hoekstra: Methodology for Paper C – A complete guide for passing the C Exam, DeltaPatents, 2nd edition, 2010 (http://www.deltapatents.com/en/ip_courses/)

Training

EPC-related

- Association française des Spécialistes en Propriété industrielle de l’Industrie (<http://www.aspi.asso.fr/>)
- CEIPI – International Section (<http://www.ceipi.edu/>)
- Centre de Patents de la Universitat de Barcelona (<http://www.pcb.ub.es/centredopatents/cas/index.html>)
- Patskills (B.Cronin): Training for qualification as European Patent Attorney (<http://www.patskills.ch/>)

- DeltaPatents (http://www.deltapatents.com/en/ip_courses/)
 - epi-Tutorials (<http://www.paten-tepi.com/>)
 - EQE Forum of the European Patent Academy (<http://www.eqe-online.org/forum/>)
 - EQE-Online: Questions on the calculation of time limits (<http://www.eqe-online.org/questions/>)
 - EQE-Online: Mock Pre-Examination (<http://www.eqe-online.org/questions/mock-pre-exam/>)
 - EQE-Online: Paper A training (<http://www.eqe-online.org/questions/paperA>)
 - EQE-Online: Paper DII training (<http://www.eqe-online.org/questions/paperD2>)
 - e-learning at the EPO (<https://e-learning.epo.org/>)
 - JDD Consultants I.P. Courses (<http://www.jddcourses.co.uk/>)
 - VIPS/VESPA–Prüfungstraining (<http://www.chepat.ch/pages/ausbildung.php>)
 - VPP E–prep (<http://www.e-prep.de/>)
- PCT-related**
- PCT Resources (<http://www.wipo.int/pct/en/>)
 - PCT Newsletter (<http://www.wipo.int/pct/en/newslett/index.html>)
 - PCT Distance Learning Course: Introduction to the Patent Cooperation Treaty (http://www.wipo.int/pct/en/distance_learning/index.html)
 - WIPO Worldwide Academy (<http://academy.wipo.int/>)
 - WIPO Seminar Materials based on seminars presented by WIPO speakers (<http://www.wipo.int/pct/en/seminar/index.htm>)

Blogs

- EQE Tools (<http://eqetools.blogspot.com>)
- EQE Forum of the EPO (<http://www.eqe-online.org/forum/index.php>)
- IPKat (<http://ipkitten.blogspot.com/>)
- European Patent Case Law (<http://europeanpatentcaselaw.blogspot.com/>)
- Paper C Weblog (<http://eqe-c.blogspot.com/>) (DeltaPatents)
- Paper D Weblog: <http://eqe-d.blogspot.com/> (DeltaPatents)
- Patent Law Weblog: <http://dp-patentlaw.blogspot.com/> (DeltaPatents)
- Salted Patent: <http://saltedpatent.blogspot.com/>

Language training and other skills

- British Council: <http://www.british-council.org/brussels.htm>
- Goethe-Institut: <http://www.goethe.de/>
- Dyas A. Lawson, Tips for improving your handwriting: www.paperpenalia.com

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