

**EQE 2023 reference (1):**

**EQE**

**Legal Texts  
Notices**

**(status 31.10.2022 for EQE 2023)**

**DELTA**PATENTS

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Status: 31 October 2022 (for EQE 2023), as available on 2 November 2022

For the latest information about EQE 2023: <https://www.epo.org/learning/eqe.html>

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Munich, 16 December 2021

### **Examination dates for the EQE 2023**

The European qualifying examination (EQE) 2023 will be held on the following dates:

<b>Paper</b>	<b>Day</b>
D	Tuesday, 07.03.2023
A	Thursday, 09.03.2023
B	Tuesday, 14.03.2023
C	Thursday, 16.03.2023
Pre-examination	Friday, 17.03.2023

The start and end times of each paper will be communicated at a later stage.

Munich, 27 September 2022

## Information on the schedule for the EQE 2023 examination papers

### General

The EQE 2023 exam schedule is now available. Candidates are advised that this document may be subject to minor changes as testing continues.

The EQE 2023 will take place online using the same setup as the EQE of 2021 and 2022. On examination days, candidates are advised to log on to the online examination system's internet platform at least 20 minutes before the start of the relevant paper. Information on how to register and log on to the online examination system will be communicated in due course.

The pre-examination and both papers C and D will be split into parts. This means that candidates will not be free to allocate their time as they see fit across the different parts of the papers. To compensate for this restriction, the total duration of the relevant papers has been extended. Once the time allowed for a part has elapsed, it will not be possible to go back to that part.

### Pre-examination - 17 March 2023

The pre-examination will have the same syllabus and character as before, but it will be split into four parts. Each part must be completed before the start of the next break, with the next set of questions only becoming available after the break. The pre-examination lasts four hours and forty minutes.

Candidates will be allowed to print the prior-art documents for the claim analysis parts before the start of the appropriate part. The documents allowed for printing will be made available during the break preceding the relevant claim analysis part.

Part	Content	Duration	CET time
Part 1	5 x 4 legal questions	70 min	9:30 - 10:40
	Break	20 min	10:40 - 11:00
Part 2	5 x 4 legal questions	70 min	11:00 - 12:10
	Break	80 min	12:10 - 13:30
Part 3	5 x 4 claim analysis, case 1	70 min	13:30 - 14:40
	Break	20 min	14:40 - 15:00
Part 4	5 x 4 claim analysis, case 2	70 min	15:00 - 16:10

### **Paper D - 7 March 2023**

Paper D will have the same syllabus and character as before, but it will be split into three parts. Each part must be completed before the start of the next break, with the next part only becoming available after the break. Paper D lasts six hours.

No calendars will be provided.

Part	Content	Duration	CET time
D1 - 1	Part D1 - three questions (27 points)	1 h 35 min	9:30 - 11:05
	Break	30 min	11:05 - 11:35
D1 - 2	Part D1 - three questions (28 points)	1 h 40 min	11:35 - 13:15
	Break	45 min	13:15 - 14:00
D2	Part D2 (45 points)	2 h 45 min	14:00 - 16:45

During part D2, candidates may take unscheduled breaks. Further instructions relating to taking unscheduled breaks will be communicated at a later stage. It should be noted, however, that the exam clock will continue to run during unscheduled breaks, i.e. the examination will not be stopped.

### **Paper A – 9 March 2023**

Paper A will have the same syllabus and character as before. Paper A lasts four hours.

Candidates will be allowed to print the prior-art documents and the drawings of the application, but not the letter of the applicant. The documents allowed for printing will be made available approximately ten minutes before the start of the examination.

Part	Content	Duration	CET time
Paper A	Full paper	4 h	9:30 - 13:30

Candidates may take unscheduled breaks. Further instructions relating to taking unscheduled breaks will be communicated at a later stage. It should be noted, however, that the exam clock will continue to run during unscheduled breaks, i.e. the examination will not be stopped.

## **Paper B - 14 March 2023**

Paper B will have the same syllabus and character as before. Paper B lasts 3.5 hours.

Candidates will be allowed to print the prior-art documents and the drawing(s), but none of the following: the description and claims of the application, the EPO communication, the client's letter and the amended claims. The documents allowed for printing will be made available approximately ten minutes before the start of the examination.

Part	Content	Duration	CET time
Paper B	Full paper	3 h 30 min	9:30 - 13:00

Candidates may take unscheduled breaks. Further instructions relating to taking unscheduled breaks will be communicated at a later stage. It should be noted, however, that the exam clock will continue to run during unscheduled breaks, i.e. the examination will not be stopped.

## **Paper C - 16 March 2023**

Paper C will have the same syllabus and character as before, but it will be split into two parts. The first part is to be completed before the break, with the second part only becoming available after the break. It will not be possible to go back to the first part after the break. Paper C lasts six hours.

Candidates will be allowed to print everything except the claims of the patent in suit/opposed. The documents allowed for printing will be made available approximately ten minutes before the start of each part.

Part	Content	Duration	CET time
C - 1	First part	3 h	9:30 - 12:30
	Break	45 min	12:30 - 13:15
C - 2	Second part	3 h	13:15 - 16:15

During both parts, candidates may take unscheduled breaks. Further instructions relating to taking unscheduled breaks will be communicated at a later stage. It should be noted, however, that the exam clock will continue to run during unscheduled breaks, i.e. the examination will not be stopped.



# Official Journal January 2022

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2022/01/a12.html>

## Location

Home ➤ Law & practice ➤ Legal texts ➤ Official Journal ➤ 2022 ➤ 1 - January ➤ A12

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Citation: A12

Online publication date: 31.1.2022

## EUROPEAN PATENT OFFICE

### Representation

## Announcement of the European qualifying examination 2023 - Pre-examination and main examination

### I. General

The current Regulation on the European qualifying examination (REE) and its Implementing provisions (IPREE) are available on the European qualifying examination (EQE) website ([eqe.org](https://www.epo.org/eqe)).

Candidates are advised that matters relating to the EQE are of a personal nature and that enrolment and payment of fees should not be entrusted to third parties. It is their individual responsibility to ensure that their application and payment are received in due time.

Candidates register and enrol for an examination via their **personal "myEQE" account**. Here, they can access important documents such as the communication of their EQEReg number, admission letters, copies of their answers and result letters. They can also update their postal address and change their password and security question.

Candidates are advised to regularly consult the EQE website. Please refer to the frequently asked questions ([epo.org/learning-events/eqe/faq.html](https://www.epo.org/learning-events/eqe/faq.html)) before contacting the Examination Secretariat.

The EQE 2023 will be held online and can be taken at any suitable location chosen by the candidate.

### 1. Compulsory registration

Candidates must register once they have commenced their professional training (Article 11(2) REE).

Enrolment for the pre-examination 2023 is only possible for candidates who registered by 15 January 2022 at the latest (see Notice of the Examination Secretariat, [OJ EPO 2018, A99](#)).

Candidates who have already been admitted to the EQE (pre-examination or main examination) are already registered and therefore do not need to register again even if they have not yet sat an examination paper.

## **2. Dates of the pre-examination and the main examination and deadlines for enrolment**

To ensure a smooth enrolment procedure for the EQE, candidates are reminded of the strict application of the closing dates for enrolment. [Articles 121](#) and [122 EPC](#) do not apply.

Any request under Rule 17 IPREE, including the supporting evidence, must be filed before the applicable deadline for enrolment.

### *2.1 Date of the pre-examination and enrolment deadline*

The pre-examination will be held on **17 March 2023**.

Registered candidates may enrol from **1 February until 16 May 2022**. After 16 May 2022, it will not be possible to apply for enrolment for the pre-examination 2023.

### *2.2 Dates of the main examination and enrolment deadline*

The main examination will be held on the following dates:

7 March 2023 – Paper D

9 March 2023 – Paper A

14 March 2023 – Paper B

16 March 2023 – Paper C

Candidates may enrol from **4 April until 5 September 2022**. After 5 September 2022, it will not be possible to apply for enrolment for the main examination 2023.

## **3. Payment of fees**

Fees relating to the EQE may only be paid by credit card or bank transfer. **If the prescribed fees are not validly paid, the application for enrolment will be deemed not to have been filed.**



Candidates are strongly recommended to pay by credit card as this will ensure swift payment. Payments by bank transfer are considered to have been made on the date on which the amount of the transfer is actually entered in the bank account held by the EPO (see [Article 7 of the Rules relating to Fees](#)). Candidates are reminded that a bank transfer may take time and it is therefore not recommended as a payment method shortly before the relevant deadline ends. Late receipt of payment will lead to the application being rejected.

It is entirely the candidates' responsibility to ensure that the fees are paid in due time. Candidates are strongly advised not to entrust the payment of fees to third parties and to proceed with the payment of the fees in due time to ensure that they are received by the EPO by the relevant closing date.

**The application will not be processed until the payment has been received.**

The EPO does not issue invoices relating to EQE fees. A confirmation of payment will be made available in myEQE once the application has been processed. The confirmation will be made out to the candidate's contact address.

#### **4. Withdrawal**

At any time up to the official start of an individual paper, candidates may withdraw from that paper or any subsequent papers by email to [helpdesk@eqe.org](mailto:helpdesk@eqe.org), **indicating their EQEReg number**.

Candidates may also withdraw from an examination paper by not taking it on the day. If an examination paper consists of several parts, only not taking all those parts will be considered a withdrawal from that examination paper. If, however, candidates log in to one or more parts of the examination paper and thereby gain access to all or parts of it (to view online or for printing), they will be considered to have taken the whole of that examination paper.

If the Examination Secretariat is informed of the withdrawal no later than **31 December 2022**, the examination fees paid for taking the paper(s) concerned will be refunded. However, the enrolment fee is not refundable. No fees will be refunded in the case of a later withdrawal or a withdrawal due to not taking the examination paper on the day.

## **II. Enrolment process**

### **1. Online access**

Applications must be filed online via myEQE: [eqe.org/EQEASy/candidate/auth/login](https://eqe.org/EQEASy/candidate/auth/login)

After submission of data, candidates will receive an acknowledgement of receipt at the email address specified and an overview of their enrolment in the form of a PDF document as proof of their application. Once the application has been processed, candidates will be informed by email that their admission letter is available on myEQE.

### **2. Professional activity**

#### *2.1 Required periods of professional activity*

Candidates wishing to enrol for the pre-examination for the first time must have completed a total period as defined in Article 11(2)(a) REE of at least two years by 17 March 2023.

Candidates who have passed the pre-examination and wish to enrol for the main examination for the first time must at the date of the examination have completed a total period as defined in Article 11(2)(a) REE of at least three years.

With their application, candidates declare that the information they have provided is true and accurate and, in particular, that they will have completed the required period of professional activity by the date of the examination.

**In this context candidates and their trainers are reminded of their duty to inform the Examination Secretariat of any changes in professional activity.**

## *2.2 Remission of the period of professional activity – Article 11(5) REE and Rule 16 IPREE*

The following courses are recognised for the purposes of Rule 16(1) IPREE:

- "Diplôme d'études internationales de la propriété industrielle ("cycle long")" from CEIPI in Strasbourg (academic years 2008/2009, 2011/2012 and subsequent years until 2021/2022).
- "Advanced Master in Intellectual Property Law and Knowledge Management" from Maastricht University (academic years 2010/2011 and subsequent years until 2021/2022).

The eight-month training period with the German patent authorities does not constitute a period of professional activity as defined in Article 11(2)(a) REE. It constitutes an interruption of the training period according to Article 11(2)(a) REE which must be communicated in a timely manner to the Examination Secretariat. In this case a request for remission (Rule 16(3) IPREE) is possible, which can be filed with the application for enrolment for the main examination.

## *2.3 EPO examiners*

Candidates who by 17 March 2023 will have performed the duties of a patent examiner at the EPO for at least three years full-time may enrol for the pre-examination.

Candidates who have passed the pre-examination and wish to enrol for the main examination for the first time, will at the date of the examination have to have performed the duties of a patent examiner at the EPO for at least four years full-time.

## **3. Choice of papers**

Candidates must indicate which paper(s) they intend to sit (Article 15 REE). Candidates may only re-sit paper(s) which they have not passed (Article 16(1) REE). If a candidate re-sits a paper, any marks and grade previously obtained for that paper will no longer be valid (Rule 6(5) IPREE).

## **4. Fees - Rules 7 and 8 IPREE**

The basic fee is EUR 200.

(a) Fees relating to the EQE may only be paid by credit card or bank transfer. It is not possible to pay the fees by debiting an EPO deposit account.

(b) The fee for an application for enrolment is equal to the basic fee. This fee is not refundable, even if the application is rejected.

(c) The fee for sitting the pre-examination paper and each of the main examination papers is equal to the basic fee.

(d) Fees cannot be transferred or reassigned to a future examination.

#### *4.1 Fee increments*

Pursuant to Rule 8(2) IPREE, fee increments apply as of the examination year 2010. Their calculation is based on the examination papers sat in 2010 or thereafter.

The fee increase will also apply to candidates who did not withdraw from a specific paper and were deemed to have sat that paper.

### **5. Communications**

**All correspondence will be conducted in electronic form only, via myEQE.** Personal communications relating to the EQE are available in myEQE and can be accessed there at any time. Candidates will be informed by email when new documents become available.

Candidates must supply correct and complete contact data in order to guarantee timely communication. Candidates are advised to supply a personal email address as important information will be sent only to this email address.

Candidates must undertake to inform the Examination Secretariat without delay of any changes to the information they have provided, notably with regard to their email address and professional activity.

### **III. Information on data protection**

All data of a personal nature that identifies candidates directly or indirectly will be processed lawfully, fairly and with due care. The data protection statement is available on the EQE website, [eqe.org](http://eqe.org).

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Last updated: 31.1.2022

# Supplementary publication 2, Official Journal 2019, Regulation on the European qualifying examination for professional representatives

## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2.html>

## Location

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Supplementary publication 2

## Regulation on the European qualifying examination for professional representatives

Article	Page(s)		
Decision of the Administrative Council of 10 December 2008 amending the Regulation on the European qualifying examination for professional representatives before the European Patent Office ( <i>CA/D 26/08</i> )	1	<a href="#">PDF</a>	<a href="#">View</a>
Regulation on the European qualifying examination for professional representatives	2-17	<a href="#">PDF</a>	<a href="#">View</a>
Implementing provisions to the Regulation on the European qualifying examination	18-35	<a href="#">PDF</a>	<a href="#">View</a>
Instructions to candidates concerning the conduct of the European qualifying examination	36-40	<a href="#">PDF</a>	<a href="#">View</a>
Decision of the Supervisory Board of 17 November 2016	41	<a href="#">PDF</a>	<a href="#">View</a>

Last updated: 1.2.2019

# Regulation on the European qualifying examination for professional representatives

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p1.html>

## Location

Home > Law & practice > Legal texts > Official Journal > 2019 > Supplementary publications >  
Supplementary publication 2 > 1

Online publication date: 1.2.2019

## Decision of the Administrative Council of 10 December 2008 amending the Regulation on the European qualifying examination for professional representatives before the European Patent Office (CA/D 26/08)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention and in particular [Article 134 paragraph 2\(c\)](#) and [Article 134a paragraph 1\(b\)](#) thereof,

Having regard to the existing Regulation on the European qualifying examination for professional representatives before the European Patent Office,

On a proposal from the President of the European Patent Office,

HAS DECIDED AS FOLLOWS:

### Article 1

The Regulation on the European qualifying examination for professional representatives before the European Patent Office as adopted on 9 December 1993 (CA/D 15/93) and last amended by decision of the Administrative Council of 24 October 2002 (CA/D 4/02) is replaced by the text contained in the annex to this decision.

### Article 2

This decision shall enter into force on 1 January 2009.

Done at Munich, 10 December 2008

For the Administrative Council

The Chairman

*Roland GROSSENBACHER*



# Regulation on the European qualifying examination for professional representatives

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p2.html>

## Location

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Supplementary publication 2 > 2

Online publication date: 1.2.2019

## Regulation on the European qualifying examination for professional representatives

### Article 1

#### European qualifying examination

(1) The European qualifying examination (hereinafter "the examination") is designed to establish whether a candidate is qualified to practise as a professional representative before the European Patent Office (hereinafter "the EPO").

(2) The examination shall normally be held once a year. The period between two examinations shall not exceed twenty-five months.

(3) The examination shall comprise written papers only.

(4) The examination shall cover, as a minimum: the drafting of claims and the introductory part of a European patent application on the basis of information normally available to a professional representative for this task; the preparation of a reply to an official letter in which prior art has been cited; the drafting of a notice of opposition to a European patent; answering legal questions and drafting legal assessments of specific situations.

(5) One or more of the examination papers may be set in more than one technical field.

(6) The examination shall be organised and conducted, in accordance with the provisions of this Regulation and the Implementing Provisions to this Regulation (hereinafter "the IPREE"), by a Supervisory Board, an Examination Board, Examination Committees and an Examination Secretariat. Their responsibilities are defined in this Regulation and in the IPREE, both of which shall be published annually.

(7) If a pre-examination is held, the provisions of this Regulation shall apply *mutatis mutandis*.

### Article 2

#### Supervisory Board

(1) The Supervisory Board shall consist of two members from the EPO and two members from the Institute of Professional Representatives before the EPO (hereinafter "the Institute").

(a) The two members from the EPO shall be appointed by the President of the EPO from among the employees of the EPO. The two members from the Institute shall be nominated by the President of the Institute from among the members of the Institute and shall be appointed by the President of the EPO.

(b) One deputy for the two EPO members and one for the two Institute members shall be appointed in accordance with (a) above.

(c)(i) A Chairman shall be appointed for a term of two years by the President of the EPO from among the EPO members of the Supervisory Board. A Deputy Chairman nominated by the President of the Institute from among the Institute members of the Supervisory Board shall be appointed for a term of two years by the President of the EPO.

(ii) When the term specified in (i) above expires, a Chairman nominated by the President of the Institute from among the Institute members of the Supervisory Board shall be appointed by the President of the EPO for a term of two years. A Deputy Chairman shall be appointed for a term of two years by the President of the EPO from among the EPO members of the Supervisory Board.

(iii) For subsequent terms the chairmanship shall alternate as provided in (i) and (ii) above.

(2) The members and deputy members of the Supervisory Board shall be appointed for a term of two years and may be re-appointed for further terms of two years upon expiry of this term.

(3) Members or deputy members of the Supervisory Board whose names are removed from the list of professional representatives before the EPO shall cease to be members of the Supervisory Board on the date of their removal and shall not be eligible for re-appointment as members or deputy members in their capacity as members of the Institute.

(4) Members or deputy members of the Supervisory Board who retire or resign from the EPO shall cease to be members of the Supervisory Board on the date of their retirement or resignation and shall not be eligible for re-appointment as members or deputy members in their capacity as EPO employees.

(5) If a member or deputy member ceases to be a member of the Supervisory Board by virtue of paragraph 3 or 4 above, a new member or deputy member shall be appointed in accordance with paragraph 1(a) and (b) above to serve the remainder of the term.

(6) The Supervisory Board shall be convened by its Chairman. Three members shall constitute a quorum.

(7) The Chairman of the Supervisory Board may invite the Chairman of the Examination Board, and experts or advisers as the circumstances may require, to assist the Supervisory Board.

(8) If the Chairman decides that a proposal is to be dealt with by written procedure, he shall invite all members to inform the Examination Secretariat, within a reasonable period specified by him, whether they approve the proposal. Replies by three members shall constitute a quorum.

(9) All decisions of the Supervisory Board shall be taken by a simple majority of its members. The Chairman shall have a casting vote.

### **Article 3**

#### **Duties of the Supervisory Board**

(1) The Supervisory Board shall fix the number of Examination Committees needed for the examination and set the date of the examination.

(2) The Supervisory Board shall, in consultation with the Examination Board, determine the nature, structure and number of the examination papers and the time allowed for each.



(3) The Supervisory Board shall monitor and evaluate the conduct and results of the examination. It shall also supervise the Examination Secretariat in its duties as specified in Article 9 below and its further duties as specified in the IPREE.

(4) Before the draft budget of the European Patent Organisation is forwarded to the Administrative Council, the Supervisory Board shall be afforded an opportunity to give its opinion on the appropriations for the examination.

(5) The Supervisory Board shall decide what statistical information should be compiled by the Examination Secretariat pursuant to Article 22(3) and to whom it should be disseminated.

(6)(a) The Supervisory Board shall adopt regulations concerning the conduct of the examination and fraudulent behaviour, including measures to be taken in the event of any failure to comply with those regulations.

(b) The Supervisory Board shall decide on the special conditions which may apply for disabled candidates sitting the examination.

(7) The Supervisory Board shall be authorised to draw up and amend the IPREE in accordance with this Regulation after consulting the Examination Board, the Examination Committees and the Examination Secretariat. Prior to their adoption, the President of the EPO may refuse any provision resulting in an increased financial liability for the EPO.

#### **Article 4**

##### **Examination Board**

(1) The Examination Board shall consist of eight members.

(a) Four members shall be appointed by the President of the EPO from among the employees of the EPO. Four members nominated by the President of the Institute from among the members of the Institute shall be appointed by the President of the EPO.

(b) The provisions concerning the nomination and appointment of the Chairman and the Deputy Chairman of the Supervisory Board shall apply *mutatis mutandis* to the nomination and appointment of the Chairman and Deputy Chairman of the Examination Board.

(c) No member of the Supervisory Board shall be a member of the Examination Board.

(2) The members of the Examination Board shall be appointed for a term of two years and may be re-appointed for further terms of two years upon expiry of this term.

(3) Members of the Examination Board whose names are removed from the list of professional representatives before the EPO shall cease to be members of the Examination Board on the date of their removal and shall not be eligible for re-appointment as members in their capacity as members of the Institute.

(4) Members of the Examination Board who retire or resign from the EPO shall cease to be members of the Examination Board on the date of their retirement or resignation and shall not be eligible for re-appointment as members in their capacity as EPO employees.

(5) If a member of the Examination Board ceases to be a member by virtue of paragraph 3 or 4 above, a new member shall be appointed in accordance with paragraph 1(a) above to serve the remainder of the term.

(6) The Examination Board shall be convened by its Chairman. Five members shall constitute a quorum.

(7) If the Chairman decides that a proposal is to be dealt with by written procedure, he shall invite all members to inform the Examination Secretariat, within a reasonable period specified by him, whether they approve the proposal. Replies by five members shall constitute a quorum.

(8) All decisions shall be taken by a simple majority of the members of the Examination Board present. The Chairman shall have a casting vote.

(9) If, exceptionally, a decision needs to be taken, whilst the examination is taking place, on the content of the examination or its duration, the Chairman is entitled to take this decision on his own.

## **Article 5**

### **Chairmanship**

When the Chairman of the Supervisory Board is an employee of the EPO, the Chairman of the Examination Board shall be a member of the Institute and vice versa.

## **Article 6**

### **Duties of the Examination Board**

(1) The Examination Board shall advise the Supervisory Board on the conduct and results of the examination.

(2) Subject to the IPREE, the Examination Board shall give the members of the Examination Committees instructions for:

- (a) preparing the examination papers
- (b) preparing the marking sheets
- (c) marking candidates' answers consistently.

(3) The Examination Board shall

- (a) appoint the Chairman of each Examination Committee from among the members of the respective Committee
- (b) evaluate the content of the draft examination papers and marking sheets, instruct the Examination Committees to amend them where necessary, and make the final selection.

(4) The Examination Board shall decide on the list of books and documents, including case law, which may be used by candidates during the examination.

(5) The Examination Board shall scrutinise the marks for each paper proposed by the Examination Committees and decide whether a candidate should pass or fail the examination. The Examination Board may revise candidates' marks or instruct the Examination Committees to re-mark their papers according to a revised marking sheet.

(6) After the examination, the Examination Board shall transmit to the Examination Secretariat a report on each examination paper (examiners' report) and a model solution prepared by the relevant Examination Committee. The report and the model solution will be published in an examination Compendium to enable candidates to prepare for future examinations as specified in the IPREE.

(7) The Examination Board shall perform such other duties as may be defined in the IPREE.

## **Article 7**

### **Examination Committees**

(1) The EPO and Institute members of the Examination Committees shall be appointed by the President of the EPO on a proposal from the Examination Board. No member of the Supervisory Board shall be a member of an Examination Committee.

- (2) Members of the Examination Committees shall have the status of either active or non-active members. Non-active members shall not participate in any committee activities until their status is changed to that of active members.
- (3) The Examination Committees shall consist of equal numbers of EPO and Institute members. This proportion may, however, be varied in circumstances specified in the IPREE.
- (4) The members of the Examination Committees shall be appointed for a term of two years and may be re-appointed for further terms of two years upon expiry of this term.
- (5) All members of the Examination Committees must have obtained the minimum grades required for the examination papers as specified in the IPREE. The President of the EPO may, in individual cases, grant exceptions subject to a reasoned opinion from the Examination Board.
- (6) Members of the Examination Committees whose names are removed from the list of professional representatives before the EPO shall cease to be members of the Examination Committees on the date of their removal and shall not be eligible for re-appointment as members in their capacity as members of the Institute.
- (7) Members of the Examination Committees who retire or resign from the EPO shall cease to be members of the Examination Committees on the date of their retirement or resignation and shall not be eligible for re-appointment as members in their capacity as EPO employees.
- (8) Exceptions to paragraphs 6 and 7 may in special circumstances be granted by the Examination Board to allow a member to complete his term and be re-appointed for one further term only.
- (9) If a member ceases to serve on an Examination Committee by virtue of paragraph 6 or 7 above, a new member may be appointed in accordance with paragraph 1 above to serve the remainder of the term.

## **Article 8**

### **Duties of the Examination Committees**

- (1) Subject to Article 6(2) the Examination Committees shall:
  - (a) be entrusted with the preparation of the examination papers
  - (b) be entrusted with the preparation of the marking sheets
  - (c) provide the Examination Board with any relevant information relating to (a) and (b)
  - (d) mark the answer papers and make a proposal for the grades to be awarded for each paper.
  - (e) Each answer paper shall be marked by two committee members separately.
- (2) The Examination Committees shall advise the Examination Board on the list of books and documents, including case law, which may be used by candidates during the examination.
- (3) The Examination Committees shall perform such other duties as may be defined in the IPREE.

## **Article 9**

### **Examination Secretariat**

- (1) The Examination Secretariat (hereinafter "the Secretariat") shall consist of employees of the EPO. The President of the EPO shall provide the Secretariat with the necessary appropriations for running the examination.
- (2) The Secretariat shall:

- (a) support the Supervisory Board, the Examination Board and the Examination Committees in their duties
- (b) prepare and organise the examination
- (c) decide on the registration and enrolment of candidates in accordance with this Regulation and the IPREE
- (d) publish the Compendium and any other information relating to the examination or its conduct.

## **Article 10**

### **Functioning of the Examination Board, Examination Committees and Examination Secretariat**

- (1) In performing their duties and taking decisions relating to the setting, drafting and marking of the examination papers, the members of the Examination Board and Examination Committees shall only be bound by, and comply with, the provisions of this Regulation and the IPREE.
- (2) In performing its duties relating to registration and enrolment, the Secretariat shall not be bound by any instructions and shall only comply with the provisions of this Regulation and the IPREE.

## **Article 11**

### **Conditions for registration and enrolment**

- (1) Candidates shall be registered for the examination on request provided that
  - (a) they possess a university-level scientific or technical qualification, or are able to satisfy the Secretariat that they possess an equivalent level of scientific or technical knowledge, as defined in the IPREE, and
  - (b) have started the professional activities defined in paragraph 2(a) or are employed as defined in paragraph 2(b).
- (2) Subject to paragraph 1, candidates who apply to be enrolled for one or more examination papers must be able to:
  - (a) satisfy the Secretariat that at the date of the examination they have:
    - (i) completed a full-time training period of at least three years in one of the contracting states to the European Patent Convention (hereinafter "the EPC") under the supervision of one or more persons entered on the list of professional representatives before the EPO ([Article 134\(1\) EPC](#)), as an assistant to that person or those persons, and that in the said period they took part in a wide range of activities pertaining to European patent applications or European patents, or
    - (ii) worked full-time for a period of at least three years in the employment of a natural or legal person whose residence or place of business is within the territory of the EPC contracting states and have represented their employer before the EPO in accordance with [Article 133\(3\) EPC](#) while taking part in a wide range of activities pertaining to European patent applications or European patents, or
  - (b) satisfy the Secretariat that at the date of the examination they have performed full-time the duties of an examiner at the EPO for at least four years.
- (3) The duration of the periods of professional activity referred to in paragraph 2(a) may be aggregated to make up a total full-time training period. The periods of professional activity shall only be considered after the qualification required in paragraph (1)(a) has been obtained and subject to any further provisions laid down in the IPREE.
- (4) In determining the periods of activity referred to in paragraph 2(a) the Secretariat shall also take into account candidates' activities in proceedings relating to national patent applications and national patents.

(5) Under the conditions laid down in the IPREE, the Secretariat may grant a reduction, of up to one year, in the duration of the periods of professional activity defined in paragraph 2(a) above.

(6) An application for registration and/or enrolment for the examination shall not be deemed to have been filed until after the prescribed fees have been paid within the period laid down in the notice specified in Article 18.

(7) If a pre-examination, as referred to in Article 1 of this Regulation and defined in the IPREE, is to be held, candidates who apply for enrolment for this pre-examination must be able to satisfy the Secretariat that at the date of the said pre-examination they have completed the periods mentioned in paragraph 2(a) and (b) above, such periods being reduced by one year. All other conditions applicable to the examination shall apply equally to the pre-examination unless the contrary is specifically stated. Moreover, if such a pre-examination is held, candidates who apply to be enrolled for the examination must have obtained a pass grade in the pre-examination.

(8) Members of the Supervisory Board, the Examination Board, the Examination Committees and the Secretariat shall not be entitled to enrol for the examination. Former members of these bodies who satisfy the requirements of paragraphs 1 and 2 shall be entitled to enrol, at the earliest, for the third examination following the expiry of their term of office.

## **Article 12**

### **Languages**

(1) The examination papers shall be drawn up in the three official languages of the EPO and all candidates shall receive them in all three languages.

(2) The candidates' answers shall be given in one of the three official languages of the EPO unless otherwise prescribed in accordance with paragraph 3.

(3) The IPREE may contain special provisions concerning the use of an official language of a contracting state other than one of the official languages of the EPO.

## **Article 13**

### **Examination syllabus**

The examination shall establish whether a candidate has:

(1) a thorough knowledge of:

(a) European patent law as laid down in the EPC and any legislation relating to Community patents

(b) the Paris Convention (Articles 1 to 5 *quater* and Article 11)

(c) the Patent Cooperation Treaty

(d) all decisions of the Enlarged Board of Appeal and EPO case law as specified in the IPREE, and

(2) a general knowledge of the national laws of:

(a) the contracting states to the extent that they apply to European patent applications and European patents

(b) the United States of America and Japan to the extent that they are of importance in connection with proceedings before the EPO.

## **Article 14**

### **Passing the examination**

(1) Subject to paragraph 2, a candidate shall be declared to have passed the examination if he passes each of the examination papers or if he obtains the minimum grades required for the examination papers as specified in the IPREE.

(2) Candidates who have been enrolled in accordance with Article 11(2)(b) shall be declared to have passed the examination provided they fulfil the requirements laid down in paragraph 1 and are able to satisfy the Secretariat that they have spent at least two years in any of the capacities defined in Article 11(2)(a).

## **Article 15**

### **Choice of papers**

When enrolling, candidates shall indicate which paper or papers they intend to sit.

## **Article 16**

### **Re-sitting the examination**

(1) A candidate who fails the examination may only re-sit a paper or papers he did not pass.

(2) The IPREE may contain special provisions concerning re-sitting and in particular specify the increment in the fees for re-sitting one or more examination papers.

## **Article 17**

### **Fees**

The President of the EPO shall lay down the amount of the fees provided for in this Regulation after the Institute has been consulted. Further provisions relating to the structure of these fees are specified in the IPREE.

## **Article 18**

### **Notice concerning the examination**

A notice concerning the examination shall be published in the Official Journal of the EPO specifying the dates of the sessions, the dates by which applications for enrolment must be filed and the documents required.

## **Article 19**

### **Communications**

(1) Any communication concerning the examination shall be addressed to the Secretariat.

(2) The Secretariat shall inform candidates in writing whether their registration or enrolment has been accepted. In cases of refusal a reasoned decision shall be given.

(3) Enrolled candidates shall be informed in writing of the date, time and place of the examination. Information relating to this Regulation, the IPREE and any material considered relevant by the Supervisory Board shall be made available to candidates.

## **Article 20**

### **Examination in several centres**

Where the examination is to be held in several centres at different locations, the same papers shall be distributed and sat in all centres simultaneously.

## **Article 21**

### **Anonymity**

(1) Candidates' anonymity shall be respected when their answers are marked.

(2) Candidates' answers may be published for research, statistical or training purposes provided their anonymity is respected.

## **Article 22**

### **Results**

(1) A list of candidates who have been successful in the examination shall be published in the Official Journal of the EPO.

(2) The Secretariat shall make available to each candidate a copy of his or her own answers.

(3) The Secretariat shall be responsible for compiling statistical information concerning the results of the examination and shall disseminate this information in compliance with Article 3(5).

## **Article 23**

### **Professional secrecy**

Subject to Articles 21(2) and 22, the members and deputy members of the Supervisory Board and the members of the Examination Board, the Examination Committees and the Secretariat shall be bound to secrecy both during and after their term of office with regard to all matters concerning the preparation of examination papers, the candidates and any relevant deliberations.

## **Article 24**

### **Appeals**

(1) An appeal shall lie from decisions of the Examination Board and the Secretariat which adversely affect the appellant, but only on the grounds that this Regulation or any provision relating to its application has been infringed.

(2) Notice of appeal including the statement setting out the grounds for appeal must be filed in writing with the Secretariat within one month of the date of notification of the decision appealed against. Notice of appeal shall not be deemed to have been filed until the fee for appeal specified pursuant to Article 17 has been paid within the period of one month specified above.

(3) If the Examination Board or the Secretariat considers the appeal to be admissible and well-founded, it shall rectify its decision and order reimbursement of the fee for appeal. If the appeal is not allowed within two months from notification of the decision, it shall be remitted to the Disciplinary Board of Appeal of the EPO. Notwithstanding Article 10(1) of the Regulation on discipline for professional representatives, the Disciplinary Board of Appeal shall take its decision in a composition consisting of two legally qualified members of the EPO and one professional representative. The Chairman shall be a legally qualified member.

(4) Part IV of the Regulation on discipline for professional representatives shall apply *mutatis mutandis* to the procedure before the Disciplinary Board of Appeal. If the appeal is admissible and well-founded, the Board of Appeal shall set aside the decision appealed against. If the Board of Appeal allows the appeal, or the appeal is withdrawn, it shall order reimbursement in full or in part of the fee for appeal if this is equitable in the circumstances of the case.

(5) The lodging of an appeal shall not suspend the decision against which the appeal has been lodged.

## **Article 25**

### **Transitional provisions**

(1) Examination papers sat at the examinations held in 1993 and up to and including 2008, and for which a pass was awarded, shall remain valid provided that the awarded pass was still valid upon the entry into force of the present Regulation.

(2) Passes awarded for the examination held in 2009 shall also remain valid for all subsequent examinations.

(3) A compensable fail awarded for the examination papers sat as a first module in 2007, 2008 and 2009, pursuant to Article 14 of the Regulation which entered into force on 1 May 1994 and was last amended on 24 October 2002 (hereinafter "the Regulation of 1994"), shall remain valid for the period, and under the conditions, specified in the Regulation of 1994 and its Implementing Provisions.

(4) Candidates shall be exempted from the pre-examination according to Article 1(7) of this Regulation provided that:

(a) either they have been successfully enrolled for an examination before the first pre-examination is held, or

(b) when the pre-examination is held for the first time, they have successfully applied for enrolment for the first time and fulfil the requirements of Article 11(1) to (6) of this Regulation.

(5) Article 11(8) shall apply to all previous members of the Examination Board, Examination Committees and Secretariat in accordance with the Regulation of 1994.

(6) The Examination Committees' members appointed prior to the entry into force of this Regulation shall be deemed to fulfil the requirements of Article 7(5) of this Regulation.

(7) If a pre-examination as referred to in Article 1 of this Regulation is held, it shall take place in 2011 at the earliest.

## **Article 26**

### **Entry into force**

This Regulation

(1) shall enter into force on 1 January 2009

(2) shall not apply to the European qualifying examination to be held in 2009. The said examination shall be governed entirely by the Regulation of 1994; this includes all provisions relating to the bodies envisaged therein as well as to any decisions, appeals or further procedures relating to this examination

(3) shall replace the Regulation of 1994, and shall apply to the European qualifying examinations to be held in 2010 and thereafter.

Last updated: 1.2.2019



# Regulation on the European qualifying examination for professional representatives

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p18.html>

## Location

Home > Law & practice > Legal texts > Official Journal > 2019 > Supplementary publications >  
Supplementary publication 2 > 18

Online publication date: 1.2.2019

## Implementing provisions to the Regulation on the European qualifying examination

The Supervisory Board,

Having regard to the Regulation on the European qualifying examination for professional representatives which entered into force on 1 January 2009 (OJ EPO 2009, 9), and in particular Article 3, paragraph 7, thereof, has decided as follows:

### Rule 1

#### Applications for registration and enrolment

(1) For registration and enrolment, candidates shall use the registration and enrolment forms published by the Examination Secretariat (hereinafter "the Secretariat").

(2) On the forms, candidates shall state their surname, given name(s), address, date and place of birth, and nationality. Where applicable, the forms shall be accompanied by originals or certified copies of:

(a) documents providing proof of identity

(b) evidence that the candidate possesses the qualification or equivalent level of scientific or technical knowledge required by Article 11(1)(a) of the Regulation on the European qualifying examination for professional representatives before the European Patent Office (hereinafter "the REE"), and

(c) a certificate or certificates issued by a professional representative, or by the candidate's employer, attesting to the completion of the period of training or employment required by Article 11(2)(a) REE or Article 11(7) REE as appropriate and indicating the nature and duration of the duties performed by the candidate, or

(d) a certificate issued by the European Patent Office (hereinafter "the EPO") attesting that the candidate has performed full-time the duties of an examiner at the EPO for at least four years

(e) evidence of circumstances which may give grounds for remission (Article 11(5) REE).

(3) Copies of the documents required under paragraph 2 above can be certified by a competent national authority in a contracting state to the European Patent Convention (hereinafter "contracting state") or by a professional representative before the EPO.

(4) Where appropriate, applications for enrolment shall also state the language in which the candidate wishes to submit his answers in accordance with Rule 5(1).

(5) The Secretariat may request additional information.

## **Rule 2**

### **Examination syllabus**

The examination syllabus referred to in Article 13 REE shall cover only those legal texts referred to in Article 13(1)(a) to (c) REE which are in force on 31 October of the year prior to the examination. The EPO case law referred to in Article 13(1)(d) REE shall be that covered in the latest edition of "Case Law of the Boards of Appeal of the European Patent Office" (hereinafter "the Case Law Book"), the case law referred to in any case law special edition of the Official Journal published after the latest edition of the Case Law Book, and any case law published in the Official Journal on or before 31 October of the year prior to the examination.

## **Rule 3**

### **Marking**

When marking answer papers, the members of the Examination Committees shall bear in mind that candidates may have written their answers in a language other than their mother tongue. Errors of grammar or style shall therefore not be penalised.

## **Rule 4**

### **Marking sheets**

(1) Pursuant to Article 8(1)(d) REE, details regarding the marking shall be entered on the marking sheets.

(2) The Secretariat shall make available to each candidate the marking sheets pertaining to his answer papers.

## **Rule 5**

### **Languages**

(1) Pursuant to Article 12(3) REE, candidates may, if they so request when enrolling for the examination, submit their answers in an official language of a contracting state which is not an official language of the EPO. The Secretariat shall then arrange for a translation into one of the EPO official languages and submit it to the appropriate Examination Committee in addition to the original answer.

(2) The translations referred to in paragraph 1 shall not entail any additional fee and may be prepared by the Institute of Professional Representatives before the EPO (hereinafter "the Institute").

## **Rule 6**

### **Grades/passing the pre-examination and the examination**

(1) Each answer paper shall be marked on a scale from zero to 100 by the relevant Examination Committee.

(2) With regard to the pre-examination as defined in Rule 10:

(a) where, on the merits of an answer paper, 70 marks or more are awarded, a PASS grade shall be awarded for that paper, or

(b) where, on the merits of an answer paper, fewer than 70 marks are awarded, a FAIL grade shall be awarded for that paper.

(3) With regard to the examination as defined in Rule 21:

(a) where, on the merits of an answer paper, 50 marks or more are awarded, a PASS grade shall be awarded for that paper, or

(b) where, on the merits of an answer paper, fewer than 45 marks are awarded, a FAIL grade shall be awarded for that paper, or

(c) where, on the merits of an answer paper, at least 45 but fewer than 50 marks are awarded, the grade awarded for that paper shall be COMPENSABLE FAIL.

(4) Irrespective of the marks and grade awarded for the pre-examination and subject to Article 14(2) REE, a candidate shall be declared to have passed the examination once he has sat all the examination papers and if he satisfies all of the following conditions:

(a) he has not been awarded a FAIL grade in any of the papers

(b) he has been awarded a PASS grade in at least two papers, and

(c) his total aggregate mark in the four papers is at least 200.

(5) If a candidate re-sits an examination paper in accordance with Article 16(1) REE, the marks and grade previously obtained for this paper shall no longer be valid.

(6) Where, in accordance with the Implementing Provisions in force prior to the entry into force of these Implementing Provisions, a grade was awarded for a paper based on a scale from 1 (being the highest grade) to 7 (being the lowest grade), it shall be deemed, for the purpose of paragraph 4(c) only, that the mark awarded for a paper awarded grade 1 is 100 marks, for a paper awarded grade 2, 79 marks, for a paper awarded grade 3, 69 marks, and for a paper awarded grade 4, 59 marks.

## **Rule 7**

### **Registration and enrolment fees**

Pursuant to Articles 11(6) and 17 REE, the fee for each application for registration and enrolment shall be the basic fee.

## **Rule 8**

### **Examination fees**

(1) Pursuant to Articles 16 and 17 REE, the fee for sitting the pre-examination paper and each of the examination papers shall be the basic fee.

(a) The fee for re-sitting a paper for the first time shall be the basic fee.

(b) The fee for re-sitting a paper for the second time shall amount to 150% of the basic fee.

(c) The fee for re-sitting a paper for the third time shall amount to 200% of the basic fee.

(d) The fee for re-sitting a paper for the fourth and subsequent times shall amount to 400% of the basic fee for each such re-sit.

(2) The fee increments specified in paragraph 1 shall apply as of the examination year 2010. Their calculation shall be based on the examination papers sat in 2010 or thereafter.

## **Rule 9**

### **Appeal fee**

Pursuant to Article 24(2) REE, the appeal fee shall amount to 600% of the basic fee.

## **Rule 10**

### **Pre-examination**

(1) A pre-examination shall be held for the first time in 2012.

(2) The pre-examination shall consist of one paper.

(3) The purpose of this paper shall be to assess candidates' ability to answer legal questions and questions relating to the drafting of claims as defined in Article 1(4) REE. The duration of this paper shall be four hours.

(4) The paper shall consist of

(a) legal questions relating to the candidates' knowledge of the documents referred to in Rule 22(1) and

(b) questions on at least one technical proposal from a client, at least one draft claim in respect of that technical proposal and at least one relevant prior-art document. Candidates will be expected to answer questions on the allowability of the claim(s) under the European Patent Convention (hereinafter "the EPC") and as to whether the claim(s) provide(s) the broadest possible protection under the EPC. When answering the questions, candidates shall bear in mind the requirements of the EPC, in particular regarding novelty and inventive step, and the recommendations contained in the Guidelines for Examination in the EPO (hereinafter "the Guidelines").

(5) Rule 22(3) shall apply *mutatis mutandis* to the pre-examination.

## **Rule 11**

### **Qualification required**

(1) Pursuant to Article 11(1)(a) REE, a candidate shall be considered to have the necessary qualification if he possesses at least a university-level scientific or technical bachelor's degree, or any equivalent academic degree, in one of the subjects defined in Rule 13 or any subjects equivalent to these, from a university, technical university, technical high school, vocational college, higher technical college or institute, school of engineering, or any similar establishment having at least the academic level of the aforementioned establishments in one of the contracting states.

(2) The academic degree referred to in paragraph 1 shall have been awarded at the end of a full-time course with a minimum duration of three years. At least 80% of the course hours taken to obtain this degree shall have been devoted to scientific and/or technical subjects.

(3) If a candidate's qualification does not fulfil the requirements of paragraphs 1 and 2, Rule 14 shall apply.

## **Rule 12**

### **Qualification from a non-contracting state**

(1) Should a candidate possess a degree, diploma or certificate from an educational establishment in a non-contracting state, he shall have to satisfy the Secretariat that this is equivalent to a degree as mentioned in Rule 11.

(2) In the case referred to in paragraph 1, the Secretariat may require an official document from a competent authority in one of the contracting states attesting that the degree, diploma or certificate is equivalent to a degree as mentioned in Rule 11.

## **Rule 13**

### **Qualification subject-matter**

The scientific and/or technical subjects referred to in Rule 11 shall include biology, biochemistry, chemistry, construction technology, electricity, electronics, information technology, mathematics, mechanics, medicine, pharmacology and physics.

## **Rule 14**

### **Equivalent knowledge**

If a candidate is not able to prove that he meets the conditions referred to in Rules 11, 12 and 13, he may nevertheless be considered to possess an equivalent level of scientific and/or technical knowledge if he can establish that he has at least ten years' experience in the activities defined in Article 11(2)(a) REE.

## **Rule 15**

### **Professional activities**

(1) The professional activities referred to in Article 11(2)(a) REE shall be completed in one or more of the contracting states.

(2) Only professional activities amounting to a minimum period of three months with at least 50% part-time involvement shall be considered for the purposes of Article 11(3) REE.

## **Rule 16**

### **Remission**

(1)(a) An academic institution located in one of the contracting states may request that candidates who have successfully completed specialised studies in the field of industrial property at that institution be granted a reduction of six months in the duration of the period of professional activity defined in Article 11(2) REE. Such requests shall be submitted to the Secretariat before completion of the academic year in question and decided upon by the Examination Board on the basis of the following criteria:

(i) the duration of the studies is at least one full-time academic year,

(ii) the curriculum and a description of the content of the studies are available to the public; these documents shall be submitted to the Secretariat,

(iii) the number of hours devoted to each subject can be derived from the curriculum,

(iv) the curriculum indicates which subjects are mandatory and lists the criteria for selecting other subjects,

(v) on request, all the course material shall be submitted to the Secretariat,

(vi) at least 600 course hours are devoted to intellectual property,

(vii) of the 600 course hours mentioned under (vi), at least 350 are devoted to patent matters,

(viii) of the 350 course hours mentioned under (vii), at least 130 are devoted to European patent law as laid down in the EPC and to the Patent Cooperation Treaty (hereinafter "the PCT"),

(ix) of the 600 course hours mentioned under (vi), at least 175 are given by professional representatives before the EPO.

(b) If the Examination Board grants a request under (a), that decision shall be valid only for the academic year in respect of which the request was made and shall apply only to candidates who request a reduction on the basis of that decision and are able to show that they successfully completed their studies in that academic year at the academic institution in question.

(2) The Secretariat may grant a reduction of up to one year in the periods of professional activity defined in Article 11(2)(a) REE to candidates who have been patent examiners with the EPO or one of the national patent offices of the contracting states. Only periods amounting to a minimum of one year with at least 50% part-time involvement shall be considered. The reduction shall not exceed 25% of the recognised period of activity as a patent examiner.

(3) Candidates who have completed the eight months' training with the German patent authorities and have been admitted to sit the qualifying examination for German patent attorneys shall be granted a reduction of six months. This eight months' training with the German patent authorities does not constitute a period of professional activity as defined in Article 11(2)(a) REE.

(4) The period of professional activity under Article 11(2) REE and the periods under paragraphs 1, 2 and 3 of this rule shall not overlap.

## **Rule 17**

### **Disabled candidates**

(1) Disabled candidates are those who can prove that they suffer from a disability severely affecting their capacity to participate in the pre-examination or the examination as set up for all other candidates.

(2) Any such candidate shall provide appropriate evidence issued by the competent national health service.

(3) Depending on the severity and degree of the disability, the Secretariat may allow the candidate to participate in the pre-examination or the examination under conditions which compensate as far as possible for the consequences of his disability in respect of those examinations. Additional time for writing the papers, personal assistance or other logistical or technical support may be accorded as appropriate depending on the circumstances of a particular case.

## **Rule 18**

### **Invigilation**

(1) Subject to paragraph 3 below, invigilators shall normally be members of the Examination Board or the Examination Committees.

(2) For the conduct of the pre-examination or the examination at an examination centre, the Secretariat shall appoint a chief invigilator and a deputy invigilator from among the members of the Examination Board, the Examination Committees or the Secretariat.

(3) The Secretariat may nominate other invigilators.

## **Rule 19**

### **Conduct of the pre-examination or the examination**

(1) If a candidate fails to comply with the instructions to candidates concerning the conduct of the pre-examination or the examination or with instructions given on the basis thereof by the invigilators, the following measures may be taken by the Examination Board in respect of that candidate:

(a) deduction of marks

(b) instructions to the competent Examination Committee to mark the answer paper concerned only in part

(c) instructions to the competent Examination Committee not to mark the answer paper concerned and not to award any marks, and/or

(d) disqualification from the pre-examination or the examination for a given year.

The Examination Board shall take a decision on the matter as soon as possible after the pre-examination or the examination.

(2) If a candidate disturbs other candidates during the pre-examination or the examination, the chief invigilator shall be empowered to suspend him at once from the paper during which this occurs. The chief invigilator shall then send to the Examination Board a comprehensive report including any evidence. The Examination Board shall take a decision on the matter as soon as possible.

(3) Complaints concerning the conduct of the pre-examination or the examination shall not be entertained by the Examination Board unless a written statement of the facts is submitted to the chief invigilator at the latest 30 minutes after the closing signal has been given on the final day of the examination.

(4) Any decision taken by the Examination Board pursuant to this rule shall be based upon all the available evidence, reasoned and issued in writing.

## **Rule 20**

## **Fraudulent behaviour**

(1) Fraudulent behaviour is any behaviour by a candidate with the aim of obtaining an undue advantage during registration/enrolment or during/after the pre-examination or the examination. Such behaviour may consist, inter alia, in presenting false documents, making false or incomplete statements and/or using equipment during the pre-examination or the examination which is not allowed.

(2) The following measures may be taken by the Examination Board if fraudulent behaviour has been discovered:

(a) refusal of registration and/or enrolment for the forthcoming and subsequent pre-examinations or examinations

(b) deduction of marks

(c) instructions to the competent Examination Committee to mark the answer paper concerned only in part

(d) instructions to the competent Examination Committee not to mark the answer paper concerned and not to award any marks, and/or

(e) disqualification from the pre-examination or the examination for a given year.

(3) The Examination Board shall take a decision on the matter as soon as possible after the fraudulent behaviour has been discovered.

(4) Any decision taken by the Examination Board pursuant to this rule shall be based upon all the available evidence, reasoned and issued in writing.

## **Rule 21**

### **Examination papers**

The examination shall consist of four papers: Paper A, Paper B, Paper C and Paper D as defined in Rules 23 to 26 respectively.

## **Rule 22**

### **General instructions for answering the papers**

(1) Candidates are expected to be familiar with at least the following documents in the versions valid as at 31 October of the year prior to the pre-examination or the examination:

(a) the EPC

(b) the Implementing Regulations to the EPC

(c) the Protocol on the Centralisation of the European Patent System and on its Introduction (Protocol on Centralisation)

(d) the Protocol on Jurisdiction and the Recognition of Decisions in respect of the Right to the Grant of a European Patent (Protocol on Recognition)

(e) the Rules relating to Fees

(f) the notice of the President of the EPO concerning the arrangements for deposit accounts

(g) the PCT

(h) the Regulations under the PCT

(i) the Paris Convention for the Protection of Industrial Property

(j) the list of contracting states to the EPC and of contracting states to the PCT

(k) the Ancillary Regulations to the EPC

(l) the brochure entitled "National law relating to the EPC"

(m) the Guidelines for Examination in the EPO

(n) the content of the Official Journal of the EPO

(o) the Guidelines for Search and Examination at the EPO as PCT Authority.

(2) It will be assumed that candidates have read the examination paper in the language in which they give their answer. Candidates who give their answer in a language other than one of the EPO official languages, and have filed a corresponding request when enrolling for the examination, shall indicate on the front page of their answer papers which language they used in answering the examination papers.

(3) Candidates shall accept the facts given in the examination paper and limit themselves to those facts. Whether and to what extent those facts are used shall be the responsibility of each candidate. Candidates shall not use any special knowledge they may have of the technical field of the invention.

### **Rule 23<sup>[1]</sup>**

#### **Content of the examination – Drafting paper (Paper A)**

(1) The purpose of this paper shall be to assess candidates' ability to draft claims and the introductory part of a European patent application as defined in Article 1(4) REE. The duration of this paper shall be three and a half hours.

(2) Candidates shall assume that they have received a letter from their client which includes a description of an invention for which the client wishes to obtain a European patent, together with references to the most pertinent prior art known to him.

(3) Candidates are expected to draft an independent claim (or claims) which offer(s) the patent applicant the broadest possible protection in accordance with the EPC. When drafting the claim(s), candidates shall bear in mind the requirements of the EPC, in particular regarding novelty and inventive step, and the recommendations contained in the Guidelines for Examination in the EPO. Dependent claims, which shall be limited to a reasonable number, shall be drafted in order to provide a fall-back position in case the independent claim(s) is/are rejected.

(4) Candidates are also expected to draft an introduction, i.e. that part of the description which precedes the examples or the explanation of the drawings. The introduction shall provide support for the claim(s). In particular, candidates shall give consideration to the advisability of mentioning the advantages of the invention in the introduction.

(5) Candidates are expected to draft claims and an introduction for one European patent application only. The application shall meet the requirements of the EPC as to unity. If, however, candidates seek to protect further inventions by filing one or more separate patent applications, they shall, in a note, clearly identify the features of the independent claim in such separate application(s), for example by referring to selected portions of the claims, or, alternatively, they shall draft the claim itself.

(6) In addition to their answer, candidates may set out the reasons for their choice of answer in a supplementary note, outlining why, for example, they have selected a particular form of claim, a particular feature for an independent claim or a particular piece of prior art as a starting point, or why they have rejected or preferred a particular item of prior art. Supplementary notes to examiners cannot, however, replace essential parts of candidates' answers.

### **Rule 24<sup>[1]</sup>**

#### **Content of the examination – Reply paper (Paper B)**



(1) The purpose of this paper shall be to assess candidates' ability to reply to an official communication in which prior art has been cited as defined in Article 1(4) REE. The duration of this paper shall be three hours.

(2) In this paper, candidates shall assume that a European patent application has been filed designating all the contracting states, and that the EPO has issued an official communication. The paper shall include a client's letter containing instructions about the way the client wishes to proceed with the European patent application and a draft set of claims to be filed with the candidates' response to the official communication.

(3) Candidates are expected to respond to all points raised in the official communication. The response shall be in the form of a letter to the EPO accompanied by the claims supplied by the client, amended as appropriate to meet the requirements of the EPC. The description shall not, however, be amended. In their reply, candidates shall identify clearly all amendments made in the claims and their basis in the application as filed, and provide additional explanations where necessary. Candidates shall also set out their arguments in support of the patentability of the independent claim(s).

(4) Candidates may give the reasons for their choice of answer in a supplementary note. If they consider that any part of the application ought to be made the subject of one or more divisional applications, they shall, in the note, clearly set out the independent claim(s) for such divisional application(s). The note shall also present the arguments in support of the patentability of the independent claim(s) in such divisional application(s). Supplementary notes to examiners cannot, however, replace essential parts of candidates' replies to the EPO.

## **Rule 25<sup>[1]</sup>**

### **Content of the examination – Opposition paper (Paper C)**

(1) The purpose of this paper shall be to assess candidates' ability to draft a notice of opposition to a European patent as defined in Article 1(4) REE. The duration of this paper shall be five hours.

(2) The paper shall be presented in the form of a letter from a client to a professional representative accompanied by the European patent to be opposed (Annex 1) and prior-art documents. The annexed prior art shall comprise at least three documents.

(3) Candidates are expected to put themselves in the position of the representative and, using only the information provided by the client, prepare a notice of opposition which when typed would be ready for filing. The pre-printed opposition form provided may be used, but it is not obligatory and marks will not be lost if it is not used.

(4) The notice of opposition prepared by candidates shall comply with Articles 99 and 100 and Rule 76 EPC, bearing in mind the relevant recommendations in the Guidelines for Examination in the EPO, Part D. In order to maintain anonymity, candidates shall not give their real name, but should instead use the name of the representative to whom the client's letter is addressed.

(5) The notice of opposition shall contain all those grounds (and no others) – where possible against all the claims – which candidates consider in this particular case to be prejudicial to the maintenance of the patent. The omission of good grounds for opposition will lead to a loss of marks commensurate with the importance of the grounds in question. Article 100(b) EPC shall not be cited.

(6) All claims shall be treated separately, taking due note of their dependences.

(7) Prior-art documents shall be referred to by their annex number only.

(8) It is to be assumed that, for all annexes which claim a priority, the disclosures in the annexes are identical with those in the corresponding priority documents unless there is evidence to suggest otherwise. If, however, any facts presented need to be confirmed, e.g. in the case of an alleged prior public disclosure, candidates are expected to state that such confirmation will be filed later. Regardless of the date of the client's letter, candidates are to assume that there is no possibility of conferring with him.

(9) Candidates should be aware that Annex 1 is fictitious and is not necessarily in a form that would have led to the grant of a patent by the EPO.

## **Rule 26<sup>[1]</sup>**

### **Content of the examination – Legal paper (Paper D)**

(1) The purpose of this paper shall be to assess candidates' ability to answer legal questions and to draft legal assessments as defined in Article 1(4) REE. The duration of this paper shall be five hours.

(2) It shall comprise questions relating to different areas of the candidates' legal knowledge. Answers should be brief and to the point. Candidates shall always cite any article, rule or other legal basis relevant to their answer.

(3) It shall also include an enquiry from a client requiring an answer in the form of a legal opinion. Candidates shall use the opinion they draft to explain the legal consequences of the situation as described. They shall be expected to demonstrate their ability to deal with a complex industrial-property law case involving fundamental issues of patentability, rights of inventors, inventions as property and third-party rights, as defined in particular, but not solely, in Articles 52 to 89 EPC, the corresponding articles of the PCT, any legislation relating to Community patents, the Paris Convention, and the relevant laws of the contracting states.

## **Rule 27**

### **Composition and number of Examination Committees**

(1) The proportion of Examination Committee members from the EPO and from the Institute as specified in Article 7(3) REE may vary, but at least 50% of the members of any Examination Committee shall be from the Institute.

(2) Pursuant to Articles 3(1) and 8 REE, five Examination Committees shall be established for the examination:

(a) Examination Committee I shall be in charge of papers A and B;

(b) Examination Committee II shall be in charge of paper C;

(c) Examination Committee III shall be in charge of paper D;

(d) Examination Committee IV shall be in charge of the pre-examination;

(e) Examination Committee V shall be entrusted with the quality management of the papers. It shall advise the other Examination Committees in this respect.

(3) A member of an Examination Committee can be a member of more than one Examination Committee.

## **Rule 28**

### **Registration**

(1) In accordance with Article 11(1) REE, candidates intending to enrol for the European qualifying examination for the first time shall register once they have started the professional activities or are employed as defined in Article 11(2) REE.

(2) The fee for registration shall become applicable as from a date to be determined by the Supervisory Board.

## **Rule 29**

### **Entry into force**

These Implementing Provisions

(1) shall enter into force on 1 January 2019,

(2) shall replace the Implementing Provisions as adopted on 25 January 2010 and shall apply to European qualifying examinations to be held in 2019 and thereafter.

Done at Munich, 13 December 2018

For the Supervisory Board

The Chairman

*Raimund LUTZ*

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[<sup>1</sup>] See also the decision of the Supervisory Board of 17 November 2016 ([Supplementary publication 2 – OJ EPO 2017, 43](#)) granting an additional thirty minutes.

Last updated: 1.2.2019

# Regulation on the European qualifying examination for professional representatives

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p36.html>

## Location

Home > Law & practice > Legal texts > Official Journal > 2019 > Supplementary publications >  
Supplementary publication 2 > 36

Online publication date: 1.2.2019

## Instructions to candidates concerning the conduct of the European qualifying examination

The Examination Secretariat,

Having regard to the Regulation on the European qualifying examination for professional representatives (REE) which entered into force on 1 January 2009 (OJ EPO 2009, 9), and in particular Article 9, paragraph 2, letter b, thereof, has decided with effect from 1 January 2019 as follows:

### I. General

1. These instructions shall apply to both the pre-examination and the main examination, which consists of the four papers A, B, C and D.
2. For the conduct of the pre-examination and the main examination, invigilators appointed by the Examination Secretariat pursuant to Rule 18(2) of the Implementing Provisions to the Regulation on the European qualifying examination (IPREE) shall be referred to hereinafter as "examination officers".
3. After they have taken their seats in the hall, but before the starting signal has been given, candidates may ask questions orally regarding the conduct of the pre-examination or the main examination. After the starting signal has been given, any questions must be put in writing. Questions relating to the wording of the papers will normally not be answered.
4. For each paper, candidates shall occupy the seat they have been allocated in the hall for that paper, unless otherwise advised.
5. Candidates are advised to bring to the pre-examination or the main examination any books and documents they consider useful for answering the examination papers. <sup>[1]</sup>
6. Candidates may also bring additional materials, with the exception of the items mentioned under point 9(a) to (c) below. They may not, however, append any of these materials and documents mentioned under point 5, or any sections thereof, to their answer paper.
7. When the starting signal is given, candidates shall check that the examination paper is complete and sign on the coloured labelled cover sheet. They shall not write their name or initials on any of the sheets of EQE lined paper nor shall they use their name or initials in their answers.

8. Candidates who arrive after the starting signal may not make up the lost time after the closing signal unless, in exceptional cases, the examination officer decides otherwise.

9. Candidates are not permitted to:

(a) bring to the pre-examination or the main examination any electronic devices other than an analogue wrist watch with no additional options, unless express prior permission to use such devices has been given by the Examination Secretariat;

(b) bring scissors with blades longer than 6 cm (as measured from the fulcrum); therefore to cut out parts of the examination paper, only blunt-tipped scissors with a blade length of no more than 6 cm are allowed;

(c) use staplers or other materials that may disturb other candidates;

(d) include in their answer paper any prepared material (e.g. lists of abbreviations and/or time lines);

(e) paste or staple sheets of their answer paper together;

(f) open the envelope containing the examination paper before the starting signal has been given, unless instructed to do so by the examination officer;

(g) communicate with each other during the period between the starting signal and the closing signal;

(h) smoke in the hall or in any other part of the examination centre.

10. Eating and drinking are allowed as long as this does not disturb the other candidates.

11. Only with the explicit consent of the examination officer or his deputies, and provided that they hand in the question paper and their answer paper, candidates may leave the hall before the end of the time allotted for the paper. Candidates shall not be allowed to leave the hall during the last 30 minutes of the paper.

12. If a candidate disturbs other candidates during a paper, the examination officer shall be empowered to suspend him at once from the paper during which this occurs. The examination officer shall then draw up a report including any evidence of the disturbance.

13. If a candidate wants to file a complaint concerning the conduct of the pre-examination or the main examination, he shall submit it to the examination officer, together with a written statement of the facts, at the latest 30 minutes after the closing signal of the paper concerned has been given.

14. The examination officer and his deputies shall take the names of candidates who do not comply with these instructions and report to the Examination Board any other relevant circumstances.

## II. Pre-examination

15. Candidates shall bring a black medium soft HB pencil and suitable eraser as well as a pencil sharpener.

16. In the hall, each candidate will be supplied with:

(a) a single copy of the examination paper in the three official languages of the European Patent Office;

(b) a personal answer sheet consisting of the coloured labelled cover sheet and answer page on the reverse side.

17. When giving their answers, candidates shall use the black medium soft HB pencil to fill in accurately and clearly the circles on their personal answer sheet.

18. The end of the paper will be announced ten minutes before the closing signal.

19. At the closing signal, candidates must:

(a) stop writing immediately;

(b) place the signed answer sheet to one side of their desk and remain seated until the personal answer sheet is collected by the examination officer or his deputies.

20. Should a candidate not stop writing, his answer cannot be collected. In this case, the candidate must contact the examination officer, who will advise him of the consequences.

21. Answer sheets are corrected in the form in which they are handed in by candidates on the day of the pre-examination. Therefore any subsequent objections will not be considered.

### III. Main examination

22. Candidates shall bring a black or blue pen.

23. In the hall, each candidate will be supplied with:

(a) a single copy of the relevant examination paper in the three official languages of the European Patent Office;

(b) a sufficient supply of lined DIN A4 labelled paper ("EQE lined paper"), to be used for writing their answers;

(c) a coloured labelled cover sheet.

24. When preparing their answers,

(a) candidates shall write legibly; illegible scripts will not be marked;

(b) they shall write with a black or blue pen only and not use any highlighter pens on the answer papers (the answer papers will be photocopied for marking);

(c) they shall write their answers on the EQE lined paper or on entire sheets of the examination paper only, unless they use the pre-printed opposition form as specified in Rule 25(3) IPREE;

(d) they shall write on the lined side of the EQE lined paper only and number each sheet at the top in consecutive Arabic numerals;

(e) they may also cut out parts of the examination paper and paste them on the EQE lined paper.

25. It is the sole responsibility of candidates to ensure that any cut and pasted parts are properly fixed to the EQE lined paper as answer papers will be photocopied for marking. Any cut and pasted parts not properly fixed and which might become unstuck or go missing during the photocopying process will not be considered for marking.

26. The end of the paper will be announced five minutes before the closing signal. If not already the case, during the time remaining candidates should sign the cover sheet, number the pages and place their answer in the envelope. No other documents may be placed in the envelope.

27. At the closing signal candidates must place their envelope to one side of their desk and remain seated until the envelope is collected by the examination officer or his deputies.

28. Under no circumstances may candidates write after the closing signal.

29. If a candidate does not stop writing, his answer cannot be collected. In this case, the candidate must contact the examination officer, who will advise him of the consequences.

30. Should a candidate realise, before leaving the examination hall, that he has forgotten to place part of his answer paper in the envelope, he should inform the examination officer, immediately. The part concerned must be placed in a separate envelope indicating the candidate's name as well as the date and time when the missing part was handed in and must be signed by the candidate. The Examination Board shall decide whether or not any such late-filed pages are to be deemed part of the answer paper and marked accordingly.

31. Answer papers are corrected in the form in which they are handed in by candidates on the day of the paper in question. Therefore any subsequent objections concerning the numbering or sequence of the answer papers, as well as comments on the content of the answer papers, shall not be taken into account.

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[<sup>1</sup>] Decision of the Examination Board of 24. October 2011, which entered into force on 1 November 2011 (OJ EPO 2011, 584).

Last updated: 1.2.2019

# Regulation on the European qualifying examination for professional representatives

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p41.html>

## Location

Home > Law & practice > Legal texts > Official Journal > 2019 > Supplementary publications >  
Supplementary publication 2 > 41

Online publication date: 1.2.2019

## Decision of the Supervisory Board

The Supervisory Board,

Having regard to the Regulation on the European qualifying examination for professional representatives which entered into force on 1 January 2009 ([Supplementary publication 2, OJ EPO 2014](#)), and in particular Article 3, paragraph 2, thereof,

has decided as follows:

### Article 1

All candidates shall be granted an additional thirty minutes per paper to the durations stipulated in Rules 23(1), 24(1), 25(1) and 26(1) of the Implementing Provisions to the Regulation on the European qualifying examination.

### Article 2

This decision shall enter into force on 1 January 2017 and shall apply to European qualifying examinations held as from 2017.

Done at Munich, 17 November 2016

For the Supervisory Board

The Chairman

*Chris MERCER*

Last updated: 1.2.2019



## **Code of conduct for candidates during the EQE taking place online (e-EQE)**

The code of conduct (hereinafter "the code") is intended as a supplement to the Implementing provisions to the Regulation on the European qualifying examination (IPREE, OJ EPO 2019, Supplementary publication 2, 18) and to the instructions to candidates concerning the conduct of the European qualifying examination (OJ EPO February 2021).

### **Article 1      Obligations for candidates**

- (1) During the EQE, candidates must:
  - (i) authenticate their identity when requested to do so
  - (ii) access the EQE via their dedicated personal account
  - (iii) use only hardware and software needed to connect to the cloud-based examination system
  - (iv) follow the instructions to candidates concerning the conduct of the European qualifying examination, those given in the User Guide, tutorials and other relevant documents available on the e-EQE website ([epo.org/learning/eqe/e-eqe.html](http://epo.org/learning/eqe/e-eqe.html))
  - (v) follow the instructions given by invigilators
  - (vi) access only the materials and/or links made available in the examination system.
- (2) During the EQE, candidates must not:
  - (i) seek, accept or in any way receive assistance from any third party other than the Examination Secretariat or an invigilator
  - (ii) copy, transmit or share any examination material or their own answers outside the cloud-based examination system.
- (3) The above lists are not exhaustive and are further detailed in the instructions for candidates concerning the conduct of the European qualifying examination.

### **Article 2      Disciplinary measures for failure to comply with the code**

- (1) Failure by a candidate to comply with the obligations defined in Article 1 may result in disciplinary measures under Rules 19 and 20 IPREE.
- (2) Where failure by a candidate to comply with Article 1 is confirmed after the EQE results have been published under Article 22 of the Regulation on the European qualifying examination for professional representatives, the grade for any papers for which the violation has been established will be changed to a FAIL with *ex tunc* effect.

### **Article 3      Aiding in violation of the code**

Third parties must not give or seek to give any help or assistance to candidates in violation of Article 1 of this code. Any third party, and professional representatives in particular, found to have violated the code may be liable for disciplinary measures in accordance with the relevant provisions of the professional code of conduct that they are subject to.

Done at Munich, 19 February 2021, with immediate entry into force.

For the Supervisory Board

The Chairman

Christoph Ernst

**19 November 2021**

### **Notice from the Examination Board for the European qualifying examination (EQE)**

Calendars are a necessary tool for calculating time limits, in particular where Rule 134(1) EPC, first sentence, applies. According to this provision, time limits expiring on a day on which at least one EPO filing office is not open for receipt of documents (closing day) are extended until the first day thereafter on which all the filing offices are open for receipt of documents and on which ordinary mail is delivered.

As of the 2022 examination, the practice concerning calendars will change: calendars will no longer be provided to candidates as part of the examination papers for the pre-examination and Paper D.

A notice listing the dates on which the EPO filing offices are closed is published each year in the Official Journal. For the purposes of applying Rule 134(1), first sentence, EPC and Rule 80.5 PCT, candidates should refer to the relevant notice on EPO closing days. They will be able to access the EPO website for this during the exam.

Candidates are allowed to use their own calendar to identify dates falling on a Saturday or Sunday.

This notice supersedes the notice from the Examination Board dated 18 July 2013 concerning the use of calendars.

For the Examination Board  
The Chairman

Nicolas Favre



11 February 2021

## **Notice from the Examination Board of the European Qualifying Examination (EQE)**

The instructions for answering the pre-examination paper and the marking scheme have been amended with immediate effect.

Annex 1 of this notice contains the valid version of the instructions and the marking scheme which apply for the EQE 2021.

For the Examination Board  
The Chairman

Nicolas Favre

## Instructions for answering the pre-examination paper and marking scheme

1. The pre-examination takes the form of a multiple-choice test made up of four parts and comprising a total of 20 questions. Ten of the questions are on aspects of legal knowledge (parts 1 and 2) and the other ten are on the analysis of claims (parts 3 and 4). Questions must be answered by ticking the appropriate circle ("True" or "False") next to each of the statements that follow each question. For the claim analysis parts, the hyperlinks shown at the beginning of each question refer to the documents made available for printing before the beginning of the relevant part of the pre-examination.

(a) Each question is followed by four separate statements. Candidates must indicate whether the statements are true or false. For each statement, only one answer may be given (either "true" or "false"). Each statement within a question is to be considered independently of the other statements.

(b) To indicate that a statement is true, candidates should tick the circle next to "True". To indicate that a statement is false, they should tick the circle next to "False".

(c) All four statements making up a question must be answered either "true" or "false". If at least one of the four statements is left unanswered, then **the answer to the whole question will be deemed not to be correct.**

(d) There is no provision for submitting notes or remarks to the examiner. Any such submission will be disregarded.

## 2. Marking

### (a) Marks awarded per question

If at least one of the four statements within a question is not answered either "true" or "false", then 0 marks will be awarded for this question.

If all four of the statements within a question are answered either "true" or "false", the following marks will be awarded:

If within one question none or only one of the answers to the four statements is correct, then 0 marks will be awarded for this question.

If within one question two of the answers to the four statements are correct, then 1 mark will be awarded for this question.

If within one question three of the answers to the four statements are correct, then 3 marks will be awarded for this question.

If within one question, all four of the answers to the four statements are correct, then 5 marks will be awarded for this question.

### (b) Total number of marks awarded

The total marks awarded for the pre-examination is the sum of the marks achieved for each question in all four parts, calculated as stated above.

# Official Journal July 2019

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## URL

<https://www.epo.org/law-practice/legal-texts/official-journal/2019/07/a66.html>

## Location

Home > Law & practice > Legal texts > Official Journal > 2019 > 7 - July > A66

Citation: A66

Online publication date: 31.7.2019

## EUROPEAN PATENT OFFICE

## Representation

### Decision of the Supervisory Board amending Rule 25 of the Implementing provisions to the Regulation on the European qualifying examination for professional representatives

The Supervisory Board,

Having regard to the Regulation on the European qualifying examination for professional representatives which entered into force on 1 January 2009 ([Supplementary publication 2, OJ EPO 2019](#)), and in particular Article 3, paragraph 7, thereof,

has decided as follows:

#### Article 1

Paragraph 3 of Rule 25 of the Implementing provisions to the Regulation on the European qualifying examination (IPREE) shall be amended as follows:

"(3) Candidates are expected to put themselves in the position of the representative and, using only the information provided by the client, prepare a notice of opposition which when typed would be ready for filing."

#### Article 2

Rule 25 IPREE as amended under Article 1 of this decision shall enter into force with immediate effect.

Done at Munich, 26 June 2019

For the Supervisory Board

The Chairman

*Fritz SCHWEINZER*

Last updated: 31.7.2019

30.09.2019

### **Notice from the Examination Board of the European qualifying examination (EQE)**

As from the EQE 2020, candidates sitting paper C will no longer be provided with form “Notice of opposition to a European patent”. Even without this form, candidates are expected to draft a proper notice of opposition according to the provisions set forth in the EPC, with particular reference to Articles 99, 100 and Rule 76 EPC, by providing all relevant information, a statement of the extent to which the European patent is opposed, opposition grounds, evidence, facts and arguments in their answers.

Decision of the Supervisory Board: <https://www.epo.org/law-practice/legal-texts/official-journal/2019/07/a66.html>

For the Examination Board  
The Chairman

Jakob Kofoed

13.03.2019

**Notice from the Examination Board of the European qualifying examination (EQE)**

Article 1(4) REE and Rule 26 IPREE specify that the purpose of Paper D is “*to assess candidates' ability to answer legal questions and to draft legal assessments*”.

As of 2020 the distribution of points for parts I and II may vary between 60:40 and 40:60 for Paper D.

How the points are to be distributed will not be announced before the examination.

As always, the distribution of marks will be indicated on the examination paper.

For the Examination Board  
The Chairman

Jakob Kofoed





**DELTA**PATENTS

Training for Patent Professionals

# PASSING THE EQE WITH DELTA

# DELTAPATENTS WELCOMES YOU

## Why DeltaPatents?

DeltaPatents is a **patent attorney firm** based in the Netherlands with a passion for quality. We provide the highest quality advice and service to public and private companies at various stages of growth from start-up to Fortune 500. Our patent specialists have a deep technological knowledge and extensive industrial experience. Through our education activities, we stay ahead in terms of law changes, case law and procedural requirements.

We are proud to be a leading training organization for the **European Qualifying Examination (EQE)**. Our renowned courses can be followed throughout Europe. We offer a complete range of courses and high quality training material for the EQE. The knowledge and experience gained during more than 15 years of EQE training provides a solid basis for our comprehensive range of training courses in different areas. We offer **Continuing Education of Patent Attorneys** (e.g. patent law update course, a Unitary Patent course, and various IP master classes) across Europe as well as outside. For **R&D** (R&D managers, researchers, developers, inventors, entrepreneurs, IP management, IP coordinators and tech-transfer officers), we provide targeted IP tutorials and several workshops. These can also be organized in-house at your organization, open to other participants or exclusively in-house.

*“It was a pleasure to study with such a skilled and nice instructor”*

Our **blogs** keep you up-to-date on the EQE, EPO Case law, Patent procedures, Unitary Patent and Patent News.



In 2006 we started **training IP support staff**, culminating in a full training program preparing for the official Dutch Formalities Officers exam. The program includes training modules directed to EPC and PCT formalities. These training modules are offered throughout Europe.

Our training focuses on giving insight and understanding, and ensuring that the acquired knowledge can be practically applied. Unique for DeltaPatents is that we thoroughly train and guide our tutors. For our tutors, training is a profession, mastered by teamwork and frequent involvement in courses. We take feedback of attendants seriously and act on it. For us, quality and customer satisfaction are essential.

## DeltaPatents' personal touch

We believe in teaching and treating candidates with a personal touch. You will be trained in small groups, giving ample opportunity to discuss unclear issues in more detail and get personal assistance.

Hospitality is important to us. For participants staying in Eindhoven for courses of multiple days, we organize a social event, such as a dinner or a trip to a local place of interest. We welcome contact (e.g. via e-mail, telephone or video chat) with our tutors to ask follow-up questions, to clarify course materials or to report mistakes.





# PASSING THE EQE WITH DELTAPATENTS

## EQE training

The EQE exam is notoriously difficult to pass. Despite most candidates studying hard, the pass rate of the Main Exam averages around 30%, with some fluctuations depending on the complexity of that year's exam. First-time sitters usually score a few percent higher.

All papers score low. In particular, Papers C and DII are major hurdles. Paper DI (legal part) requires a significant time investment in studying and mastering the EPC and PCT law, Guidelines, Ancillary Regulations and case law.

The low pass rates illustrate that, despite spending quite some time in preparation, you may fail. This is highly frustrating. Frequently heard comments are:

*"The hardest exam I ever took"*

*"The first exam I ever failed"*

To achieve success, you need to commit hundreds of hours to studying both legal theory and application of the law. You increase your chances by making a plan, attending the best courses available and using the highest quality materials available. You benefit from getting dedicated training focussed on passing this exam by tutors that know everything about this exam and what it needs to pass.

We specialize in providing courses and training material for the EQE, covering the Pre-Exam as well as each of the papers of the Main Exam. A full range of short modules have been developed, allowing each candidate to optimally complement already acquired knowledge and skills.



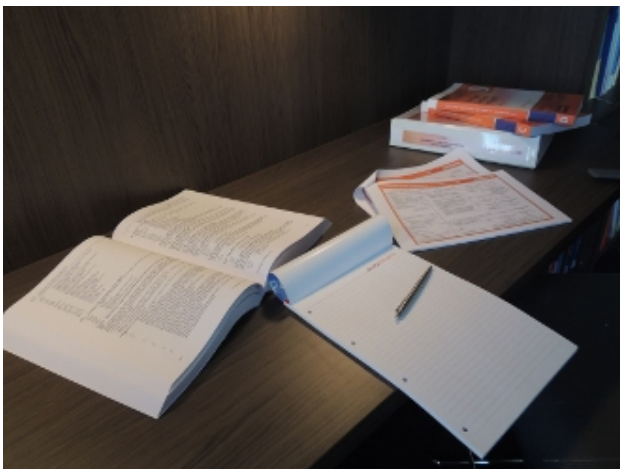
*"I like the prescriptive style of the trainers: 'read this', 'don't read that'; I do not want endless options, I want to know how to pass the exam"*



## EQE Pre-Exam training

For the Pre-Exam, we offer:

- **Pre-Exam Integrated course**  
This intensive 12-day course (in 4 blocks) will bring candidates from a basic level with no or limited legal knowledge to the level required for the EQE Pre-Exam. All legal topics, EPC procedural, EPC substantive and PCT, are covered. Legal interactive tutorials will be alternated with practicing what has been learned: candidates will experience from the start how this knowledge can be used in an efficient way in order to pass the Pre-Exam. Homework is an integral part of the course. The questions test absorption and understanding. We provide full answers for all homework questions for self-evaluation.
- **Pre-Exam Distance Learning**  
The same as the Pre-Exam Integrated course, but as distance learning: with homework schedules and 2-/3-week video sessions.
- **Legal Methodology Course**  
In this 1-day course, we explain how to answer the legal questions for the Pre-Exam. We will teach a methodology, which will help to score optimally on the legal part of the Pre-Exam and how to deal with the True/False format
- **Claim Analysis Course**  
In this 2-day course, we cover the Claim Analysis part of the Pre-Exam with a specific exam methodology. The methodology is practiced using multiple choice questions and cases and one full pre-exam.



## EQE Main Exam training

Our modular approach allows candidates to freely choose which paper(s) they wish to prepare for in a certain exam year. We offer:

- **Methodology courses for each paper**  
In these 2 or 3 day courses, we detail the requirements of the paper and clarify the key issues of the paper. We give a step-by-step approach for efficiently handling the paper, including practical analysis techniques, checklists and guidance in optimising scoring of marks with the knowledge you have. The methodology is developed and tested over more than a decade. In the courses, we show how the methodology works by applying it to at least one exam paper.  
Our methodology courses for re-sitters apply the methodology to the last exam paper.
- **(Guided) Exam courses for each paper**  
We offer a variety of courses for guided practicing of papers, depending on demand. For example:
  - 2 or 3-day course wherein a handed-in paper is corrected and marked and discussed during the course. One more exam paper is practiced during the course, with guidance and assistance from the tutor.
  - 4- or 5-day Paper D Guided Trial Run course providing a final test of EQE readiness, combining guidance through up-to-date DI and DII exam questions with practice under time pressure.

*“This C methodology course is much more effective than other courses I have attended before. The pointing out of all relevant legal provisions were very useful for me”*

*“The Paper C Methodology course is genius. I literally heard a click in my head”*

*“D Methodology course: a great combination of various tools, methodologies and discussion on how to deal with various issues in the exam”*

*“The D Methodology course should be mandatory!”*

*“The first time I have the impression that DII could be manageable ...”*

*“Guided Exam: the ultimate tool for making it possible to pass!”*

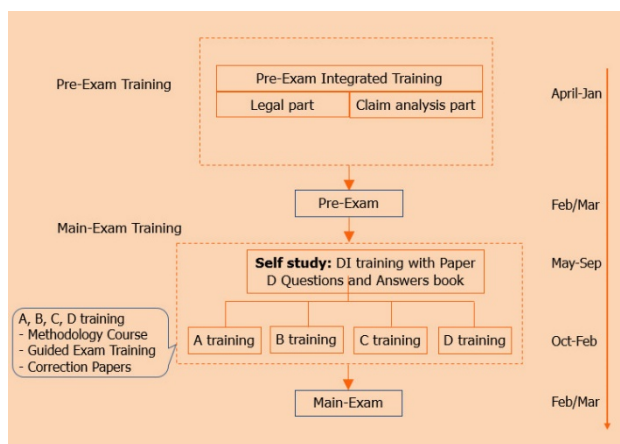


## Integrated EQE training programs

Our modular system allows candidates to choose a program which matches their learning style and needs in prioritising study versus balancing it with focussing on work or private life. Here two exemplary programs are shown, a fast track program and a slow-track program. Please contact us to discuss how to optimise your preparation depending on your needs.

### Fast track program

In this program, which is the default program in the Netherlands, candidates aim to pass the Pre-Exam, immediately followed by next year passing all four Main Exam papers.

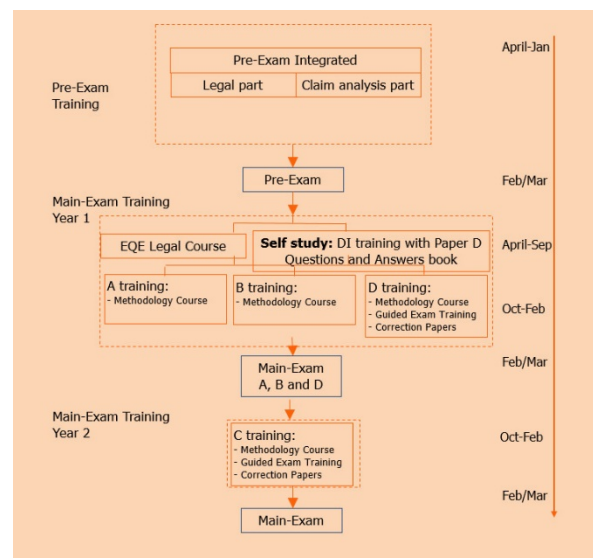


The Main Exam year will be challenging: four papers in parallel, including paper DI which requires a lot of hours of studying. To spread the load, a good legal preparation is already required in the Pre-Exam year. For this our Pre-Exam Integrated Training is ideal: legal and claim analysis integrated in one program. After finishing this course, you are ready for the Pre-Exam.

### Slow track program

In this program, candidates plan a couple of years for passing the Main Exam. Here a schedule is shown wherein Papers A, B and D are taken in the first Main Exam and in the following year paper C is taken.

A candidate can choose to build up the legal knowledge relatively fast by following our Pre-Exam Integrated Training (legal parts) for the pre-exam, optionally followed by our Legal Refresher course. Alternatively, if less legal knowledge has been acquired for the pre-exam, the our Pre-Exam Integrated Training (legal parts) can be followed as a preparation before the Paper D training.



The Main Exam training can start with our Legal Refresher Course, followed by the training for the four papers in parallel. The paper training ideally starts with a Methodology Course, followed by a Guided Exam Training and, optionally, finished with our Correction Paper program.

## EQE Distance Learning

We have developed this program during the past years for candidates who are unable to attend the DeltaPatents' courses, or for anyone looking for extra study and practice materials. We offer a "Correction of Papers" program and "Pre-Exam Distance Learning":

- Paper Correction: you hand-in exam papers and we correct them, giving individual feedback as well as our own detailed marking sheets and model solutions
- Pre-Exam Distance Learning: complete legal training for the Pre-Exam, with homework schedule and feedback of tutors on handed-in homework.



### Video sessions:

2- or 3-weekly video conference sessions where the tutor discusses the upcoming modules and answers questions from the participants



*"I would like to thank you for all the help I received during my distance course Paper D. It really helped to have the pressure of handing in the homework and make me work steadily in the months before the exam"*

## Personal coaching

Based on our extensive experience in training candidate, we offer a one-to-one intensive personal coaching, wherein we, together with the candidate, determine the personal reasons for failing the exam, correct some of the mistakes, come to an approach optimized for the candidate and a recommended further preparation plan. The personal coaching will be agreed beforehand.

One possible scenario is where, before the personal session, the candidate prepares a paper at home and the tutor marks this. On a first afternoon of the personal guidance, the exam, known problems of the candidates and the prepared exam are discussed. On a second day, the candidate makes a further paper, which is immediately discussed with the tutor, finished by discussing a further preparation plan.



EP-wide in-house training

## Training locations

We do not only provide training in our base in Eindhoven. The Netherlands, but many of our training modules are available at several locations in Europe to minimize your travel costs.

## In-house training

All courses can also be given in-house. If required, a module can be tailored to your local organizational needs. Please contact us if you are interested in inviting us to your office.





## About the EQE

In Supplement to OJ EPO 2/2014, you can find:

- Regulation on the European qualifying examination for professional representatives (REE)
- Implementing provisions to the Regulation on the European qualifying examination (IPREE)
- Instructions to candidates concerning the conduct of the European qualifying examination

The examination is organised and conducted by a Supervisory Board, an Examination Board, Examination Committees and an Examination Secretariat, comprising members from the EPI and EPO.

The EQE is designed to establish whether the candidate has the requisite aptitude and knowledge to represent applicants before the EPO.

### EQE syllabus

Candidates need to be particularly conversant with European patent law, the Patent Cooperation Treaty, the Paris Convention, EPO board of appeal case law and certain national laws in so far as they apply to European patent applications and European patents. The content of the examination only relates to legal texts which were in force on 31 December of the year preceding the examination.

### Languages

The examination papers are drawn up in the three official languages of the EPO (English, French and German). Candidates may choose any of these languages to answer in. Candidates may also be permitted to submit their answers in another official language of a Contracting State if so requested during enrolling for the exam.

### Structure of the exam

The EQE, held once a year, comprises five papers, divided over a single paper Pre-examination (Pre-Exam), followed by a Main Exam consisting of four papers.

- Pre-Exam (4 hours)  
Assesses candidates' ability to answer legal questions and questions relating to the drafting of claims. The exam is multiple-choice and consists of two parts; a legal part and a claims analysis part. The Pre-Exam must be passed before the Main Exam may be attempted.
- Main Exam  
Candidates are free to choose the paper(s) they wish to sit in a certain year; they do not need to be taken in a prescribed order or combination.

- Paper A (4 hours)  
Tests the candidate's ability to draft claims and the introductory part of a European patent application. As of the EQE 2017 there will be a single A paper.
- Paper B (3,5 hours)  
Requires candidates to prepare a reply to an official letter in which prior art has been cited. As of the EQE 2017 there will be a single B paper.
- Paper C (5,5 hours)  
Involves drafting a notice of opposition to a European patent.
- Paper D (5,5 hours)  
Consists of two parts DI and DII and assesses candidates' ability to answer legal questions (DI) and to draft a legal advice (DII).

### Passing the EQE

To pass the EQE, it is obligatory to pass all examination papers. Candidates may not enrol for any of the Main Exam papers until they have passed the Pre-Exam.

Each answer paper is marked on a scale from zero to 100 by the relevant Examination Committee.

For the Pre-Exam, a PASS grade is awarded for an answer Paper with 70 marks or more; otherwise a FAIL grade is awarded for that paper.

For the Main Exam, there is a compensatory system whereby under certain circumstances, low marks can be offset by good marks in other papers. For each paper of the Main Exam,

- a PASS grade is awarded for an answer paper with 50 marks or more;
- a FAIL grade is awarded for an answer paper with fewer than 45 marks;
- a COMPENSABLE FAIL grade is awarded for an answer paper with at least 45 but fewer than 50 marks

A candidate is declared to have passed the Main Exam once he has sat all the examination papers and if he satisfies all of the following conditions:

- he has not been awarded a FAIL grade in any of the papers
- he has been awarded a PASS grade in at least two papers, and
- his total aggregate mark in the four papers is at least 200.

If a candidate re-sits an examination paper, the marks and grade previously obtained for this paper are no longer valid. It is not possible to re-sit a passed exam.



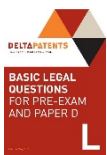
## DeltaPatents' Web Shop for Training Material

For our courses, our professional tutors continuously develop and update the training material using input from past participants and to follow recent legal changes. Methodology books, books with Questions and Answers as well as very thorough model solutions for each paper are available for those who study for the EQE.

### EQE Basic Legal Questions

The book contains:

- Introduction - how to prepare
- Study Guide
- Legal Questions and Answers in True/False format and open questions
- To prepare for Pre-Exam as well as Main Exam



### EQE Main Exam Questions for Paper D

The completely updated book contains:

- A comprehensive Study Guide
- A list of abbreviations which may be used in your answer on the EQE
- A set of more than 350 legal and exam style questions, with a recommended minimum subset

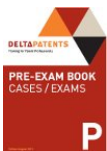


### EQE Pre-Exam Cases and Exams

The book contains:

- Introduction - how to prepare
- Legal Cases
- Claim Analysis Cases

Pre-Exams 2014 - 2018, together with our proprietary model solutions explaining the answers



### EQE Main Exam Methodology books

For EQE paper C, we have developed a methodology books. The book describes the requirements of the paper and, in combination with thorough discussion of the EPC provisions relevant for the paper, present a structured approach for tackling the paper.



EQE Main Exam Analysis/Model solutions For Paper AB, Paper C and Paper D Main Exam paper, we have developed very detailed and thorough

Analysis and Model Solutions.

The booklets cover analysis of the paper, applying the methodology to the paper and the correct answer, updated for the current law.



### References to the EPC

By: Jelle Hoekstra

The ideal reference book for the EQE and daily use. The main book, of almost 900 pages, gives the EPC Articles, mixed with the Rules, relevant parts of the Guidelines, many selected Ancillary Regulations, all Enlarged Board decisions and all established case law. The book is a unique one-stop shop, covering all relevant information for the EPC part of the EQE.

Many flow-charts, legal overviews and tables are included to enable fast answering in the EQE.







**“VERY HELPFUL AND  
MOTIVATED PEOPLE,  
WHICH GIVES A VERY  
INTERESTING AND  
WARM FEELING  
DURING THE  
COURSE.”**



## Meet the Tutors



Jelle Hoekstra



Roel van Woudenberg



Sander van Rijnsouw



Nico Cordes



Diane Tweedlie



Jessica Kroeze



Tnaja laCour



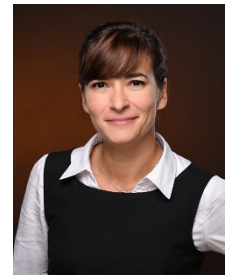
Joeri Beetz



Grégory Baque



Heide Götz



Cécile Kirsch



Mieke Zonjee

## Contact

For more information please visit the DeltaPatents website ([www.deltapatents.com](http://www.deltapatents.com)) or contact Mieke Zonjee at DeltaPatents ([training@deltapatents.com](mailto:training@deltapatents.com)).



# REGISTRATION FORM

FOR COURSES OFFERED IN THE NETHERLANDS, DENMARK, FRANCE, GERMANY, ITALY, SWEDEN AND UK

You may register by **fax** + 31 40 2366708 **mail** DeltaPatents B.V., Fellenoord 370, 5611 ZL Eindhoven, the Netherlands  
**website** www.deltapatents.com **e-mail** training@deltapatents.com

name

company

address

billing-address (if different)

billing e-mail or phone

purchase order

VAT-number

tel. no.

e-mail address

First price mentioned is for courses in the Netherlands, second price mentioned is for courses in Denmark, France, Germany, Italy, Sweden and UK. A registration fee of €122 is charged for each booking. If more than one course is booked at the same time, only one administrative fee of €122 will be charged. All prices are exclusive of 21% VAT. No VAT will be charged if a VAT-number is provided on this form.

Paper A & B ☐ 4-day A & B Methodology €1.550/€1.870

Date:

☐ 2-day A Methodology €775/€935

☐ 2-day B Methodology €775/€935

Paper C ☐ 3-day C Methodology €1.160/€1.430

Date:

☐ 2-day C Guided Course €1.050/€1.270

☐ 5-day C Full Preparation: 3-day Methodology and 2-day Guided Exam €2.600

Paper D ☐ 3-day D (DI – DII) Methodology €1.160/€1.430

☐ English

☐ German

Date:

☐ 2-day D (DI – DII) Guided Course €1.100/€1.320

☐ 5-day D Full Preparation: 3-day Methodology and 2-day Guided Exam €2.650

☐ 4-day D Guided Trial Run €1.550/€1.870

☐ English

☐ German

☐ 5-day D Guided Trial Run (incl. D Methodology crash) €1.940/€2.310 ☐ English ☐ German

Paper A & B ☐ 4-day A & B Methodology €1.550/€1.870

Date:

☐ 2-day A Methodology €775/€935

☐ 2-day B Methodology €775/€935

Cancellation policy: please check our website for our cancellation policy