



**SUBJECT:** Amendments to the Regulation on the European qualifying examination (REE)

**SUBMITTED BY:** President of the European Patent Office

**ADDRESSEES:** Administrative Council (for decision)

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#### SUMMARY

After four decades of successful implementation, the reform of the European qualifying examination (EQE) seeks to uphold the highest standards of quality, match the examination to current professional practice and enhance sustainability via a robust and pedagogically sound examination that makes best use of resources to support the European patent system with highly qualified patent attorneys. The proposal put forward is the result of continuous dialogue between the epi and the Office. It also integrates the views of a wide range of stakeholders that have contributed expert input over the past few years.

The reform is based on the principles of progressiveness, modularity and sustainability and follows a competence-based approach, laying the foundations for a complete redesign of the examination. The new modules draw on the framework for existing papers with a view to preserving excellence whilst fostering modernisation. The main objective remains promoting candidates who are fit for practice and further reinforcing the EQE's central importance for a well-functioning European patent system.

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## PART I

### **I. STRATEGIC/OPERATIONAL**

1. Strategic.

### **II. RECOMMENDATION**

2. The Administrative Council is invited to approve the revised text of the Regulation on the European qualifying examination for professional representatives (REE) in Part II of this document and to take note of the amendments to the Implementing Provisions to the Regulation on the European qualifying examination (IPREE) set out in Addendum 2.

### **III. MAJORITY NEEDED**

3. Three-quarters.

### **IV. CONTEXT**

4. A range of factors have triggered the proposed reform of the European qualifying examination (EQE) after over four decades of an essentially unchanged examination design and setting. These factors include the modernisation of the format to uphold the highest standards of quality, the need to put in place an examination that reflects current working practices, the continuous and productive dialogue between the profession and the Office and the conviction that improving the examination and the sustainability of the whole framework is in the interest of the candidates, the profession, the European patent system and broader society.

### **A. MODERNISATION TO THE HIGHEST STANDARDS**

5. The EQE is one of the most demanding professional qualifications worldwide. It opens the door to a truly European regulated profession, which makes a crucial contribution to upholding quality at source in the patent system. The prestige of the EQE is anchored in the rigorous design and marking of the examination, preparation for which demands several years of theoretical study and practical experience from candidates.
6. Keeping up the very high standards of the EQE is a continuous exercise. It requires constant and thorough assessment of its contents and implementation in the context of developments in several fields. These include evolving patent law and practice, meeting the demands of the fit-for-practice criterion in a dynamic professional environment, taking advantage of pedagogical and technological progress and ensuring sustainability.

7. The proposed reform responds to these advances and new requirements while keeping up the spirit of the original EQE of 1979 and the reforms passed in 1993 and 2009. Its main features are the centrality of the fit-for-practice criterion, the adherence to the highest standards and the instrumental nature of the European patent attorney profession for the European patent system at large.

## **B. CHANGES IN THE PROFESSIONAL SETTING**

8. The EQE was first established in a time of handwritten notes, piles of books, scissors and glue rollers. EQE candidates used multiple colours, and stickers, and they would manually cut and paste excerpts of the papers into their answer sheets. This practice continued over the years, even though the professional setting and work of patent attorneys had already changed long before to embrace computers, easy access to digital information and digital working. A new examination that mirrors the modern working conditions of patent attorneys is long overdue.
9. The Covid pandemic galvanised change. In 2021, the EQE was held online for the first time. The EPO and epi responded to the challenge of organising, in a matter of just a few months, a more than 20-hour examination, held in three languages and with 3 400 candidates located potentially anywhere in the world, while ensuring the integrity of the process via camera, audio and keyboard monitoring. Since then, the EQE has been held online, thousands of exams have been conducted digitally, the satisfaction rate of candidates currently exceeds 80% and the EQE quality metrics are aligned with those of pre-pandemic times. Nonetheless, this was a transposition of the existing EQE to a digital environment, not a true transformation of the EQE into a digital examination. That is achieved by the proposed reform.
10. The traditional EQE focuses on the well-defined actions of drafting an application, dealing with opposition and responding to an Office action. Other aspects of the patent grant procedure, such as appeal proceedings, are covered only as part of paper D. While these are the usual activities of an attorney, an examination that is able to reflect evolving EPC law and practice needs to look beyond these central actions. The new EQE is an exam with a more flexible format, allowing it to target any stage of the European procedure and reflect changes in the legal framework and practice under the EPC in an agile manner.

## **C. A JOINT ENDEAVOUR AND BROAD CONSULTATION**

11. In 2021, the EPO and the epi commissioned the working group already tasked with setting up the first online EQE to draft a proposal for a new EQE. Under the lead of the epi-EPO working group, some 40 experts were involved in subsequent steps in this process, with regular meetings on a weekly or bi-weekly basis and feedback coming from external stakeholders. From the design of the new EQE to the legislative proposal for its implementation, all aspects, including drafting sample papers, holding discussions with stakeholders and organising consultations, were co-ordinated by the epi-EPO working group.

12. Training institutions, professionals, candidates, national offices, EQE tutors and the EQE community at large were invited to comment at different stages of the proposal drafting. Views expressed by more than 700 participants and in 140 written submissions and 15 letters received during the consultation, plus the insights provided by professional stakeholders throughout the process, are reflected in the proposed text. The feedback has not only been integrated but also consolidated and commented on in a separate document. All documents are available on the EPO website, ensuring full transparency, and the Administrative Council has received updates on the progress in the activities reports (Goal 4). In a final stage of the process, the new proposals put forward by the epi Council were also considered, and the REE presented for approval includes aspects such as extensive definitions of the syllabus, exemptions and training periods for candidates, the duration of the transitional provisions and the involvement of the epi in future reforms (Article 26 REE).
13. The REE provisions dealing with governance or institutional matters remain unchanged (Articles 1(6) and 2-10). Retaining the expertise within the existing structure (Supervisory Board, Examination Board and Examination Committees) ensures that the transition to the new EQE will benefit from the knowledge on those EQE bodies and allows for a smoother implementation and the maintenance of quality standards.

#### **D. PEDAGOGICAL MODERNISATION AND HIGH-LEVEL GOALS**

14. The proposed new EQE redesigns the papers, introduces new assessment methodologies, reorders the structure of the examination and brings the exam closer to the needs of a modern profession. These changes build on a pedagogical proposal that has been thoroughly documented and enriched over the past 2.5 years. In essence, the new EQE involves a solid process of acquiring skills in which the activities of reading, interpreting, acquiring knowledge and providing an opinion form a sequence that can be assessed progressively over the years or, if a candidate so wishes, at the end of the process and once three years of professional activity have elapsed. At the same time, the central actions examined today, namely drafting applications, dealing with opposition and responding to an Office action, are also assessed in the proposed new process.
15. The pedagogical modernisation described is particularly suitable when the examination and the profession converge in the digital environment. Over the past three years, more than 3 000 candidates have responded to the survey run after each EQE. They have expressed a high and continuously increasing level of satisfaction with the digital examination. Using a keyboard, sitting the exam from a place of their own choosing and being able to use digital resources are among its widely praised advantages. Furthermore, the new structure allows for a better integration of private and professional life, which will help to make the examination more inclusive and is an aspect highly appreciated by candidates. Viewed from the perspective of the high-level goal of enhanced sustainability, the massive reductions in travel costs and hazards and in paper consumption are significant additional benefits of the proposed new approach.

16. The pedagogical modernisation of the examination and the alignment of the professional and the digital environments described above also support the career progression needs of patent attorneys. In this regard, it is possible to match the timing of exams to candidates' career progression thanks to the implementation of the principles of modularity flexibility and progressiveness embedded in the new REE.

## **V. ARGUMENTS**

17. The context described above forms the foundation for the principles inspiring the new REE and its implementing provisions (IPREE). The latter are to be adopted by the Supervisory Board of the EQE and are provided for information in Addendum 2. The core principles of a competence-based examination, progressiveness, modularity and sustainability are embedded in the new REE (Articles 1(4), 1(5), and 20) and the corresponding rules of the IPREE (Rules 2, 6, 10, 22-26).
18. The focus of the five modules of the new EQE gradually shifts from legal and procedural knowledge towards practical application of that knowledge. Candidates will be required to prove their professional skills and a broad range of competences over a three-year period or, should they prefer to do so, once this period has elapsed.
19. The text of the proposed REE is presented in Part II of this document. For editorial reasons, it is intended to replace the 2009 version of the REE completely with this new text, which also introduces gender-neutral language in its English version. Addendum 1 to this document provides a detailed comparison of the new provisions of the REE with the previous ones. Addendum 2 is provided for information and shows the proposed changes to the IPREE that are to be decided by the Supervisory Board of the EQE.

## **A. COMPETENCE-BASED EXAMINATION**

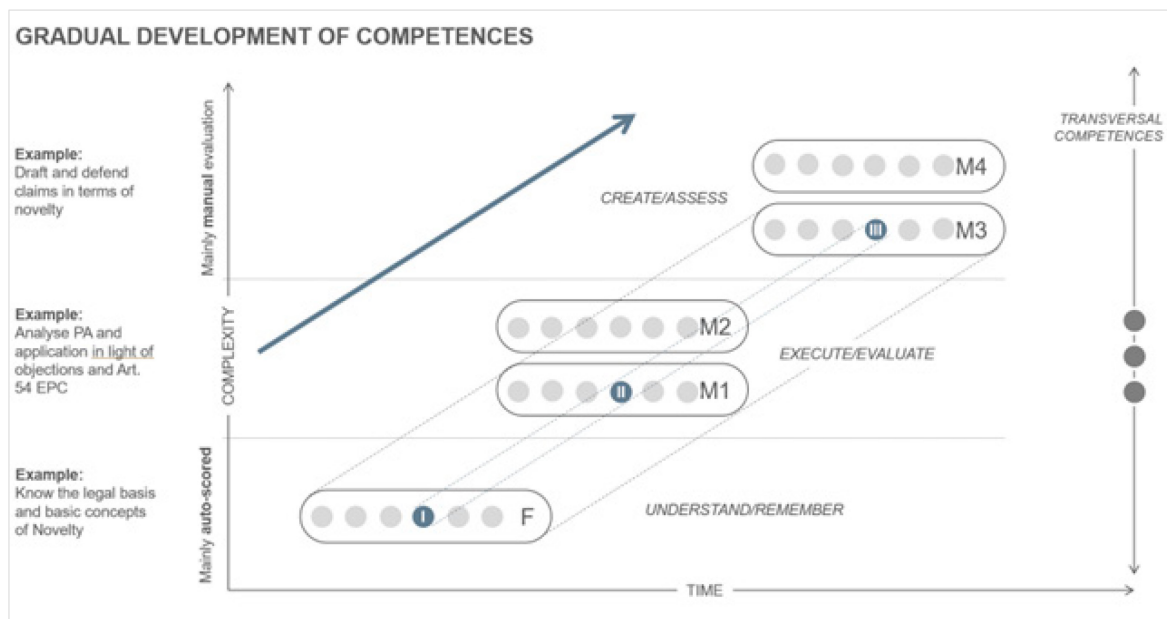
20. The new EQE focuses on the competences that a professional representative must have to be considered fit for practice and to represent clients before the EPO. To achieve this, the epi-EPO working group built on a competence-based analysis of several past editions of the EQE. This analysis resulted in a comprehensive mapping of specific and transversal competences, the matching of the former to the latter according to their contribution to them, the identification of the level of knowledge required, the related legal basis and the type or source of action or information provided as a basis.
21. Specific competences concern the technical knowledge needed to deal with a particular situation that can arise during the grant procedure or to perform a required action. Transversal competences, on the other hand, are situation-independent and refer to a general aptitude. Both types of competence are distributed across the proposed new modules.

22. The specific competences assessed in the existing EQE are retained in the new EQE. They relate to a type of action or stage in the patent procedure and belong to four main groups, depending on whether they are concerned with (i) drafting an application; (ii) assessing and replying to an EPO action/opposition; (iii) opposing a patent; or (iv) providing legal advice to a client. These competences cut across all new modules, but Module 3 and Module 4 test their overall implementation.
23. The transversal competences embedded across the five new modules consist of (i) identifying a client's needs and interests; (ii) identifying and assessing relevant information; (iii) applying legal and formal aspects of the EPC (PCT); (iv) identifying and applying common methodologies (i.e. problem-solution approach, etc.); (v) working with large amounts of information under time pressure; and (vi) explaining, reasoning and/or arguing changes and decisions.
24. By mapping the specific competences to the transversal ones, the range of situations that can be evaluated has been broadened to ensure that candidates are prepared for all steps in the patent granting procedure. In this regard, the reform also addresses the long-felt need to test the range of different scenarios that an attorney must face, which were not easy to fit under the actions of drafting, responding or a notice of opposition. Article 13 REE codifies the examination syllabus and reflects developments in the European patent system in its references to, among other things, European patents with unitary effect and extension and validation states.

## **B. PROGRESSIVENESS**

25. The new modules are sequenced in a manner that ensures the gradual development of competences and the cumulative acquisition of knowledge. The learning journey takes candidates from the legal basis of patent law and the assessment of document information to the performance of central actions such as drafting patent applications, replying to EPO actions and dealing with opposition. Once an in-depth understanding of the patenting procedures is guaranteed, Module 4 closes the sequence with the design of patenting strategies.
26. The pedagogical approach adopted builds on a breakdown that takes into account timing, complexity and the elements to be tested. In this respect, the elements are comprised of declarative knowledge (concepts, facts), procedural knowledge (methods, process) and strategic knowledge (drafting, advising). The progressive modular structure affords candidates a learning path to gaining practical experience and facilitates the introduction of a tailor-made assessment of the skills and competences required to be fit for practice.

27. The diagram below shows the logic behind the sequencing of the modules F and M1 to M4, which embody the progressive development of competences:



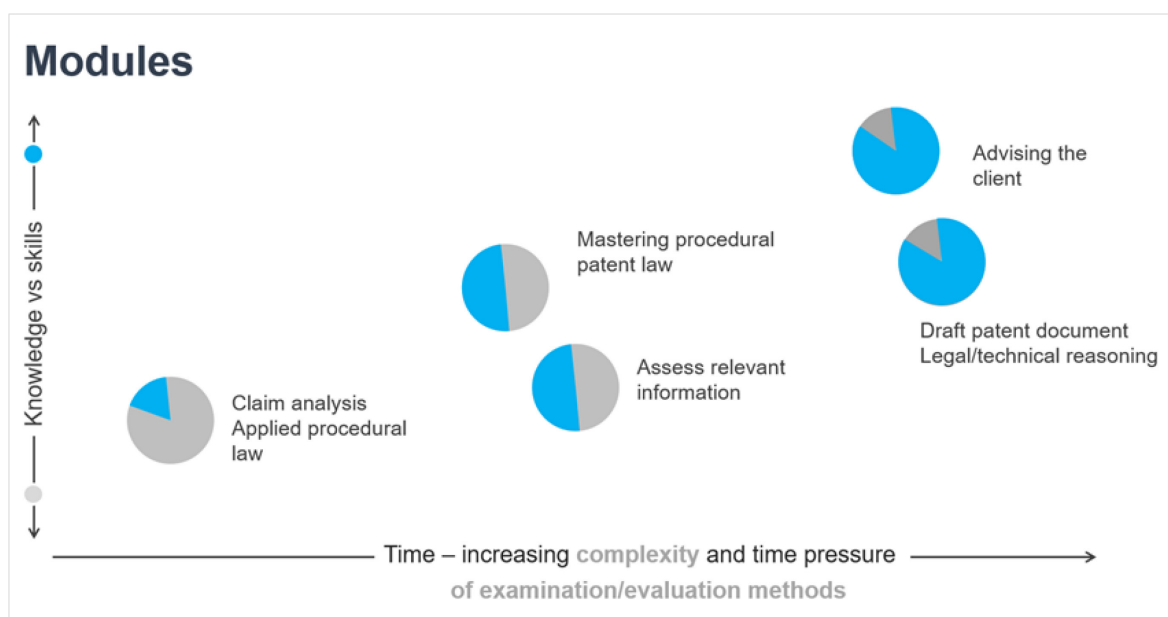
28. The principle of progressiveness is not absolute. In the consultation held in 2022, 59% of respondents indicated that, whilst progressiveness was endorsed, flexibility should be also retained. In effect, working conditions and personal situations could make it preferable to take all the papers in one go after completing three years of practice instead of taking them progressively.
29. To implement progressiveness whilst keeping a degree of flexibility and ensuring the acquisition of practical experience, the proposed REE combines the suggested modular path with a minimum number of years of experience required to take each of the papers. To take the five modules, candidates are required to have performed the professional activities described in Article 11 of the proposed REE for one year in the case of Module F, for two years in the case of Modules 1 and 2 and for three years in the case of Modules 3 and 4.
30. If the papers are taken in a sequential manner in accordance with the respective minimum number of years of experience described above, then all papers are mandatory. Alternatively, according to Rule 10 IPREE, should candidates decide to take the papers in one go after having acquired the relevant minimum number of years of experience, they will be exempted from the introductory Module F.

### C. MODULARITY

31. The competence-based approach and the principle of progressiveness are embodied in the modular framework. The five modules proposed capture the elements of declarative, procedural and strategic knowledge embedded in the competences.



32. The assessment sequence begins with the testing of candidates' factual knowledge, and complex competences are not introduced until subsequent modules. Candidates can therefore focus on declarative and procedural matters before grappling with the in-depth practical tests.
33. An introductory Module F, or foundation paper F, tests declarative knowledge in procedural patent law and claim analysis (Article 1(5)(a) REE and Rule 22 IPREE).
34. Module 1, or main paper 1, assesses whether the candidate can carry out tasks relating to the analysis and assessment of information and evaluate and act on instructions from a client (Article 1(5)(b) REE and Rule 23 IPREE).
35. Module 2, or main paper 2, examines whether the candidate can apply procedural and substantive patent law of the EPC and the PCT. It assesses whether the candidate is familiar with all procedures established by the EPC and the PCT and with the procedural law (Article 1(5)(c) REE and Rule 24 IPREE).
36. Module 3, or main paper 3, establishes whether a candidate possesses the required skills to assess and to draft and develop patent documentation and submissions. It consists of three parts, addressing the drafting of claims, the response to Office actions and opposition (Article 1(5)(d) REE and Rule 25 IPREE).
37. Module 4, or main paper 4, assesses the candidate's competence in advising a client and providing an answer in the form of a legal opinion responding to an enquiry (Article 1(5)(e) REE and Rule 26 IPREE).
38. The above-mentioned elements have been combined and interlinked to produce a structure of five modules, with the focus gradually progressing from legal and procedural knowledge towards application of that knowledge and the associated practical skills, as shown in the diagram below.



39. The new EQE features a range of assessment activities, more varied topics and non-standardised methodologies for answer input, bringing it closer to the daily reality of the profession. The new format is adapted to the digital environment and shortens the screentime that would be needed if there were no variety of assessment activities.

#### **D. SUSTAINABILITY**

40. "Sustainable" is a term with several meanings, three of which are applicable to the new EQE. The first notion refers to the strength of an argument. Namely, to be credible hence sustainable, the EQE must be a rigorous examination. The second meaning relates to resource allocation, and its fair relation to the results obtained. The third notion calls for internal and external action that avoids the long-term depletion of natural resources and, in a broader sense, contributes to the provision of public goods and the attainment of selected policy objectives.
41. As regards the first notion, the competence-based, progressiveness and modularity principles are the pillars of an examination that is completed with a strict assessment regime. That regime is the backbone of the proposed modules and principles. In the new EQE, the combination of multiple assessment techniques impedes methodology-based approaches to passing the examination. In this respect, the new EQE comprises written papers in accordance with Article 1(3) of the proposed REE and uses the assessment techniques proposed in Rules 6, 22(4), 23(3), 24(3), 25(5) and 26(3) of the IPREE.
42. The envisaged assessment techniques combine a substantial amount of free-text exercises with several alternative automated methodologies, including text entries, matching of concepts, drag and drop exercises, establishment of correct sequences, chains of questions and filling in forms. As is apparent from Rules 23 to 26 of the IPREE, auto-scored exercises are more suitable for the initial papers, which assess declarative and procedural knowledge, while free text and manual evaluation are more appropriate for the parts relating to strategy and advice.
43. Sustainability is also relevant in so far as the allocation of resources is concerned. The new EQE is designed to support candidates in becoming highly qualified European patent attorneys. The combination of progressive examination and flexibility strikes a good balance of resources since it meets the needs of a wide range of professional and study situations. Candidates can acquire theoretical knowledge and practical experience in parallel, but they can also decide to postpone the examination to the time that suits them best. Candidates can also decide on the sequencing of the modules, provided the respective minimum time requirements are met. The combination of such flexibility and structured guidance seeks to deliver the highest quality and the right allocation of the time, effort and money that candidates need to invest in the EQE.

44. The modules of the new EQE are designed for a fully-fledged examination in a digital format (Article 20 REE). The candidates can freely choose their examination location and avoid travelling. The digital implementation of the EQE also enables candidates to make use of digital resources in a controlled environment when answering their papers. This feature is consistent with real-life working conditions and saves candidates from unnecessarily having to spend the time previously dedicated to copying legal texts by hand, which adds no quality to the examination or to the fit-for-practice criterion. Additionally, the digital format contributes to savings in materials that previously had to be bought but are today freely available online. And, last but not least, in successive surveys since 2021, candidates have broadly welcomed the sustainability gains arising from the savings in travel time and economic resources when compared with the previous EQE arrangements.
45. To avoid the duplication of resources and to foster sustainability in the economic sense, transitional provisions are enshrined (Article 27 REE). Candidates and all involved stakeholders will enjoy ample time to adapt and move from the present regime to the new examination model. Over a period of 3 years, starting in 2025, the new modules will be progressively deployed and the present papers will be phased out. This means that 2024 will see the last edition of an entirely traditional EQE. In 2025, the new Module F will be launched and no pre-examination will be held. In 2026, the present papers and the new modules will co-exist, and in 2027 the fully-fledged new EQE modules will be in place. Furthermore, Article 25 REE establishes a detailed system of equivalence between the present papers and future modules.
46. The third meaning of sustainability is also at the core of the new EQE. The environmental gains arising from digitalisation (Article 20 REE) and saving thousands of trips by candidates, invigilators and other staff necessary to organise a multi-centre international examination are plainly evident. The same goes for the previously mentioned millions of paper sheets saved annually. One additional aspect of sustainability falls under this notion, namely fostering accessibility for candidates. Economic and geographical accessibility are promoted by an examination regime that enables candidates to sit the exam anywhere in the world without having to incur additional expenses, thereby eliminating geographically-based differences. Additionally, candidates with disabilities, be they visually impaired or physically disabled people, find the online examination a more suitable environment for adapting the examination setting to their specific circumstances.

## **VI. ALTERNATIVES**

47. None.

## **VII. FINANCIAL IMPLICATIONS**

48. The proposed amendments to the REE do not change the current number of examination papers as such, or the process of their creation. Fees equally remain unchanged.

49. The digitalised EQE has already been taking place fully online for three years and the same infrastructure will be used for the future EQE. In this regard, the savings on resources such as paper and on the associated printing costs, on the use of physical centres and on travel have already been realised.
50. If seen retrospectively vis-à-vis pre-pandemic times, in addition to paper and travelling costs of candidates and 22 EPO and epi personnel who acted as invigilators, the proposed examination is also less of a burden for national offices, which had normally provided examination centres and other EQE support, including invigilators (15 invigilators from national offices in 2019).

**VIII. LEGAL BASIS**

51. Articles 10(1)(c), 134a(1)(b) and 35(2) EPC.

**IX. DOCUMENTS CITED**

52. CA/139/08 Rev. 1.

**X. RECOMMENDATION FOR PUBLICATION**

53. Yes.

PART II

Draft

DECISION OF THE ADMINISTRATIVE COUNCIL  
of [date of the decision]  
amending the Regulation on the European qualifying  
examination for professional representatives before  
the European Patent Office

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THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention and in particular Articles 134(2)(c) and 134a(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 10 December 2008 (CA/D 26/08), is replaced by the text in the annex to this decision.

Article 2

This decision enters into force on 1 January 2025.

Done at Munich, [date of decision]

For the Administrative Council  
The Chairperson

Josef KRATOCHVÍL

## **ANNEX**

### **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 is normally held once a year. The period between two examinations must not exceed twenty-five months.

(3) The examination comprises written papers only.

(4) The examination assesses, as a minimum, the candidate's ability to represent a client's interests in all pre- and post-grant proceedings established under the European Patent Convention (hereinafter "EPC") and the Patent Cooperation Treaty ("hereinafter "PCT"), in particular by:

- drafting claims of a European patent application or an international application;
- responding to a challenge of any kind to a European patent, a European patent application or an international application under Chapter II of the PCT;
- challenging a European patent, a European patent application or an international application; and
- advising on legal questions and drafting legal assessments.

(5) The examination consists of a foundation paper F and four main examination papers M1, M2, M3 and M4, with the following content:

(a) Paper F assesses whether a candidate can apply legal concepts and provisions of the EPC and the PCT.

(b) Paper M1 assesses whether the candidate can carry out tasks relating to the analysis and assessment of information and evaluate and act on instructions from a client. It further assesses whether the candidate can understand an invention and/or data provided by the client, assess the invention in view of prior art and analyse whether the invention and the application or patent comply with the provisions of the EPC.

(c) Paper M2 assesses whether the candidate can apply procedural and substantive patent law of the EPC and the PCT in both day-to-day and exceptional situations arising in the practice of professional representatives in proceedings before the EPO. It further assesses whether the candidate is familiar with all procedures established by the EPC and the PCT and with the procedural law referred to as forming part of the examination syllabus and in any further provisions laid down in the Implementing Provisions to this Regulation (hereinafter "IPREE"). At least 50% of the obtainable marks in paper M2 will be for free-text answers.

(d) Paper M3 assesses whether the candidate can assess, draft and develop patent documentation and submissions, based on documents and instructions from the client. It consists of three parts, each requiring a free-text answer:

(i) Part 1 of paper M3 requires at least the drafting of claims.

(ii) Part 2 of paper M3 requires the candidate to develop and present arguments showing why the invention and the application or patent comply with the requirements of the EPC or the PCT, and to amend claims if necessary.

(iii) Part 3 of paper M3 requires the candidate to develop and present arguments showing why the invention and the application or patent do not comply with the requirements of the EPC or the PCT.

(e) Paper M4 assesses whether the candidate can provide an answer in the form of a legal opinion responding to an enquiry from a client. The candidate is expected to reason, present and manage advanced procedural and substantive aspects of patent law.

(6) The examination is organised and conducted, in accordance with the provisions of this Regulation and 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 are published.

## **Article 2**

### **Supervisory Board**

(1) The Supervisory Board consists 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 are appointed by the President of the EPO from among the employees of the EPO. The two members from the Institute are nominated by the President of the Institute from among the members of the Institute and appointed by the President of the EPO.

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

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

(ii) When the term specified in (i) above expires, a Chair nominated by the President of the Institute from among the Institute members of the Supervisory Board is appointed by the President of the EPO for a term of two years. A Deputy Chair is 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 office of chair will alternate as provided in (i) and (ii) above.
- (2) The members and deputy members of the Supervisory Board are 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 cease to be members of the Supervisory Board on the date of their removal and are not 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 cease to be members of the Supervisory Board on the date of their retirement or resignation and are not 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 will be appointed in accordance with paragraph 1(a) and (b) above to serve the remainder of the term.
- (6) The Supervisory Board is convened by its Chair. Three members constitute a quorum.
- (7) The Chair of the Supervisory Board may invite the Chair of the Examination Board and experts or advisers to assist the Supervisory Board as the circumstances may require.
- (8) The Chair may decide that a proposal is to be dealt with by written procedure and will then invite all members to inform the Examination Secretariat, within a reasonable period specified by the Chair, whether they approve the proposal. Replies by three members constitute a quorum.
- (9) All decisions of the Supervisory Board are taken by a simple majority of its members. The Chair has a casting vote.

### **Article 3**

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

- (1) The Supervisory Board fixes the number of Examination Committees needed for the examination and sets the date of the examination.
- (2) The Supervisory Board, in consultation with the Examination Board, determines the nature, structure and number of the examination papers and the time allowed for each.
- (3) The Supervisory Board monitors and evaluates the conduct and results of the examination. It also supervises 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 will be afforded an opportunity to give its opinion on the appropriations for the examination.

(5) The Supervisory Board decides 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 adopts 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 decides on the special conditions which may apply for disabled candidates sitting the examination.

(7) The Supervisory Board is 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, as well as the President of the Institute. 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 consists of eight members.

(a) Four members are 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 are appointed by the President of the EPO.

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

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

(2) The members of the Examination Board are 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 cease to be members of the Examination Board on the date of their removal and are not 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 cease to be members of the Examination Board on the date of their retirement or resignation and are not 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 will be appointed in accordance with paragraph 1(a) above to serve the remainder of the term.

(6) The Examination Board is convened by its Chair. Five members constitute a quorum.

(7) The Chair may decide that a proposal is to be dealt with by written procedure and will then invite all members to inform the Examination Secretariat, within a reasonable period specified by the Chair, whether they approve the proposal. Replies by five members constitute a quorum.

(8) All decisions are taken by a simple majority of the members of the Examination Board present. The Chair has a casting vote.

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

## **Article 5 Chair**

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

## **Article 6 Duties of the Examination Board**

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

(2) Subject to the IPREE, the Examination Board gives 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

(a) appoints the Chair of each Examination Committee from among the members of that Committee

(b) evaluates the content of the draft examination papers and marking sheets, instructs the Examination Committees to amend them where necessary and makes the final selection.

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

(5) The Examination Board scrutinises the marks proposed by the Examination Committees for each answer paper or part of an answer paper and decides 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 transmits to the Examination Secretariat a report on each examination paper (examiners' report) and a possible solution that have been prepared by the relevant Examination Committee. The report and the possible 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 performs such other duties as may be defined in the IPREE, including advising and deciding on general matters relating to the marking of papers.

## **Article 7**

### **Examination Committees**

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

(2) Members of the Examination Committees have the status of either active or non-active members. Non-active members do not participate in any committee activities until their status is changed to that of active members.

(3) The Examination Committees 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 are 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 cease to be members of the Examination Committees on the date of their removal and are not 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 cease to be members of the Examination Committees on the date of their retirement or resignation and are not eligible for re-appointment as members in their capacity as EPO employees.

(8) In special circumstances, the Examination Board may grant exceptions to paragraphs 6 and 7 to allow members to complete their 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

(a) are entrusted with the preparation of the examination papers

(b) are 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 one.

(2) Each answer paper is marked by two committee members separately and/or by autoscoring as defined in the IPREE.

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

(4) The Examination Committees perform such other duties as may be defined in the IPREE.

## **Article 9 Examination Secretariat**

(1) The Examination Secretariat (hereinafter "the Secretariat") consists of employees of the EPO. The President of the EPO provides the Secretariat with the necessary appropriations for running the examination.

(2) The Secretariat

(a) supports the Supervisory Board, the Examination Board and the Examination Committees in their duties

(b) prepares and organises the examination

(c) decides on the registration and enrolment of candidates in accordance with this Regulation and the IPREE

(d) publishes 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 are bound by and comply with the provisions of this Regulation and the IPREE only.

(2) In performing its duties relating to registration and enrolment, the Secretariat is not bound by any instructions and complies only with the provisions of this Regulation and the IPREE.

## **Article 11**

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

(1) Candidates are registered for the examination on request, provided that they:

(a) 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 a professional activity defined in paragraph 2.

(2)(a) Subject to paragraph 1, candidates who apply to be enrolled for one or more examination papers must be able to satisfy the Secretariat that at the date of the examination paper they have performed one or more of the professional activities defined in subparagraph (b) for a duration of:

- at least one year for taking the foundation paper F,
- at least two years for taking the main examination papers M1 and M2, and
- at least three years for taking the main examination papers M3 and M4.

(b) The professional activities referred to in subparagraph (a) above are:

(i) full-time training in one of the EPC contracting states 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, including taking part in a wide range of activities pertaining to European patent applications or European patents, or

(ii) full-time work in the employment of a natural or legal person whose residence or place of business is within the territory of the EPC contracting states, including representing that employer before the EPO in accordance with Article 133(3) EPC and taking part in a wide range of activities pertaining to European patent applications or European patents, or

(iii) full-time work as an examiner at the EPO.

(c) Full-time training pursuant to paragraph 2(b)(i), full-time work pursuant to paragraph 2(b)(ii) and full-time work as an examiner at the EPO pursuant to paragraph 2(b)(iii) may not be performed concurrently.

(3) Periods of professional activity referred to in paragraph 2 may be aggregated to make up a cumulative full-time period. Only periods of professional activity after the qualification required in paragraph 1(a) has been obtained will be considered, subject to any further provisions laid down in the IPREE.

(4) In determining the activities referred to in paragraph 2(b)(i) and (ii) the Secretariat also takes 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 is not deemed to have been filed until the prescribed fees have been paid within the period laid down in the notice specified in Article 18.

(7) Members of the Supervisory Board, the Examination Board, the Examination Committees and the Secretariat are not entitled to enrol for the examination. Former members of these bodies who satisfy the requirements of paragraphs 1 and 2 will 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 are drawn up in the three official languages of the EPO and all candidates receive them in all three languages.

(2) The candidates' answers are 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 establishes whether a candidate has

(1) a thorough knowledge of

(a) European patent law as laid down in the EPC and the legislation relating to European patents with unitary effect relevant for professional representatives.

(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

(a) the national laws of the EPC contracting states, extension states and validation states to the extent that they apply to European patent applications and European patents; and

(b) the national laws applied by the IP offices defined in the IPREE 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, candidates are declared to have passed the examination if they pass each of the examination papers.

(2) Candidates who have been enrolled in accordance with Article 11(2)(b)(iii) are 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 one year in any of the capacities defined in Article 11(2)(b)(i) or (ii).

#### **Article 15** **Choice of papers**

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

#### **Article 16** **Re-sitting the examination**

(1) Candidates who fail the examination may only re-sit a paper or papers they 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 lays 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 will 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 is to be addressed to the Secretariat.
- (2) The Secretariat will inform candidates in writing whether their registration or enrolment has been accepted. In cases of refusal a reasoned decision will be given.
- (3) Enrolled candidates will be informed in writing of the date and time of the examination. Information relating to this Regulation, the IPREE and any material considered relevant by the Supervisory Board will be made available to candidates.

## **Article 20**

### **Examination format**

The examination is held online, with the same papers being made available to candidates simultaneously.

## **Article 21**

### **Anonymity**

- (1) Candidates' anonymity is 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 will be published in the Official Journal of the EPO.
- (2) The Secretariat will make available to the candidates a copy of their own answers.
- (3) The Secretariat is responsible for compiling statistical information concerning the results of the examination and will 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 are 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 lies 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 is not 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 will rectify its decision and order reimbursement of the fee for appeal. If the appeal is not allowed within two months of notification of the decision, it will 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 will take its decision in a composition consisting of two legally qualified members of the EPO and one professional representative. The Chair will be a legally qualified member.

(4) Part IV of the Regulation on discipline for professional representatives applies *mutatis mutandis* to the procedure before the Disciplinary Board of Appeal. If the appeal is admissible and well-founded, the Board of Appeal will set aside the decision appealed against. If the Board of Appeal allows the appeal or if the appeal is withdrawn, it will 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 does not suspend the decision against which the appeal has been lodged.

## **Article 25**

### **Transitional provisions**

(1) Subject to paragraph 3, examination papers sat and passed before the entry into force of this Regulation are taken into account as set out in paragraph 2.

(2) If candidates have passed

(a) the pre-examination, they are exempted from sitting foundation paper F and main examination paper M1;

(b) Paper A, they are exempted from sitting part 1 of main examination paper M3;

(c) Paper B, they are exempted from sitting part 2 of main examination paper M3;

(d) Paper C, they are exempted from sitting part 3 of main examination paper M3;

(e) Paper D, they are exempted from sitting main examination papers M2 and M4.

(f) any of papers A, B or C under a past version of this Regulation which did not provide for a pre-examination, or where no pre-examination was held in the year before they passed paper A, B or C, they are exempted from papers F and M1 and the corresponding part of paper M3 in accordance with subparagraphs (b) to (d) above.

(g) Paper D under a past version of this Regulation which did not provide for a pre-examination, or where no pre-examination was held in the year before they passed paper D, they are exempted from papers F, M2 and M4.

(h) all the main examination papers but do not yet fulfil all requirements of Article 14(2) of the Regulation of 2009, they are considered to have passed all papers under this Regulation. In this case, paragraph 4 below does not apply.

(3) These transitional provisions apply if a candidate obtained a pass in the relevant examination papers which was still valid in accordance with past versions of this Regulation.

(4) These transitional provisions will apply for a maximum of five years from the first time a candidate avails themselves of an exemption under this Regulation.

(5) Article 11(7) applies to all previous members of the Examination Board, Examination Committees and the Secretariat within the meaning of past versions of this Regulation.

(6) From the entry into force of this Regulation, the pre-examination according to the Regulation of 2009 and the IPREE dated 13 December 2018 will no longer be held; candidates eligible for the pre-examination on the date of the 2025 examination will be exempt from the pre-examination.

(7) Once candidates have enrolled for a paper under this Regulation, they can no longer enrol for a paper under the Regulation of 2009.

## **Article 26**

### **Amendment of the Regulation**

The Institute is consulted before the Administrative Council exercises its competence to amend this Regulation under Article 134a(1)(b) EPC.

## **Article 27**

### **Entry into force and date of application**

This Regulation

(1) enters into force on 1 January 2025

(2) replaces the Regulation of 2009, unless otherwise provided below, and applies to the examination as follows:

(a) In 2025, paper F will be sat in accordance with this Regulation. Papers A, B, C and D as defined in the IPREE dated 13 December 2018 remain governed by the Regulation of 2009; this includes all provisions relating to the bodies envisaged therein and to any decisions, appeals or further procedures relating to these papers.

(b) In 2026, papers F, M1 and M2 will be sat in accordance with this Regulation. Papers A, B, C and D as defined in the IPREE dated 13 December 2018 remain governed by the Regulation of 2009; this includes all provisions relating to the bodies envisaged therein and to any decisions, appeals or further procedures relating to these papers.

(c) For the 2026 examination only, candidates may choose to sit part 1 of paper D under the Regulation of 2009 instead of paper M2.

(d) From 2027, all examination papers will be sat in accordance with this Regulation.

(3) During a period of one year preceding the entry into force of this Regulation, the existing bodies under the Regulation of 2009, namely the Supervisory Board, the Examination Board, the Examination Committees and the Examination Secretariat, are competent to take all measures to implement this Regulation.