European qualifying examination


June 2024
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Preface

After the unanimous approval, by the Administrative Council of the European Patent Organisation, of the new Regulation on the European qualifying examination for professional representatives before the European Patent Office in December 2023 followed by the approval of the Implementing provisions to the Regulation on the European qualifying examination in January 2024, the new EQE will be launched in 2025 and rolled out gradually until its full deployment in 2027. This marks the most profound transformation of the European qualifying examination since its inception in 1979.

The EQE, a highly demanding examination and a requirement for entering the patent attorney profession, has undergone a reform to make it fit for the digital environment and flexible for the years to come.

The new EQE is modularised, progressive and based on testing competences rather than fixed situations. The new papers F to M4 ensure that any successful candidate will have the skills to become a high-quality patent attorney. Designed to be digital from the start, the new EQE ensures the same conditions for all candidates without the cost and time required for travel.

This study guide represents the first publication on the new EQE oriented towards candidates, providing information and advice on how to prepare for papers F to M4 over three years, building on the guiding principles that govern the new EQE.

Written to support preparation for the EQE, it does not represent the views of the EQE Supervisory Board, Examination Board or any of the committees. Furthermore, as a study guide, it does not replace any official publications like the Regulation on the European qualifying examination for professional representatives before the European Patent Office (REE) and the Implementing provisions to the Regulation on the European qualifying examination (IPREE), both published on the EPO website.

This study guide is written and designed for the candidates of the new EQE. In the same spirit of flexibility and adaptation, this guide will certainly see new editions in the future.
Foreword

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

Taking the examination is one of the first steps on your professional journey. Once you have passed, you will be on your way to an interesting and intellectually challenging career.

This guide is a collection of explanations, information and advice that gives candidates a head start in organising the time they need to spend in their preparations for the examination. It will allow them to channel their efforts, right from the start of their professional activity, so as to maximise their chances of passing the examination.

It offers:
— a better understanding of what the EQE entails
— a proposed order in which to tackle the study topics to be covered
— ideas about how much time is likely to be needed for each step
— hints on examination techniques
— a brief insight into how the examination committees mark the papers
— lists of other training material and courses

This edition of the guide is published before the entry into force of the new REE/IPREE (1 January 2025). Therefore it may need further refinement. In preparing this guide, the drafters have used knowledge from the previous examinations and the published Regulation on the European qualifying examination for professional representatives before the European Patent Office (REE) and the Implementing provisions to the Regulation on the European qualifying examination (IPREE) as published in Supplementary publication 3, OJ EPO 2024, 20.

We would therefore welcome any comments or suggestions.

Good luck in your preparation and in the examination!
Chapter I
The European qualifying examination

Institutional framework

Although there is a new format for the examination, its governance has not changed. The European qualifying examination (EQE) continues to be organised and conducted by a Supervisory Board, an Examination Board, examination committees and an Examination Secretariat.

The Supervisory Board consists of two members from the EPO and two members from the epi1 and is chaired by one of its members who is appointed by the President of the EPO. Every two years, the chair alternates between an employee of the EPO and a member of the epi. The main duties of the Supervisory Board are to determine the structure of examination papers and the time allowed for each, to monitor and evaluate the conduct and results of the examination, and, where necessary, to amend the implementing provisions to the Regulation on the European qualifying examination (IPREE). It also takes care of the financial aspects of the examination.

The Supervisory Board is advised on the conduct and results of the examination by the Examination Board which also consists of employees of the EPO and members of the epi (four each). The duties of the Examination Board include instructing the examination committees on how to mark the answer papers consistently and deciding on pass or fail.

The examination committees are responsible for preparing the examination papers and marking sheets, marking the answers and proposing the grades to be awarded. They are also made up of members of the epi and employees of the EPO. Each examination paper is either marked by two markers or through autoscoring when it is suitable to do so.

The Examination Board and committees are supported by an Examination Secretariat consisting of EPO employees. The Secretariat organises the examination and is in charge of registration and enrolment. As an EQE candidate you will be in contact with the Secretariat throughout your EQE journey.

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1 Institute of Professional Representatives before the European Patent Office (the epi)
About the examination

The EQE is a modular exam and consists of a foundation paper F and four main examination papers M1, M2, M3 and M4. Candidates can sit paper F after at least 12 months of professional activity, papers M1 and M2 after at least 24 months and papers M3 and M4 after at least 36 months. They can only resit papers they have previously failed.

Passing the foundation paper F is a prerequisite for sitting any of the main examination papers. There is an exception: a candidate can sit all papers M1 to M4 together after 36 months without first sitting paper F. However, if the candidate does not pass all of the papers at the same time, sitting paper F may become a requirement for resitting some of the main papers. See Section 1.8 below.

The examination is held once a year, usually at the beginning of March, over two consecutive weeks. The exact dates, start and end times are announced in a notice from the Examination Secretariat published on the EPO website - www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe.

Because the new EQE papers are different in format and scope from the previous EQE papers A, B, C and D and the pre-examination, sample papers will be provided for the first few years to help the candidates prepare for the new examination format.

Foundation paper

The foundation paper F focuses on testing declarative knowledge. The objective is to assess whether the candidate understands the legal concepts and provisions of the EPC and the PCT. Paper F also requires the candidate to interpret claims and assess their compliance with the provisions of the EPC. Declarative knowledge means that candidates will not be expected to deal with strategic or exceptional situations but rather to know the legal texts and apply them in simple, day-to-day situations.

The foundation paper is marked by autoscoring and may comprise different types of questions, such as multiple-choice questions, multi-select questions, true or false questions, drag and drop questions, questions requiring a fill-in answer and/or questions requiring highlighting of relevant passages of text.

The foundation paper consists of two parts lasting 2 hours each.
- Part 1 assesses whether the candidate understands the procedural requirements and steps in EPC proceedings and PCT proceedings and is able to apply this understanding.
- Part 2 assesses whether the candidate can interpret the claims and assess their compliance with the provisions of the EPC, as well as whether the candidate can assess the compliance of proposed amendments with the provisions of the EPC.

The candidate is expected to be familiar with the following limited list of documents as defined in Rule 22(5) IPREE:
(a) the EPC
(b) the Implementing Regulations to the EPC
(e) the Rules relating to Fees
(g) the PCT
(h) the Regulations under the PCT
(i) the PCT Applicant’s Guide
(j) the Paris Convention for the Protection of Industrial Property
(m) the Guidelines for Examination in the EPO
(o) the Guidelines for Search and Examination at the EPO as PCT Authority

Sample papers will be made available to serve as training material for the first editions of paper F.

Main examination

The main examination aims to assess a candidate’s ability to represent clients in all grant and post-grant proceedings established under the EPC and the PCT. The four papers M1-M4 will test a candidate’s ability to read and interpret information (disclosure, client’s requests etc.), draft claims, draft legal arguments for and against a patent document and provide strategic and procedural legal advice.
PAPER M1 – Assessment of information and client instructions

Paper M1 assesses whether the candidate can carry out tasks relating to analysis and assessment of information and evaluate and act on instructions from a client.

This paper also assesses whether the candidate can understand an invention (for example as described in a patent publication or disclosures) and/or data provided by the client, assess the invention in view of prior art, and analyse the compliance of the invention and the application or patent with the provisions of the EPC.

Paper M1 lasts 3 hours in total and it consists of two parts, each lasting 90 minutes. Each part may contain one or more tasks.

This paper may comprise different types of questions, such as multiple-choice questions, multi-select questions, tabular questions, questions requiring a fill-in answer, drop-down menu questions, rating choice/rank order questions, multi-point scale matrix questions, and drag and drop questions, as well as open questions requiring a free-text answer.

In addition to the documents listed above for the foundation paper, the candidate is expected to be familiar with the following documents (Rule 23(4) IPREE):

- the lists of EPC contracting states, extension states and validation states, of contracting states to the PCT and of states which have ratified the Agreement on a Unified Patent Court
- Code of Conduct of the Institute of Professional Representatives before the European Patent Office
- Regulation on discipline for professional representatives

PAPER M2 – Mastering procedural patent law

Paper M2 assesses whether the candidate can apply the 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 in the countries defined in Rule 2(2) IPREE. The candidate must be able to identify and apply all available procedural options in a certain situation and to provide the client with suitable recommendations and provide legal bases.

Paper M2 lasts between 2.5 and 3 hours in total, and it consists of two parts.

- The first part of this paper lasts no more than 90 minutes and comprises various types of questions, such as multiple-choice questions, multi-select questions, tabular questions, questions requiring a fill-in answer, drop-down menu questions, rating choice/rank order questions, multi-point scale matrix questions and/or drag and drop questions.
- The second part of this paper lasts no more than 90 minutes and comprises open questions requiring a free-text answer.

In addition to the documents listed for the main examination paper M1, the candidate is therefore expected to be familiar with:

- the Protocol on Centralisation
- the Protocol on Recognition
- the notice of the President of the EPO concerning the arrangements for deposit accounts
- National law relating to the EPC, as published by the EPO
- National measures relating to the Unitary Patent, as published by the EPO
- regulations relating to the Unified Patent Court
- the Case Law Book

PAPER M3 – Drafting patent documentation and reasoning points of law and technique

Paper M3 assesses whether the candidate can assess, draft and develop patent documentation and submissions, based on documents and instructions from the client. This can be at the stage of filing an application, opposition or appeal, or responding to an official communication, a notice of opposition, a statement of grounds of appeal or an invitation to oral proceedings, but is not limited to these.

Paper M3 consists of three parts, each lasting between 2 and 3 hours. Together, the three parts last 7.5 hours in total. All three parts require candidates to give free-text answers based on relevant documentation. Each part may require drafting or amending of patent documents and/or the preparation of a submission to be filed with the EPO or IB WIPO.
The first part of this paper requires at least the drafting of claims, based on documentation provided to the candidate. Candidates are expected to draft an independent and dependent claim or claims which offer the applicant the broadest possible protection under the EPC. Candidates are also expected to draft the introductory part of a patent application, including at least defining the subject-matter, the technical problem and the solution (Rule 25(2) IPREE).

The second part of this paper 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 PCT, and to amend claims if necessary to achieve compliance. Candidates are expected to put forward suitable argumentation and, where appropriate, propose any amendments, with a view to ensuring the broadest possible protection under the EPC or PCT, taking account of the relevant stage of proceedings (Rule 25(3) IPREE).

The third part of this paper requires the candidate to develop and present arguments showing why the invention and the application or patent does not comply with the requirements of the EPC or PCT. Candidates are expected to challenge a European patent, European patent application or an international application.

As with paper M2, the candidate is expected to be familiar with the full list of documents as defined in Rule 21(1) IPREE.

PAPER M4 – Advising the client

Paper M4 focuses on the ability of the candidate to 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.

Paper M4 assesses whether the candidate is able to apply the EPC, the PCT, the Paris Convention, legislation relating to the European patent with unitary effect and the procedural laws of the EPC contracting states, extension states and validation states as well as the IPs countries defined in Rule 2(2) IPREE, to the extent to which they are relevant to proceedings relating to EP or PCT applications, in complex situations while handling a patent portfolio, analysing the situation, and providing strategic advice to the client. The candidate will use the opinion they draft to explain the legal consequences of the situation as described. They are 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 (Rule 26 IPREE).

Paper M4 lasts between 2 and 2.5 hours in total. Paper M4 consists of one or more tasks.

As with papers M2 and M3, the candidate is expected to be familiar with the full list of documents as defined in Rule 21(1) IPREE.

Language

Each of the examination papers is prepared in each of the three official languages of the EPO (English, French and German). You can choose the official language in which you wish to read and answer the questions. It is assumed that you will read and answer the questions in the same language unless you indicate otherwise. At the time of enrolment, you can also state whether you wish to give your answers in an official language of one of the contracting states. You can then use either an EPO official language or the indicated official language of a contracting state, or both, to answer the questions. The Examination Secretariat will arrange for any translations of your answers as required. It is nevertheless advisable to choose one of the EPO’s official languages because these are the ones required to practise before the EPO.

You should also focus on learning how to read and understand legal language. Special courses on legal language are available (such as the legal English courses run by the British Council). Reading the Official Journal and decisions of the Boards of Appeal, accompanied by discussions with colleagues, is also highly recommended. Your supervisor should ensure that you are well-prepared in terms of your language proficiency.

The examination committees are aware that some answer papers may have been written in a language other than the mother tongue of the candidate. No points are therefore deducted for faults of grammar and style.

Dictionaries can be used during the examination as long as they are in paper form.
Registration and enrolment

Registration is a separate step which must be completed before enrolling for any examination paper. Candidates should register with the Examination Secretariat (Rule 28 IPREE) once they have commenced a professional activity within the meaning of Article 11(2) REE. Registration must be completed online. Further information on the requirements for registration can be found in the IPREE and on the EPO website - EQE - European qualifying examination. The deadline for registration is announced by the EPO in the Official Journal and on the EPO website. Please note that this deadline will be several months before the date of paper F.

Candidates may enrol for the foundation paper of the EQE if they are registered and, at the date of the examination, will have completed a full-time period of at least 12 months of professional activity within a contracting state. As a general rule, may enrol for the main papers M1 to M4 if they are registered, have passed the foundation paper and, at the date of the examination, will have completed a full-time training period of at least 24 months (M1 and M2) and 36 months (M3 and M4). Alternatively, candidates may enrol for the main papers M1 to M4 in one sitting, without having to sit the foundation paper, if they are registered, and, at the date of the examination, will have completed a full-time period of at least 36 months of professional activity. In some cases, particularly if a candidate has completed certain IP courses, a reduction in the qualification requirements may be granted (Rule 16 and Rules 11-13 IPREE).

Professional activity includes training under the supervision of a professional representative or working as an employee fully responsible for patent matters in an industrial company established in one of the contracting states. For the latter type of professional activity, evidence must be provided that the employee acts as a representative before the EPO in a wide range of capacities.

If you are not sure whether you meet the conditions regarding the period of professional activity (because you worked part-time for a while, were on sick leave or were on maternity leave, for example), make sure to check FAQ - General information and ask the Examination Secretariat.

Enrolment must be completed online. The dates, fees and other details of the examination, such as information about courses that might lead to a reduction in the required period of employment before enrolment, are published every year in the Official Journal and on the EPO website. The examination dates can be found at www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe.

Candidates with any temporary or permanent conditions that may affect their ability to participate in the examination (e.g. disabilities, injuries, illnesses or other conditions) may ask for reasonable adjustments to be made. Those candidates should contact the Examination Secretariat promptly (preferably upon enrolling for the examination) and provide appropriate evidence of such conditions (Rule 17 IPREE).

Candidates should bear in mind that the enrolment deadline is quite some time in advance of the examination. Deadlines for first sitting, resitting or full sitting may differ.

Fees

Enrolment for the foundation paper or each main paper is subject to a basic fee (currently EUR 200). One additional basic fee is payable for each paper you wish to sit for the first or second time. For papers you sit more than twice, the fee will increase up to a maximum of four times the basic fee. Therefore it pays to prepare well before sitting any paper of the EQE.

Candidates from certain countries may file a request for subsidised examination fees. Information is available on the EQE website.

Choice of papers

The foundation paper F and main examination papers M1 to M4 have been designed so that a candidate can follow a cumulative learning path. Taking the papers in the following sequence: F after 12 months, M1 and M2 after 24 months and M3 and M4 after 36 months should allow the examination to track the candidate’s professional development.
The sequence of papers is highly recommended but not mandatory. Candidates can sit the main exam papers whenever they want as long as the professional activity requirements have been met and they have passed the foundation paper F, i.e. if they wish to sit fewer than four of the main examination papers at one time. In other words, it is possible to defer sitting the foundation paper F until after 24 months of professional activity and, assuming that you pass F, you can sit any combination of M1 to M4 the following year. As another alternative, you can sit paper F after 12 months and then defer M1 and/or M2 until after 36 months (assuming that you pass F).

Alternatively you can choose to take all four main examination papers (M1 to M4) in one sitting without having previously passed the foundation paper F. If you pass all four papers, you will pass the EQE without having to sit the foundation paper. If you pass M2 and at least one of M1 or M3, you may retake the failed ones without the foundation paper F. However, if you fail M2, you will have to sit the foundation paper F when you retake any failed main examination papers. In this case, the failed main examination papers will only be marked if you pass the foundation paper F. Taking this alternative may therefore ultimately mean a longer route to qualification.

Statistics on the EQE pass rate are published every year on the EPO website (www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe). We recommend studying them carefully. They will give you an idea of the degree of difficulty involved.

**Marks**

The Examination Board determines the pass grade threshold for an examination paper or part thereof by considering the marks proposed by the examination committee for that paper or part thereof. The criteria for determining the threshold include:

- assessing whether a candidate meets the qualifications required to practise as a professional representative, as stated in Article 1(1) REE

Candidates obtain a pass grade in an examination paper if they have been awarded a pass grade in all parts of the examination paper in one sitting. For example, for the main examination paper M3 it is necessary to pass the first part, which covers drafting claims, the second part, which covers responding to a challenge, and the third part, which covers challenging a patent or patent application, all in one sitting.

**Examination platform**

Since 2021, the EQE has been conducted online using the WISEflow platform. The examination is invigilated using online proctoring based on video and audio recordings. The online proctoring combines artificial intelligence with human invigilation. Papers have been divided into parts and allow for scheduled breaks. We recommend that you monitor the EPO website closely for further information regarding the examination platform and make use of any opportunities to test your computer system with the platform before the exams.

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The examination platform may also provide digital access to a number of documents during the exams. The use of electronic devices (including digital wrist watches) other than the computer system required for the examination (including routers and printers) is not permitted.

It is recommended that candidates and supervisors take the time to read the rules governing the examination carefully.

**Transitional provisions**

The new examination papers are being rolled out gradually, with the first foundation paper being offered in 2025, M1 and M2 being offered for the first time in 2026 and the complete set of papers being offered for the first time in 2027. In parallel, the old EQE papers are being phased out, and the last pre-examination was held in 2024. Papers A to D will still be offered in 2025 and 2026. Candidates who would have been eligible to sit the pre-examination in 2025 will be able to sit papers A to D in 2026 without passing the pre-examination. Please note that if you have enrolled for paper F, you will not be able to enrol for papers A to D.

It is recognised that some candidates may not have passed all of papers A to D by 2027 and transitional provisions which recognise passes under the previous examination system are therefore in place. If you have passed:
- the pre-examination, you will be exempt from sitting foundation paper F and the main examination paper M1
- paper A, you will be exempt from sitting part 1 of the main examination paper M3
- paper B, you will be exempt from sitting part 2 of the main examination paper M3
- paper C, you will be exempt from sitting part 3 of the main examination paper M3
- paper D, you will be exempt from sitting the main examination papers M2 and M4

These transitional provisions apply if you have obtained a pass mark, which is a mark of at least 50 for papers A to D. In other words, compensable fails, i.e. marks of between 45 and 49 in any of papers A to D, will not allow you to claim an exemption.

These transitional provisions apply for a maximum period of five years from the first time you use an exemption.
Chapter II
Overview of work organisation during the preparation period

Year 1

The aim of your first year of study should be to gain an understanding of the basic concepts of the EPC and PCT patent systems, including in particular novelty, inventive step and priority. Procedural law and procedural steps, as well as rights conferred by a patent, should also form part of this basic understanding. If you are supervised by an experienced European patent attorney, they should be able to spend sufficient time discussing specific cases with you.

The foundation paper F tests declarative knowledge and the questions should therefore test knowledge which is needed on a routine basis. Additionally, a good understanding of the structure of the legal texts (particularly the EPC and PCT) is advisable so that you can quickly find the legal reference for a particular question in the paper.

It is therefore advisable to start practising short legal questions at this stage and to decide how you are going to organise the material you intend to use for preparation and during the examination itself. Keeping this material updated by referring to the Official Journal for updates in the EPC and the PCT is essential throughout your learning journey. You should know your material inside out, so that you can find the answers as quickly as possible in the short time available during the examination.

The foundation paper also comprises questions on claim interpretation and compliance of the claims with the provisions of the EPC, for example novelty and inventive step. You will therefore need to discuss these issues with your supervisor in your daily work.

It is also important to familiarise yourself with the way patent specifications are written, so that you can read them quickly and efficiently. Patent documents are a mix of technical and legal language and you need to be familiar with the way they are written.

The second part of paper F focuses on identifying features in claims and understanding how they combine and contribute to patentability requirements. There are no free-text answers required in paper F, but different forms of questions may be used to test your understanding of the wording of claims. We therefore recommend that you practise answering the questions within the time provided for each part of the foundation paper.
During the first year, you will probably also start to practise the skills you will need for the main examination papers and you should therefore start to become familiar with the competences tested in these papers.

One key competence is learning how to identify essential information in a written or a verbal explanation given by a client. Successfully identifying and then acting appropriately on such information are core skills in the day-to-day work of a patent attorney and are therefore tested in the first main examination paper M1.

Building on the competences which are tested in paper M1, it is helpful to practise developing arguments showing why the claims are novel and inventive over prior art and preparing possible amendments which comply with the EPC and with the instructions provided by a client. These competences will be tested in the second part of the main examination M3.

You should also work on drafting applications, supervised by an experienced person with whom you can discuss the inventions in detail. These competences will be tested in the first part of the main examination paper M3.

If possible, you should start familiarising yourself with oppositions or methods for challenging the patentability of the patents and patent applications of others. These competences will be tested in the third part of the main examination paper M3.

If you do not have the opportunity to draft new applications or prepare responses or challenges, you can find examples of cases to study in the European Patent Register, the EPO’s online file inspection service.

Finally, in the transition to year 2, you should explore more complex procedural matters, going beyond the declarative nature of the knowledge acquired for the foundation paper F.

Recommended reading, courses and online preparation

Initial material includes the Guidelines for Examination in the European Patent Office, “European Patent Guide – How to get a European patent”, the PCT Applicant’s Guide (international phase), Guidelines for Search and Examination at the EPO as PCT Authority and “Euro-PCT Guide – PCT procedure at the EPO”, all published by the EPO (see list at the end of this guide). These will give you a basic introduction to how the patent system in Europe works. It is also recommended to read an annotated EPC and PCT, i.e. a commentary on those laws providing additional context and interpretation.

It is also a good idea to take a basic training course in European patent law (such as the course organised jointly by the epi and CEIPI) and, if possible, some basic training in patent and IP law in general. As a candidate, you should also start referring in your daily work to EPC and PCT articles and rules wherever appropriate. This will also help you to become familiar with the structure of these texts. Please note that annotated versions of the EPC, which you may use for the examinations, are structured according to the EPC articles and rules. Therefore, being familiar with the EPC structure will help you to quickly extract information from these annotated texts.

Your supervisor should ensure that you have access to all up-to-date and appropriate materials needed for your training.

Candidates are advised to enrol as an epi student. Student members are entitled to reductions for epi tutorials and certain EPC-related training or educational events organised by the epi (such as training sessions arranged specifically for epi students)³. epi students also have priority over other participants when it comes to epi courses.

It is imperative to know and prepare for the online environment in which the exams are conducted. Technical issues during the examinations are the last thing you want to worry about when sitting the papers. Follow the “Instructions to candidates concerning the conduct of the European qualifying examination” and participate in all mock examinations that both the EPO and the epi provide for candidates. Be sure to use the same technical environment, computer, room etc., that you will be using during the examination itself.

³ www.patenteipi.org/en/epi-students/
Year 2

As stated above, the examination papers are designed on a cumulative basis, and this is the recommended strategy for learning. Once you have consolidated the fundamental procedural aspects and the basics of claim writing, you can move on to analysing information and further expanding your procedural knowledge.

In the second year, you should plan to devote more time to EQE-related content and focus on the preparation for the main examination papers M1 and M2. You should familiarise yourself with this type of examination early in the second year, as the main papers are your target.

The main examination paper M2 does not have a limited syllabus like the foundation paper and you should therefore start to read additional legal sources. During the second year you should be studying the case law of the EPO boards of appeal, in particular decisions of the Enlarged Board of Appeal, and decisions mentioned in the Guidelines. For your daily work, it is useful to read a few of the special case law supplements to the Official Journal, to learn how the Case Law Book is organised and find your way around it. Decisions of the boards of appeal are also useful for familiarising yourself with the type of arguments used at the EPO. In addition, you should start to familiarise yourself with the UP/UPC system, basic knowledge of IP5 countries and the National law relating to the EPC. Studying the Code of Conduct of the Institute of Professional Representatives before the European Patent Office and Regulation on discipline for professional representatives is also advisable, as they form part of the syllabus.

Reading the Official Journal will help you to familiarise yourself with legal language as well. The more you do this, the quicker you will be able to read decisions and locate the relevant parts.

Candidates are also advised to continue to work on core skills such as drafting applications, defending applications or patents and attacking applications or patents. This practical work will help you to build the skills for the main examination paper M1 as well as for the main examination paper M3 which comes later. It will take time to develop all the skills which are tested in the main examination paper M3, and these skills are gradually introduced in the foundation paper F and the first main examination paper M1.

During the second half of the second year you should have a go at a selected set of past papers in addition to the published sample papers. Having your supervisor or another qualified European patent attorney review your answers will also help as they can provide you with specific feedback to help you improve your answers.

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

It is recommended that you join a study group, either in person or online. Your supervisor, other European patent attorneys or tutors can help you with this. Becoming an epi student or joining preparation courses can also provide the opportunity to form study groups. Study groups help you stay motivated by allowing you to share the work with someone else and giving you the opportunity to discuss matters rather than just think about them on your own.

Make plans now if you want to take some EQE-specific training courses at the end of the second year and during the third year. Look out for suitable courses well in advance.

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

Year 3

The third year is dedicated to specific training for the main examination papers M3 and M4. At this stage, you should consider taking a course in effective drafting of claims and development of argumentation in order to build up the knowledge you need to answer the questions in the main papers M3 and M4. Remember that throughout your professional life you will have to keep up with the law!
It is now time to practise doing some past papers within the allotted time. As noted above, the old papers A, B, C, D correlate to some extent to papers M3 and M4, but they are not one-to-one equivalents of the new EQE papers. Previous EQE papers are published in the Compendium (www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe/compendium).

It is also helpful to take a mock examination, i.e. attempt a set of past papers under examination conditions. You could either get someone else to look at your answers or wait for a few days and then look at them again yourself. You could also sit any mock EQE papers arranged by the epi. These papers have been specially developed to reflect the current examination structure.

Another piece of useful advice is to practise typing quickly and correctly, because you have to type your answers (no dictation allowed). It is also crucial that you familiarise yourself with the features of the platform used for papers M3 and M4.

It is important to be familiar with and as fluent as possible in the specialist terminology in at least one of the EPO’s three official languages. If you are not a native speaker of one of these languages, it may be worth selecting your mother tongue when you enrol and using it in some of the papers if needed.

Most importantly, the value of personal study cannot be underestimated. It does not matter how many courses you attend. You will not pass the examination without a serious amount of personal study and repetition. A “try and see” approach is not recommended.
Chapter III
Preparation checklists

General

For the first editions of the new EQE, only sample papers will be available. While they correlate to some extent to previous examination papers (A, B, C, D), and are important training tools, they cannot be regarded as authentic EQE examination papers.

- Register as soon as possible after starting your professional activity and monitor deadlines for enrolment for the papers.
- Be aware of the time limits when answering questions and completing sample papers.
- Answer a minimum of three to five previous EQE papers, for correction by your supervisor or another suitable person, bearing in mind the correlation of competences and the syllabus as published in the REE and IPREE.
- Draw up a strategic time plan for preparing for the papers.

EQE conducted online

The EQE is conducted exclusively online. Full details of how to prepare for this can be found at www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe. Candidates are strongly advised to consult the information there regularly for updates. In particular, they should note that they:

- are required to have the necessary technical equipment as set out in the "Instructions to candidates concerning the conduct of the European qualifying examination"
- are responsible for ensuring that their equipment is fully operational – including a stable internet connection – for the whole of the EQE
- must ensure that the room where they sit the examination is properly lit and sufficiently free from disruptions
- need to familiarise themselves with the programs used for the EQE and practise using them by taking the mock examinations
- need to comply with the "Instructions to candidates concerning the conduct of the European qualifying examination” during each exam
Although the online examination platform is robust, and helpdesk assistance can be requested, technical or room issues during the exam typically result in a loss of at least 15 minutes. The chances of such an event occurring are greatly reduced by careful preparation and testing your computer systems during the mock examinations.

**Foundation paper**

Candidates preparing for the foundation paper should divide their preparation for the two parts as follows:

**Procedural part**
- Start practising legal questions early on.
- Answer questions several times to develop a faster working method.
- Make a timetable per question/point.
- Create your own personal strategy for tackling legal questions.
- Study the EPC, the Implementing Regulations to the EPC, the Rules relating to Fees and the Guidelines for Examination in the EPO.
- Study the PCT, the Regulations under the PCT, the PCT Applicant’s Guide and the Guidelines for Search and Examination at the EPO as PCT authority.
- Study the Paris Convention.
- Choose the books and other reference material you wish to use during the examination, make a fast indexing system with added references and practise using it with past papers.
- Make a summary sheet of the legal bases for commonly recurring EPC and PCT concepts such as time limits, remedies, EPO acting as PCT authority etc.
- Check for updates to PCT rules (bearing in mind the PCT is an essential part of the EQE and real-life client cases).
- File patent applications or study complete file histories to learn about administrative procedures.
- Report to clients on (costs and) deadlines associated with the filing of EP and PCT applications.
- Spend time with your formalities team - they know what is needed to comply with procedural requirements.

**Claim analysis part**
- Study basic aspects of claim analysis, such as novelty, inventive step (problem-solution approach), added subject-matter and clarity.
- Carry out novelty searches and report on the patentability of inventions.

**Main papers**

**Paper M1**

Paper M1 assesses whether the candidate can execute tasks relating to analysis and assessment of information, and evaluate and act on instructions from a client. It also 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 the compliance of the invention and the application or patent with the provisions of the EPC.

Look for technical disclosures, implicit features, publication dates in single, and combinations of, prior art documents or references to them. Carefully follow the client’s instructions to decide which claims in combination with embodiments are most suitable to fulfil their needs.

**Paper M2**

Paper M2 assesses whether the candidate can apply the procedural patent law of the EPC and the PCT in both day-to-day and exceptional situations in the practice of professional representatives.

Candidates should:
- learn how to file patent applications and study complete file histories to learn about administrative procedures
- participate in carrying out all procedural steps in managing files at various stages of the procedure
- become accustomed to including the response, the exact legal basis and a short argument in support of their conclusion in each answer
create a structure for commonly recurring items, for example, if an application is to be filed, the name of the applicant, the subject-matter per claim, the priority application/date per claim and so on
— study EQE-related parts of IP5 (JP, US, CN, KR) patent-law basics, such as grace period and inventorship, and EPC-related national law
— know what a dependent claim is
— focus on the legal part of the foundation paper (or old pre-examinations)
— spend time with their formalities team - they know what is needed to comply with procedural requirements
— do the legal questions from old papers with experienced colleagues to practise giving advice

Candidates should choose at least one EPC commentary (see below for a list) and become familiar with it in order to answer more complex legal questions quickly.

Paper M3, part 1
Candidates preparing for paper M3, part 1 should:
— include a description when drafting applications
— if required, take an additional course on claim drafting
— re-read the Guidelines, Parts F and G, paying particular attention to clarity, novelty and inventive step
— practise drafting claims which could immediately be granted

Paper M3, part 2
Candidates preparing for paper M3, part 2 should:
— learn to positively argue for patentability of claims (with a focus on the problem-solution approach) and unity of invention
— interpret arguments raised against a set of claims and find solutions to circumvent them
— study the general concepts of inventive step and selected decisions (Guidelines and Case Law Book)
— study the general concepts of amendments, Art. 123(2) EPC, related topics and selected decisions (Guidelines and Case Law Book)
— respond to EP and/or PCT search reports, amending claims and the description
— report to clients on the content of substantive examination communications

Paper M4
In addition to the points noted above for the claim analysis part of the foundation paper and for paper M2, candidates preparing for paper M4 should:
— create their own personal strategies for tackling legal questions and for tackling the legal advice part by making a checklist of issues that have come up in recent D (part 2) papers and M4 papers
— gain practical experience in advising clients
— accompany their supervisor to business meetings
- check past papers for questions on priority, first invention, disclosure, corrective actions, further processing, restitution, stays of proceedings etc.
- study EQE-related parts of IPS patent-law basics, such as grace period and inventorship, and EPC-related national law
- study basics of patent protection, infringement and licensing (e.g. what exactly needs to be licensed?)
- do the legal advice part of past papers with experienced colleagues to practise giving advice

For the legal advice part, it is also very important to practise building up a timeline or chart with all the data contained in the client’s letter. The volume of information is so large that you will lose yourself in it if you have not devised a method of organising it. Bring prepared timelines or charts to the examination so you can fill them in with the information. However, bear in mind that you cannot hand them in as part of your answer.
Chapter IV
During the examination

The examination is conducted online. It is vital to ensure that your room and desk are sufficiently tidy and organised and that you have all the books and materials you need close to hand. Whether you sit the examination at home or at the office, no other person may enter or be in the room while it is underway. You should also make sure to have your ID or passport to hand, as you have to take a picture with it at the start. Visit the “EQE online” section of www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe for more information on how to conduct yourself during the examination. Read “Instructions to candidates concerning the conduct of the European qualifying examination”, which is regularly published in the Official Journal.
Chapter V
After the examination

The Examination Board normally finishes marking the papers by early summer, when the candidates can preview their results via a password-secured internet query. However, the official results will only be delivered by mail. All candidates are normally sent a copy of their papers and any translations into one of the official languages in advance, some time after the examination. An alphabetical list of successful candidates is published in the October issue of the Official Journal and on the EPO website (www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe/successful-candidates?). Statistics on the outcome of the examination are now also available from the beginning of August each year.

If you pass

Under Art. 134(1), (2) EPC, representation in proceedings established by the EPC can only be undertaken by a natural person who has passed the EQE, is a national of a contracting state and has their place of business or employment in a contracting state. Exceptions in respect of nationality are possible under Art. 134(7)(a) EPC. If you meet all these requirements, you can request to be entered on the EPO’s list of professional representatives. The form for requesting entry on this list is sent to successful candidates along with their certificate. Names are normally entered within a matter of days and are published around two months later in the Official Journal. Any amendments or deletions should be sent to the EPO.

The EPO has a searchable database of authorised representatives on its website.

Successful candidates, after entering the list of professional representatives, are entitled to use the designation “European patent attorney” or “professional representative before the European Patent Office”. Professional representatives are entitled to set up a place of business and practise in any of the contracting states.

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

All representatives on the list are automatically members of the Institute of Professional Representatives before the European Patent Office (the epi). epi members must pay an annual subscription (currently EUR 250, see www.patentepi.org/en/the-institute/annual-subscription.html).
As the professional body for European representatives, the Institute is responsible for working with the European Patent Organisation in matters pertaining to the rules of the profession and particularly disciplinary matters.

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

— **BE**: Those who have passed the entire European qualifying examination may apply for an exemption from the drafting paper of the Belgian qualifying examination.

— **DE**: Facilitated admission to the German patent attorneys’ qualifying examination is allowed under section 172 of the Rules and Regulations for the German Bar (§172 Patentanwaltsordnung, PatAnwO).

Successful candidates are urged to pass on their knowledge to new candidates wherever possible, for example by acting as tutors in the various organisations (CEIPI, epi etc.).

Continual professional training is important if patent professionals are to meet the challenges and requirements of a knowledge-based economy. The epi offers its members opportunities for continuing professional development by providing seminars free of charge or at low cost.

**If you fail**

The pass rate for the European qualifying examination is low. In fact, the vast majority of candidates sitting the examination for the first time fail at least one paper. For detailed annual statistics see [www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe](http://www.epo.org/en/learning/professional-hub/european-qualifying-examination-eqe).

Candidates can resit the papers awarded a "fail" as often as they wish.

All the more reason, then, to emphasise at this point that “100%” preparation is not enough if you are resitting the examination. You need an extra reserve of knowledge to cope with the possible pitfalls and you must work much harder on learning the material and refining your examination strategy than you did the first time round. It is particularly difficult to motivate yourself to study all the legal details again if you fail paper M2 and/or M4.

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

Candidates can download a copy of their papers and the marks they were awarded from Wiseflow. We recommend going through these in detail with a tutor/supervisor to figure out why the missing marks were not awarded. This service is also available for a fee from the epi, under the epi tutorial program for example. Be honest with yourself and figure out the main causes, such as exam stress, being a perfectionist, lack of knowledge, insufficient language skills, poor exam organisation, spending too much time on parts with few marks, too little preparation or too many distractions in your daily life. It is important to address these issues in full before resitting the failed paper.
Chapter VI
Reference material, literature, courses and training

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

The section on introductory publications lists publications which give a general rather than legally binding overview and which may be useful at the start of your training. You must have a sound working knowledge of all the publications listed in the reference material section.

The literature and training opportunities listed are given simply by way of an overview of what is on offer; whether or not you avail yourself of them is entirely up to you. The list is only a sample of available resources and is not exhaustive.

Introductory publications

EPC-related

— How to apply for a European patent A step-by-step guide to the grant procedure, EPO
  www.epo.org/en/new-to-patents/how-to-apply-for-a-patent
  E-learning module:
  https://e-courses.epo.org/course/view.php?id=49#section-1

PCT-related

— Euro-PCT Guide: PCT procedure at the EPO — Guide for applicants, EPO
  E-learning module:
Reference material

EQE-related (official)

- Regulation on the European qualifying examination for professional representatives before the European Patent Office (Supplementary publication)
  https://link.epo.org/elearning/SupplPub2025
- Code of conduct for candidates for the e-EQE
  https://link.epo.org/elearning/Code%20of%20Conduct_EN.pdf
- Notices from the Supervisory Board, Examination Board and Examination Secretariat

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

- European Patent Convention, including all annexes and protocols
  www.epo.org/en/legal/epc
- Official Journal of the EPO (OJ), monthly periodical (online)
  www.epo.org/en/legal/official-journal, including supplements and special editions (subscription available)
- Guidelines for Examination in the European Patent Office (incl. Alphabetical keyword index)
- Fee payment and refunds - practical information
  www.epo.org/en/applying/fees
- Forms used by parties and by the EPO
  www.epo.org/en/applying/forms
- Case law of the EPO boards of appeal
- List of G decisions
- Overview of G decisions (with keywords or comments)

PCT-related

- Guidelines for Search and Examination at the EPO as PCT authority
  www.wipo.int/pct/en/texts
- PCT Treaty and Regulations
  www.wipo.int/pct/en/appguide/index.jsp
- WIPO prepares a special version of the PCT Applicant’s Guide for EQE candidates, which is “frozen” on 31 October
  https://pctlegal.wipo.int/eGuide/eqe/documents.xhtml
- PCT Resources
  www.wipo.int/pct/en/
- PCT Newsletter
  www.wipo.int/pct/en/newslett/
- List of contracting states of the PCT
  www.wipo.int/pct/en/pct_contracting_states.html

Unitary-Patent-related and UPCA–related

- UPR - Rules relating to Unitary Patent Protection
- Rfees UPP - Rules relating to Fees for Unitary Patent Protection
  www.epo.org/en/legal/official-journal/2022/04/a42.html
- Council Regulation (EU) No 1260/2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (17 December 2012) OJ EPO 2013, 132-142
Further resources

- Paris Convention for the Protection of Industrial Property
  www.wipo.int/treaties/en/ip/paris/
- Code of Conduct of the Institute of Professional Representatives before the European Patent Office
- Regulation on discipline for professional representatives

Literature

EPC-related

- J. Hoekstra, “References to the EPC” (updated every year) https://webshop.deltapatents.com/references_epc
- S. Speich, “EPC 2000 Guide”, electronic updates (MS Word and PDF) in June and December each year (contact the author at sspeich@t-online.de)
- EQE Compendium, EPO
PCT-related

  https://webshop.deltapatents.com/references_pct_books
  www.ipappify.de
  www.kluweriplaw.com/

Training

— EQE and EPAC training resources provided by the European Patent Academy
  www.epo.org/en/learning/learning-resources-profile/eqe-candidates
— epi tutorials, mock EQE and epi student training plan
  www.patentepi.org/en/epi-students/
— Association Française des Spécialistes en Propriété Industrielle de l’Industrie
  www.aspr-asso.fr/
— CEIPI – International Section
  www.ceipi.edu/en/training/non-degree-courses/preparation-for-the-eqe
— Centre de Patents de la Universitat de Barcelona
  www.ub.edu/centredepatents/es/
— DeltaPatents – EQE Training
  www.deltapatents.com/eqe/
— EQE Training Ltd – EQE training course provider
  www.eqetraining.com
European Patent Office
European Patent Academy
Professional Representatives unit
Bob-van-Benthem-Platz 1
80469 Munich
Germany
www.epo.org/learning/resources/patent-attorneys.html
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This guide is available on the CEIPI, epi and EPO websites
www.epo.org/learning-events/materials/study-guide.html

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Published by
European Patent Academy
European Patent Office
Munich
Germany
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European Patent Academy
academy@epo.org

Design
European Patent Office