



Conclusion and follow-up

Contents

1. Introduction	2
2. Summary of the feedback received and follow-up	2
2.1. Abstract	2
2.2. Summary and suggested actions section by section	3

1. Introduction

The new EQE concept was launched on 12 May 2022. The consultation, with the questionnaire and sample papers, opened on 31 May 2022 and remained open until 31 August 2022. Interested parties thus had three months to consider the proposal and test nine sample papers exemplifying how the six proposed modules of the concept paper could appear in practice.¹

Over 700 people accessed the sample papers;² 178 survey responses were submitted and 15 letters were received by the EPO. The sample paper most answered, either in part or completely, was F1, with 165 participants, whereas the paper with fewest responses was M4, with six participants.³ PDF versions of the sample papers were also made available.

Most respondents to the survey were patent attorneys (66%) followed by EQE candidates (22%), training centres (5%) and other stakeholders (7%). There were no EPO member states among the respondents to the survey.

The responses reflected diverse views regarding how the proposed EQE compares to the current format and how the traditional format could be improved. The common quest for quality – sometimes overshadowed by different perceptions regarding the level of difficulty of the proposed EQE⁴ – was very clear in the answers. While the diversity of responses is notable, readily identifiable common threads emerged, which have guided the revision of the proposed new EQE.

2. Summary of the feedback received and follow-up

2.1. Abstract

The underlying principles of digital examination, flexibility in taking the papers and the progressive introduction of complex competences, were generally endorsed, complemented with insightful recommendations. Among these, the following stand out: the reallocation of some of the identified competences across the proposed modules to ensure that the core activities of an attorney (drafting, responding to official actions, preparing notices of opposition) are always examined, modification of the suggested timeline to allow more time for candidates to gain practical experience, clear definition of the syllabi and the introduction of more free text-based questions. Limiting the knowledge tested to EPO-related actions was supported. It was also suggested that the topics tested in each examination should be varied, provided they are included in the syllabus. Regarding the setting of

¹ F1 Legal Knowledge, F2 Applied Procedural Law, F2 Claim Analysis, M1 Assessment of Information, M2 Drafting – Example 1, M2 Drafting – Example 2, M3 Mastering Procedural Law, M4 Advising the Client Part 1, M4 Advising the Client Part 2.

² 712 participants.

³ F1 Legal Knowledge had 165 participants, F2 Applied Procedural Law had 63 participants, F2 Claim Analysis had 53 participants, M1 Assessment of Information had 49 participants, M2 Drafting – Example 1 had 8 participants, M2 Drafting – Example 2 had 5 participants, M3 Mastering Procedural Law had 30 participants, M4 Advising the Client Part 1 had 4 participants, M4 Advising the Client Part 2 had 2 participants.

⁴ It will be easier because "candidates are taken by the hand" (PAK p. 2) vs. "We think it is likely that the M1 – M4 exams would be very difficult for many students, given that the range of situations and topics that candidates could be faced with, even at M1, could be highly diverse and challenging" (Mewburn Ellis, p. 4), "curriculum content of these examinations is (and should be) challenging" (J A Kemp, p. 4). For Maastricht, "the required level of mastery to pass the EQE is somewhat higher than what is currently needed to pass the EQE." (Maastricht, p. 3).

the examination, the majority of answers recommended reducing the variety of assessment techniques, increasing the number of tools and enhancing the visualisation features of the online examination tool.

2.2. Summary and suggested actions section by section

The survey included five sections on competences, assessment methodologies, adaptability, design and modularity, and general questions on the online examination platform. The following are the main insights section by section.

i. Competences

The competences analysis was perceived positively, and the majority agreed with breaking down the current papers into specific and transversal competences. Nevertheless, it was recommended that key competences, such as drafting patent applications, responding to office actions and filing oppositions, should be tested in every set of main exams.

The statement that specific and transversal competences are comprehensive was generally supported, and most topics mentioned by respondents can be integrated in the syllabus, if they were not already included. The majority of respondents also thought that knowledge elements were well covered, and most topics proposed to complement what was already in the syllabus can also be easily integrated.

Similarly, the principle that in order to be "fit to practise", EQE candidates must first gain knowledge and subsequently develop skills to acquire competences was generally endorsed, with emphasis on practise being essential to becoming a patent attorney.

Most respondents noted that there was progression across modules, with clear agreement in the feedback regarding the need to further define the remit of modules F1, F2 and, possibly, M1. Swapping M2 and M3 was also a key recommendation.

Responses were in favour of the examinations retaining their focus on the work of European patent attorneys in representing clients before the EPO.

Follow-up

- Systematically include exercises on drafting patent applications, a defending paper (e.g. responding to office actions) and an attacking paper (e.g. filing a notice of opposition) by default – revise M2 to include these actions and swap M2 and M3.
- Revise the syllabus to include specific topics identified, following analysis of these topics by the epi/EPO Working Group.
- Rethink duplications in F1 and F2 – possibly merge or delete content.
- Clearly define testing of non-EPO-related content.

ii. Assessment methodologies

While assessment techniques other than free text were accepted, the general sense was that the variety of assessment methodologies was not a major asset in the new proposal. Respondents felt that too many types of assessment technique were proposed, more space should be left for free text, and the use of multiple choice should be limited, in particular regarding M2, M3 and M4.

Digital examination was felt to bring the exam closer to the day-to-day activities of present-day patent professionals. However, clear marking guidance and guaranteed marking quality were requested. It was also noted that online examination may promote inclusiveness from a diversity and inclusion point of view. To bring the exam closer to working conditions in the profession, it was requested that scrolling be limited, more printing allowed, the screen be able to be divided and the text editor enhanced.

Follow-up

- Limit the types of questions proposed.
- Include more free text papers: new M2, now M3.
- Enable access to digital resources from the syllabi.
- Confirm that it will continue to be an open-book examination.
- Allow printing where appropriate.
- Follow-up on diversity and inclusion and digital examination (notably with regard to visual impairment, disability and work-life balance).

iii. Adaptability

Variability in the content of the examinations was seen as a positive element, but this should be balanced with predictability and the ability to compare exams between the different editions. Respondents were positive but cautious about targeting different topics in each examination syllabus, and about including new topics, in each edition of the examination depending on the evolution of the law and practice. It was agreed that the EQE should be better able to adapt to new content, but that certainty should be retained.

Follow-up

- Adhere to the topics covered in the syllabus.

iv. Design and modularity

The progression through the modules was generally perceived as positive, although the progressive nature should be presented more clearly through the syllabi. There is support for the flexibility to take the examination up to three years after registration once the specified period of practise has been completed. However, flexibility must not replace the requirement to examine the core activities of drafting, attacking and defending.

The syllabi of the respective modules were generally perceived to be clear. However, doubts were expressed about the level of difficulty and breadth of F1 and F2, with some suggesting they should be merged or even removed. Some respondents suggested that M2 could be too broad, and that the timing allocated for M3 would be more appropriate for it. Responses recommended that M4 should be focused on EPO procedures. It was agreed that various evaluation techniques ranging from automation to free text are appropriate, depending on the levels of declarative and metacognitive knowledge required. Legal knowledge seemed to be of less importance, but this contradicts the marking system where citing the wrong legal source is detrimental.

It was also suggested that M module examinations should be taken after 24 months at the earliest.

Follow-up

- Preserve the modular approach and allow candidates to take the exams when they deem appropriate, provided the minimum practise time is fulfilled. Emphasise that flexibility is the main principle.
- Reallocate some content to make the progression clear: M2 to M3, revise F Modules.
- Reconsider F1 and F2 to reduce the level of difficulty and scope. Strong support for reducing repetition between F1 and part of F2. Consider whether taking M modules should be conditional on passing F1/F2.
- Focus M4 on EPO-related procedures.
- Preserve March as the month of examination.

v. General questions on the online examination platform

The general perception was that the online version of the modules needs to improve. One third of the respondents used PDF versions of the papers. Comments relating to aspects such as editing, word counting, split views, fitting question and answer on one single screen, moving backwards and forwards, are noted. Views differed as to whether multiple choice made it easier, or more difficult, to answer questions in the different modules, notably F1, F2 and M3. The free text setting offered in the examination platform was welcomed but enhanced visual presentation options were requested. A combination of free text and automation was viewed as acceptable but could be improved by enhanced visual presentation, primacy of free text and better structuring of the questions.

Possible follow-up

- Continue yearly improvement of examination software to meet demands once the transition period ends.
- Better explain which features of the software are intended for security or are exam-related limitations and which are inbuilt.
- Delimit automation and its combination with free text.
- Enhance the visual presentation of the examination.
- Move from presenting the many possible options in terms of examination setting to a standard and routinely implemented setting.