EUROPEAN QUALIFYING EXAMINATION 2025

Paper D1-2

This Paper comprises:

Part I: Legal Questions

Question 4:   10 marks
Question 5:   11 marks

QUESTION 4 (10 MARKS)

Company E filed an automatic debit order for its international application PCT-E, for which the EPO is acting as International Searching Authority (ISA). During the search phase, the ISA considers that the claims of application PCT-E contain seven inventions and invites E to pay six additional search fees.

(a)   E is not interested in any of the additional inventions. Does E need to act?

(b)   In order to enter the regional phase before the EPO, Form 1200 has been filed and all acts under Rule 159 EPC have been performed, except for paying the fees. Will all fees for entry into the regional phase before the EPO be automatically debited?

Company F has an active automatic debit order for its European patent application EP-F, filed on 16 February 2020.

(c)   EP-F was refused by the Examining Division. Company F filed an appeal against this decision on 28 February 2025. On this date, there were 3 000 EUR in the deposit account. Have any fees been automatically debited?

Company G filed a European patent application EP-3 in February 2021, together with an automatic debit order for EP-3. The transfer of EP-3 to company H was registered with the EPO in January 2025. EP-3 is still pending.

(d)   Has the renewal fee for the fifth year been paid for EP-3?

QUESTION 5 (11 MARKS)

In August 2024, applicant I filed international application PCT-I in English with the Swedish Intellectual Property Office, specifying that office as ISA. PCT-I has two independent claims directed to inventions C and D. C and D are not linked by a single general inventive concept.

Last week, applicant I received an invitation to pay an additional search fee for invention D.

What are the options if applicant I wants to have the EPO carry out an international preliminary examination only for invention D in PCT-I? What steps need to be taken and why?