

EUROPEAN QUALIFYING EXAMINATION 2026

Paper D1-2

This Paper comprises:

Part I: Legal Questions

Question 4: 8 marks

Question 5: 12 marks

Question 6: 13 marks

Candidates are requested to indicate whether they are using the Guidelines as applicable on the date of the exam or the Guidelines according to the syllabus.

Question 4

(8 points)

Applicant F, a Slovenian national with residence in the US, filed an international application PCT-F at the EPO in English.

Today, a few days after filing, F wants to withdraw PCT-F.

(a) Before which Authorities can F actively withdraw PCT-F?

(b) Which steps would F need to take in each case?

Question 5

(12 points)

EP-G was filed on 12 July 2022. The mention of the grant was published on 11 June 2025. On 18 August 2025, the EPO issued a communication informing the proprietor G that unitary effect had been registered.

Despite having taken all due care required by the circumstances, G realised today, 3 March 2026, that no renewal fees for the European patent with unitary effect have been paid.

The proprietor G has also become aware of European patent application E1, which is state of the art under Article 54(3) EPC and prejudicial to the novelty of claim 1 but not to the novelty of claim 2 of EP-G. G is interested in having a valid patent EP-G with unitary effect for claim 2.

Please advise.

Question 6

(13 points)

European patent EP-H was granted to company H with a single claim directed to subject-matter D and the description as originally filed, which further discloses an embodiment directed to subject-matter D+E.

An opposition was filed against EP-H on the ground of lack of novelty, citing a document under Article 54(3) EPC that discloses subject-matter D.

The opposition division decided to maintain the patent in amended form based on a main request filed by company H comprising a single claim directed to subject-matter D+F.

In subsequent appeal proceedings, the board of appeal issued a communication under Article 15(1) RPBA raising a new objection that subject-matter D+F is not originally disclosed.

(a) What should company H do in the appeal proceedings and why?

(b) How would your answer to (a) change if the description of EP-H additionally disclosed subject-matter D+E+F?