

## EXAMINER'S REPORT

### A) General remarks:

We distributed the questions among all parts of the EPAC Syllabus.

We also tried to mix the level of difficulties of the questions but in keeping the general level of difficulty close to last year's examination.

### B) Part one: multiple choice questions.

We noted this year that very few candidates got less than 5 points. Clearly, in comparison to last year, the candidates were better trained.

### C) Part two:

It is reminded that we are not expecting the candidates to cite rules or articles. We are expecting a description of the steps to be taken to answer the question.

#### a. Question 1:

This question was relatively well answered; however, we noted that a lot of candidates wrongly referred to Art. 19 PCT. But as articles do not have to be cited, this wrong citation was not considered for marking.

#### b. Question 2

Some candidates didn't answer the question and explained how to request a Supplementary International Search Report (SISR). We couldn't give any points to these candidates.

Otherwise, this question was well answered with exception of the payment of the third renewal fee and the appointment of a representative that were almost systematically forgotten.

#### c. Question 3

The first three parts of these question were very well answered. For the fourth part, few candidates came with the expected solution of filing a divisional for the third invention and requesting examination for the first one. The fifth part of the question was easy for candidates used to work with EPO forms and knowing the purpose of the forms.

#### d. Question 4

Almost no candidates realised that a copy of the search result on the priority of application must be sent. Very few candidates were able to correctly cite the fees to be paid for the different countries and even less could give the correct amounts.

#### e. Question 5

The question was "we want to obtain a patent at lowest cost in order to start infringement proceedings in Belgium, Latvia and Malta".

Some candidates considered that asking a grant via Unitary Patent is then a correct answer because it may under certain circumstance be cheaper.

Unitary patent is not part of the syllabus of EPAC 2023 (but will be included in the syllabus of EPAC 2024) and in the FAQ accessible in the EPAC website it was clearly answered that UPP and UPC are not part of this year's examination.

Nevertheless, we decided to grant marks for candidates proposing that solution and giving all necessary steps (file a request within 1m from publication of grant + file a translation in English and no fee).

The validation steps in the different countries were disappointingly not well answered by candidates.

f. Question 6

The first two parts of the question were well answered.

For the third part, the expected answer was that the only possibility is re-establishment of rights. Some candidates argued that they didn't have enough information to know if such a request may be successful. These candidates get the corresponding mark, but in view of the EPAC Board, in such a situation a paralegal should know that the only possibility is to request re-establishment of rights. The final decision to request or not re-establishment of rights belongs the task of the patent attorney.

A significant high number of candidates were of the opinion that a patent protection can still be requested for Poland.