

EXAMINER'S REPORT

A) General remarks

We distributed the questions among all modules of the updated EPAC Syllabus.

We tried to mix the level of difficulties of the questions ensuring that the questions relate to practical IP paralegal tasks.

This year, candidates were allowed 90 minutes for responding to the first part (previously 60 minutes). Another change was implemented regarding the second part, for which the Board has decided to consider the first part passed with 7 or more questions correct, instead of 8 in previous years. However, very few candidates with 7 points for the first part obtained a total of 27 points which are necessary to pass EPAC.

The percentage of candidates having the necessary number of correct answers in the first part was 80%, which is higher than in previous years. The final pass rate is 41%.

B) First part: multiple choice questions

This year, questions on the use of EPO tools were included in the exam.

Question 5 was very well answered while question 9 was not. The rate of correct answers for other questions was around 40-80%.

C) Second part: open questions

Some candidates used the copy/paste functionalities to an extreme. They were not awarded full points if no reasoning and conclusion was derivable, i.e. if it was not possible to find in the copied material a clear and unambiguous answer to the specific question asked.

Time limits must be computed when the necessary information is available.

Candidates should make statements to reply to exam questions and avoid using "if" sentences or "may" (no points were given for "if renewal fees are due" when that is the question, and it could be determined).

Candidates frequently overlooked the payment of a renewal fee.

Question 1:

This question was generally well answered. Since it was specified that the EPO was RO, it was expected to specify the late payment fee for the EPO as RO to get full marks, i.e 50% of the international filing fee (without page fees).

The good candidates specify that the filing and search fees are the international ones (forgiven in EPAC 2024, not necessarily in the future).

Question 2:

Few candidates realized that the proprietors were not entitled to the compensation scheme before the UPC, since an original applicant Tomato Matters did not qualify. On the other hand, the applicants Isabel II and Naranjas Navel did indeed qualify for a reduction of the fee for grant and printing as well as the annuity fee. Candidates often overlooked this.

Mentioning that the translation must be "in any official language of a participating member state" (instead of "of any EU member state") could not attract marks because it meant making a new translation when the Spanish one was available. Conversely, using the available Spanish translation was rewarded.

The second part of the question concerning where to lodge an action against the decision of the EPO to refuse the request for unitary effect was generally not well answered (actions were often filed either at the EPO or at the UPC but within 2 months).

Question 3:

Many candidates did not realise that since the date of publication of the limitation was known, this meant that the procedures before the EPO were closed. The question was therefore about how to maintain the UP, EP(ES) and EP(HR) patents.

Many candidates did not mention the renewal fee, and few mentioned the renewal fee reduction of 15% for the statement concerning licences of right for UP.

Question 4:

Most of the candidates identified that addition of priority is possible up to 16 months from the earliest priority but many did not state that this is only possible because EP1 was filed within the priority year (it was expected that candidates would explain why EP1 was filed within 12 months from CN1).

Many candidates did not realize that since the priority was not claimed on filing, Rule 56a (4) does not apply and the application is redated.

Question 5:

Some candidates did not realise that the language reduction of the filing fee was not available, and many omitted the 75% reduction of the examination fee due to the IPER drafted by EPO.

Few candidates mastered the fee reductions, many confusing them. It was not sufficient to indicate "30% reduction" because there are two, which follow different rules. Too many candidates did not specify which reductions specifically applied to which fees (not all fees are reduced).

Some candidates paid a search fee on entry in EP phase when EP was mentioned as ISA.

Question 6:

Some candidates are not familiar with time limit computation.

Many candidates omitted reasons that were essential to support the second request for extension.

Some candidates only mentioned requesting further processing what could not attract points because an explicit request for further processing is no longer required. The specific actions required had to be mentioned to get full marks, namely paying the fee and accomplishing the missing act i.e. responding. Requesting further processing does not trigger the payment of the fee, even with automatic debiting, rather the request is deemed filed when the fee is paid (automatic debiting being triggered by the accomplishment of the missing act).

Several candidates referred to all due care or re-establishment, what was not the object of the question.