

Model solution for part 1

Question 1: D

Legal basis

Rule 159(1) EPC

The examination fee and designation fee must also be paid (six months after publication of search report; payment cannot be postponed to 31 months if there is a wish to enter into the European phase at 25 months).

Question 2: B

Legal basis

Guidelines for Examination in the EPO, [A-X, 5.2.2](#)

“The designation fee falls due upon publication of the mention of the European search report. It may be paid within six months of the mentioned date of publication ([Rules 39\(1\)](#), [17\(3\)](#) and [36\(4\)](#)). Where paid before the due date, e.g. upon filing of the application, the designation fee will however be retained by the EPO. These payments will only be considered valid as from the due date, provided that the amount paid corresponds to the amount payable on the due date (...)”

Question 3: B

Legal basis

OJ EPO 2024, Supplementary Publication 2, [Arrangements for deposit accounts](#) (ADA), 13.2

“13.2: A debit order with a deferred payment date (...) may be revoked in whole or in part in Central Fee Payment until one day before the date specified as the execution date at the latest.”

Question 4: B

Legal basis

Articles 106 and 108 EPC; Article 121(1) EPC; Guidelines for Examination in the EPO, [E-VIII, 2](#)

A notice of appeal could also be filed within two months of notification of the decision; re-establishment of rights is excluded because further processing is available.

Question 5: D

Legal basis

Article 115 EPC, Rule 114 EPC; Guidelines for Examination in the EPO, [E-VI.3](#)

- A. Incorrect: a third party filing observations concerning the patentability of an application or patent is not a party to the proceedings; the applicant may respond to third-party observations but is not obliged to do so
- B. Incorrect: third-party observations may be filed anonymously
- C. Incorrect: there is no official fee when filing third-party observations
- D. Correct

Question 6: B

Legal basis

Rule 40 PCT

- A. Incorrect: may be paid but not must be paid
- B. Correct
- C. Incorrect: only one protest fee is due (Rule 40.2(e) PCT)
- D. Incorrect: if the applicant does not pay any additional search fees, the information appearing in the invitation to pay additional fees will be considered to be the result of the international search and will be included as such in the international search report

Question 7: D

Legal basis

[PCT Applicant's Guide 5.070.](#); Guidelines for Examination in the EPO [A-III, 6.7](#);
PCT Applicant's Guide [LU-Luxembourg](#)

- A. Only available if the priority application and the PCT application are filed with the same patent office
- B. Incorrect: the LPTO does not use the DAS access code
- C. Incorrect: the LPTO does not issue electronic priority documents
- D. Correct

Question 8: B

Legal basis

Article 107 EPC

- A. Incorrect: B is not adversely affected
- B. Correct: both parties A and B are adversely affected
- C. Incorrect: third parties are not parties to the proceedings
- D. Incorrect: withdrew its opposition; no longer a party to the proceedings

Question 9: D

Legal basis

Guidelines for Examination in the EPO, [A-X, 5.2.4](#)

The renewal fee that would have been due on 31 October had to be paid for the decision to grant to be issued (this is one of the warnings in the communication under Rule 71(3) EPC).

Question 10: D

Legal basis

Rule 126(2) EPC

The document was delivered to the addressee nine days after the date it bears, so the period expires later by the number of days by which the seven days were exceeded, i.e. 12 January 2025 + two days. Evidence of late receipt needs to be filed with the response.

Question 11: B

Legal basis

<https://www.epo.org/en/applying/myepo-services/interact>

- A. Incorrect: it is neither possible to access the European Patent Register nor to file using the EPO's legacy Online Filing software (eOLF) via MyEPO Portfolio
- B. Correct
- C. Incorrect: it is not possible to access the European Publication Server via MyEPO Portfolio
- D. Incorrect: it is neither possible to access the European Publication Server nor to file using the EPO's Online Filing 2.0 via MyEPO Portfolio

Question 12: C

Legal basis

OJ EPO 2023, A50, point 20; [Contingency Upload Service | epo.org](#)

Question 13: C

Legal basis

Guidelines for Examination in the EPO, [A-VII, 3.2](#); Rule 3(2) EPC

Since the response with the amendments has to be filed within a time limit, the Finnish applicant is entitled to file the amended claims in Finnish.

A translation of a document filed in an admissible non-EPO language into an official language of the EPO must be filed within a non-extendable period of one month ([Rule 6\(2\) EPC](#)). This means that a translation of the amended claims must be filed in the language of proceedings, English in this case (Rule 3(2) EPC).

Question 14: D

Legal basis

PCT-EPO Guidelines, B-IV, 1.2.

Comments are required but not amendments.

Question 15: D

Legal basis

Article 6(1) Regulation (EU) No 1260/2012; Rule 6(2)(d) UPR; Unitary Patent Guide, para. 65

The translation may be in any of the 24 official languages of the EU, except English, irrespective of the language in which the application was filed or the geographical extent of the unitary effect.