

Rules concerning the establishment of a European patent administration certification

Article 1

European patent administration certification

- (1) The European patent administration certification (EPAC) is a professional certification for patent administrators organised by the European Patent Office (EPO).
- (2) EPAC certifies the mastering of procedural administrative tasks relating to the patent granting procedures under the legal systems of the European Patent Convention (EPC) and the Patent Cooperation Treaty (PCT) as further specified in the syllabus defined in Article 8(2).
- (3) The EPO will issue a certificate to successful candidates having passed the examination.

Article 2

Responsibility

- (1) Responsibility for the organisation and administration of the EPAC lies with the European Patent Academy (Academy)
- (2) The President will nominate the members of the various EPAC bodies as specified in Articles 3(2) and (3).
- (3) The President will lay down the amount of the fees related to EPAC as specified in Article 13.

Article 3

Organisation and conduct

- (1) The Academy will be responsible for the organisation and conduct of the examination. It will decide on the result of each examination upon a proposal of the EPAC Board, a certification support group within the meaning of Article 5 of CA/D 7/21 of the Administrative Council of the European Patent Organisation.
- (2) An EPAC Board will be established with a three-year mandate and tasked with drafting and marking the EPAC examination. It will make a proposal on the result of each examination to the Academy.
- (3) An EPAC review board will be established and tasked with handling individual requests for review of decisions concerning the conduct or the result of the examination.

Article 4

EPAC Board

- (1) The EPAC Board will be composed of six EPO employees and six external experts.
- (2) The President will appoint the six EPO members of the EPAC Board, including the chairperson and their deputy, for a renewable term of three years.
- (3) The chairperson will have the casting vote in the event of a tie. They shall determine the distribution of the tasks.

Article 5

EPAC review board

(1) The EPAC review board will be composed of a legally qualified member of the EPO as its chairperson and two members of the EPAC Board not involved in the marking of the examination under review. The members of the EPAC review board will be appointed for a renewable term of three years

(2) The President will appoint the chairperson and their deputy as well as its further members.

Article 6

Enrolment

(1) Candidates will submit a request for enrolment via the electronic means provided on the EPO website. The request for enrolment will not be deemed filed until the enrolment fee has been paid.

(2) Upon enrolment, candidates will indicate the official EPO language (English, French or German) in which they wish to sit the examination and submit their answers.

(3) The Academy will inform each candidate of their successful enrolment.

Article 7

Information on examination

The EPO will publish on its website the date of the examination, the dates by which the request for enrolment must be filed, the fees, the instructions for candidates as well as any other information pertaining to the examination.

Article 8

Examination syllabus

(1) The certification will demonstrate that candidates have the required knowledge and skills to deal independently and autonomously with the procedures associated with the filing, prosecution, grant and maintenance of European and international patent applications, as well as post-grant procedures.

(2) The EPAC Board will draft and adopt an examination syllabus that will be published before the date of the examination on the EPO website.

(3) The examination syllabus will include

- (i) general aspects of patent law, EPC and PCT;
- (ii) EPO procedure from filing to search results;
- (iii) EPO procedure from entry into examination to validation;
- (iv) PCT procedure;
- (v) entry into the national/regional phase after PCT.

Article 9

Conduct of candidates during the examination

(1) When sitting the examination, candidates must comply with the instructions published prior to and given during the examination.

(2) Candidates must not engage in fraudulent behaviour. Fraudulent behaviour is any behaviour by a candidate with the aim of obtaining an undue advantage during the examination. Such behaviour may involve, *inter alia*, using prohibited equipment during the examination or seeking or accepting assistance from third parties.

(3) If a candidate fails to comply with the instructions given or engages in fraudulent behaviour, the following measures in respect of that candidate may be taken by the EPAC Board:

- (a) deduction of marks or
- (b) disqualification from the present and/or one or more future examinations.

(4) The EPAC Board will take a reasoned decision on any case of fraudulent behaviour and notify the candidate in writing.

Article 10

Candidates with disabilities

(1) Candidates with disabilities are those who can prove that they suffer from a disability severely affecting their capacity to sit the examination as presented.

(2) Any such candidate will provide appropriate evidence issued by the competent national health service.

(3) Depending on the severity and degree of the disability, the candidate may participate in the examination under conditions which compensate as far as possible for the consequences of their disability in respect of the examination. Appropriate measures may be granted by the Academy to compensate for the disability in question.

Article 11

Passing the examination

(1) The certification will include at least two parts.

(2) If the first part has not been passed, the examination will be considered failed and the other part(s) will not be marked.

(3) The EPAC Board will define the different thresholds to be reached to pass the examination. These different thresholds will be published before each examination.

Article 12

Request for review

(1) A candidate may request the review of an adverse decision taken on the basis of these rules.

(2) The request must be filed within a time limit of two weeks following notification of the decision.

(3) The request will not be deemed filed until the review fee has been paid.

(4) The EPAC review board will inform the candidate of its decision in writing by electronic means.

(5) The decision of the EPAC review board will not be subject to any further means of redress.

Article 13

Fees

Enrolment and review fee amounts will be published in the Official Journal of the EPO and on its website.

Article 14
Announcement of the results

- (1) Each candidate will be informed individually of their result. Successful candidates will receive a certificate.
- (2) A list of successful candidates will be published in a searchable database on the EPO website.

Article 15
Communications

Organisational enquiries pertaining to the examination must be addressed to the Academy.

Article 16
Anonymity

- (1) The marking of written scripts will be conducted in such a way as to preserve the anonymity of candidates.
- (2) Candidates' answers may be published for research, statistical or training purposes provided their anonymity is respected.

Article 17
Professional secrecy

All EPO employees as well as external experts participating in EPAC will be bound by professional secrecy during and after their term of office with regard to all matters concerning the examination and the candidates.