

INFORMATION ABOUT THE e-EQE

[see EPO website <https://www.epo.org/learning/eqe/about.html> and <https://www.epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/2019-se2.pdf>]

The European Qualifying Examination (EQE) is designed to establish whether a candidate is qualified to practise as a professional representative before the European Patent Office (EPO).

Syllabus

"Candidates need to be particularly conversant with European patent law, the Patent Cooperation Treaty (PCT), the Paris Convention, EPO board of appeal case law and certain national laws in so far as they apply to European patent applications and European patents. The content of the examination only relates to legal texts which were in force on 31 October of the year preceding the examination". (EPO website)

Papers

The EQE is held once a year and comprises five written papers:

- Pre-examination (280 mins + 120mins break for e-EQE 2022, with the exam split into 4 parts each lasting 70 mins): assesses candidates' ability to answer legal questions and questions relating to the drafting of claims. It comprises 20 multiple choice questions: ten on legal aspects and ten on claim formulation.
- Paper A (4 hours): tests the candidate's ability to draft claims and the introductory part of a European patent application on the basis of information normally available to a professional representative for this task.
- Paper B (3½ hours): requires candidates to prepare a reply to an official letter in which prior art has been cited.
- Paper C (6 hours for e-EQE 2022: the exam was split into two 3-hour parts with a 45 mins break between each part): involves drafting a notice of opposition to a European patent.
- Paper D (6 hours for e-EQE 2022: the exam is split into three parts – 90 mins for D1-1, followed by a 30 mins break, then 70 mins for D1-2, followed by a 45 mins break, and then 3 hours 20 mins for D2): assesses candidates' ability to answer legal questions and to draft legal assessments of specific situations.

The examination papers are drawn up in the three official languages of the EPO (English, French and German). Candidates may be permitted to submit their answers in another official language of a contracting state.

The exam is open-book: *"Candidates may bring to the examination any books and documents they consider useful for answering the examination papers".*

Up to EQE 2016, Paper A and Paper B could be taken either in the chemistry or electricity/mechanics technical fields. Since EQE 2017 this is no longer the case: a single Paper A and a single Paper B is now set.

Passing the EQE

To pass the EQE, it is obligatory to pass all examination papers.

Candidates must first pass the pre-examination before they may enrol for the main examination (papers A, B, C and D). To pass the pre-examination, a candidate must obtain 70 marks or more (out of 100).

For the main examination, the 'pass' mark is set at 50 or more (out of 100) for each paper.

But there is a compensatory system in which a mark of at least 45% but fewer than 50% is classed as a 'compensable fail'. Where a candidate has a 'pass' grade in at least two papers, has not been awarded a 'fail' (a mark below 45%) in a paper, has 'compensable fails' in one or two papers, and has total aggregate marks of at least 200 for all four papers, he/she is deemed to have passed the examination.

Dates of the e-EQE 2024 exams

- Friday 15th March 2024: the Pre-examination.
- Tuesday 5th March 2024: Paper D.
- Thursday 7th March 2024 Paper A
- Tuesday 12th March 2024: Paper B
- Thursday 14th March 2024: Paper C

Revised Rule 28 IPREE

This rule imposes a requirement on trainees to register for the EQE within 2 months of commencing "their professional activities or employment as defined in Article 11(2) REE"