

INFORMATION ABOUT THE e-EQE AND THE “NEW 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> <https://link.epo.org/elearning/SupplPub2025>

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)

The EQE is transitioning to a “New EQE”

The EPO has issued new regulations, effective from 1 January 2025 for a “New EQE” which will see, over the next few years, the traditional EQE format of a Pre-exam followed by Papers A, B, C and D, replaced by five Modules (M1, M2, M3 and M4) which have been designed to align with the practical demands placed on European patent attorneys.

The Pre-exam will not be held in March 2025: instead there will be a Foundation paper.

The “traditional” Papers A, B, C and D exams will be held in March 2025.

Papers of the “Old EQE” which will be sat in March 2025

The “Old EQE”, held once a year, comprises four papers:

- 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: 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: 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 “Old EQE”

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

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 2025 exams

- Tuesday 11th March 2025: Paper D.
- Thursday 13th March 2025 Paper A
- Tuesday 18th March 2025: Paper B
- Thursday 20th March 2025: Paper C

An exam for a new Foundation Paper F will be held on 21st March 2025

The “New EQE”

The “New EQE” comprises a Foundation Paper F and four Modules (M1-4).

Paper F assesses whether a candidate can apply legal concepts and provisions of the EPC and the PCT.

Paper M1 assesses whether the candidate can carry out tasks relating to the analysis and assessment of information and evaluate and act on instructions from a client. It further assesses whether the candidate can understand an invention and/or data provided by the client, assess the invention in view of prior art and analyse whether the invention and the application or patent comply with the provisions of the EPC.

Paper M2 assesses whether the candidate can apply procedural and substantive patent law of the EPC and the PCT in both day-to-day and exceptional situations arising in the practice of professional representatives in proceedings before the EPO. It further assesses whether the candidate is familiar with all procedures established by the EPC and the PCT and with the procedural law referred to as forming part of the examination syllabus and in any further provisions laid down in the Implementing Provisions to this Regulation (hereinafter "IPREE"). At least 50% of the obtainable marks in paper M2 will be for free-text answers.

Paper M3 assesses whether the candidate can assess, draft and develop patent documentation and submissions, based on documents and instructions from the client. It consists of three parts, each requiring a free-text answer:

Part 1 of paper M3 requires at least the drafting of claims.

Part 2 of paper M3 requires the candidate to develop and present arguments showing why the invention and the application or patent comply with the requirements of the EPC or the PCT, and to amend claims if necessary.

Part 3 of paper M3 requires the candidate to develop and present arguments showing why the invention and the application or patent do not comply with the requirements of the EPC or the PCT.

Paper M4 assesses whether the candidate can provide an answer in the form of a legal opinion responding to an enquiry from a client. The candidate is expected to reason, present and manage advanced procedural and substantive aspects of patent law.

Transitional provisions

If candidates have passed, before 1 January 2025:

- The **Pre-examination**, they are exempted from sitting foundation paper F and main examination paper M1.
- **Paper A**, they are exempted from sitting part 1 of main examination paper M3.
- **Paper B**, they are exempted from sitting part 2 of main examination paper M3.
- **Paper C**, they are exempted from sitting part 3 of main examination paper M3.
- **Paper D**, they are exempted from sitting main examination papers M2 and M4.
- Any of papers A, B or C under a past version of this Regulation which did not provide for a pre-examination, or where no pre-examination was held in the year before they passed paper A, B or C, they are exempted from papers F and M1 and the corresponding part of paper M3.

The transitional provisions will apply for a maximum of **five years** from the first time a candidate avails themselves of an exemption under this (new) Regulation.

From the entry into force of this (new) Regulation, the pre-examination according to the Regulation of 2009 and the IPREE dated 13 December 2018 will no longer be held; **candidates eligible for the pre-examination on the date of the 2025 examination will be exempt from the pre-examination.**

Once candidates have enrolled for a paper under the new Regulation, they can no longer enrol for a paper under the Regulation of 2009.

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”