

PAPER M2

Competences tested:

Paper M2 assesses whether candidates 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 candidates are 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 IPREE.

The procedures and procedural law established by the EPC and the PCT include the procedural laws of the EPC contracting states, extension states and validation states, as well as those applied by the IP offices of Japan, South Korea, China, and the United States. Candidates are expected to be able to identify and apply all procedural options available in a certain situation and to provide the client with suitable recommendations and the legal bases for them.

Exam setup:

Part	Content	Duration (2.5-3h)
Part 1	Various types of questions (see blue boxes below)	max 90 min
Part 2	Open questions requiring a free-text answer	max 90 min

Paper M2 part 1 may comprise different types of questions, such as:

Multiple Choice	Multi-select	Tabular	Dropdown	Rating Choice / Rank order
Multi-point Scale Matrix	Drag and drop	Fill-in Answer		

Paper M2 is to be marked by:

Autoscoring and/or two committee members for any free text question.

At least 50% of the obtainable marks in paper M2 will be for free-text answers.

Passing requirements:

Candidates obtain a PASS grade in Paper M2 if they have been awarded a PASS grade in both parts of M2 in one sitting. The passing threshold can be set between 30% and 60% of the total achievable marks by taking into account that the EQE establishes whether candidates are qualified to practise before the EPO.

Syllabus:

Paper M2	
The EPC	The PCT
The Implementing Regulations to the EPC	The Regulations under the PCT
★ The Protocol on Centralisation	The PCT Applicant's Guide
★ The Protocol on Recognition	The Guidelines for Search and Examination at the EPO as PCT Authority
The Rules relating to Fees	The Paris Convention
★ The arrangements for deposit accounts (OJ EPO)	National measures relating to the Unitary Patent, published by the EPO ★
The lists of EPC contracting, extension & validation states, PCT contracting states & states that ratified the UPC	The following regulations relating to the UPC (Art. 1-4, 24-34, 47-48, 66, 83 & 89 UPCA & RoP 5, 5A & 85-98 UPC) ★
★ National law relating to the EPC	Code of Conduct for professional representatives
The Guidelines for Examination in the EPO	Regulation on discipline for professional representatives.
★ The content of the Official Journal of the EPO*	
★ The Case Law Book**	

*(N.B.: That includes, inter alia, both UP Regulations, UPP Rules, UPP RRF)

** the latest edition of "Case Law of the Boards of Appeal of the European Patent Office"

★ new compared to M1

For more details, see:
Art.1(5)(c) REE,
Rule 6, 21 & 24 IPREE