

# PAPER M3

## Competences tested:

Paper M3 assesses whether candidates 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:

- (i) Part 1 of paper M3 requires at least the drafting of claims;
- (ii) Part 2 of paper M3 requires candidates 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; and
- (iii) Part 3 of paper M3 requires candidates 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.

## Exam setup:

Part	Content	Duration (7.5h)
Part 1	„Draft“: Draft claims based on provided documentation; draft an independent and dependent claim(s) which offer the applicant the broadest possible protection under the EPC. Draft the introductory part of a patent application, including at least defining the subject matter, the technical problem and the solution.	2-3 h
Part 2	„Defend“: Develop and present arguments showing why the invention/application/patent comply with the requirements of the EPC/PCT, amend claims if necessary. Put forward suitable arguments and, where appropriate, propose any amendments, ensuring the broadest possible protection under the EPC/PCT, taking account of the relevant stage of proceedings.	2-3 h
Part 3	„Attack“: Develop and present arguments showing why the invention/application/patent does not comply with the requirements of the EPC or PCT. Challenge a European patent, European patent application or an international application.	2-3 h

All three parts of Paper M3 require candidates to give

Free Text Answers

*It is likely that parts of Paper M3 will be distributed over two or three days.*

## Paper M3 is to be marked by:

Paper M3 is marked by two committee members separately.

## Passing requirements:

Candidates obtain a PASS grade in Paper M3 if they have been awarded a PASS grade in all three parts of this examination paper 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 M3	
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 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"

For more details, see:

Art.1(5)(d) REE,

Rule 6, 21 & 25 IPREE