

PAPER M4

Competences tested:

In Paper M4, candidates are expected to provide a legal opinion to a client, and to reason, present and manage advanced procedural and substantive aspects of patent law.

Paper M4 further assesses whether candidates can apply the EPC, the PCT, the Paris Convention, legislation relating to the European patent with unitary effect and the procedural laws of the EPC contracting states, extension states and validation states, as well as laws applied by the IP offices of Japan, South Korea, China, and the United States. Candidates should be able to navigate complex situations, handle a patent portfolio, analyse the situation and provide the client with strategic advice. Candidates are expected to use the opinion they draft to explain the legal consequences of the situation described. They are also expected to demonstrate their ability to deal with a complex industrial-property law case involving fundamental issues of patentability, rights of inventors, inventions as property and third-party rights.

Exam setup:

Content	Duration (2-2.5h)
A legal opinion responding to an enquiry from a client. To reason, present and manage advanced procedural & substantive aspects of patent law.	2 – 2.5 h

Paper M4 requires candidates to give

Free Text Answers

Paper M4 is to be marked by:

Paper M4 is marked by two committee members separately.

Passing requirements:

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 M4	
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)(e) REE,
Rule 6, 21 & 26 IPREE