

Kluwer Patent Blog

EQE Reloaded: Allons-y, Auf Geht's, Let's Go!

Nina Ferara (Porsche AG) · Thursday, May 2nd, 2024

Becoming a European Patent Attorney is no trivial task. Candidates need to have a scientific or technical degree, work in one of the EPC member states and spend years on practical training to join our profession. After all this, they still need to pass the European Qualifying Examination (EQE) – arguably one of the hardest professional exams out there.

Preparing for the EQE is a daunting task on its own (it's dangerous to go alone – take your trusted [Visser](#) with you!), but the next few years of the exam are set to be even more challenging than usual. The EQE will go through a transition phase from 2025 to 2027, with the current or “old” EQE being gradually replaced by the “new” EQE during this time.

This article summarizes the main changes to the exam and offers some advice to candidates facing the transition period.

Changes to Enrolment

To start with, some major deadlines that candidates should be aware of are coming up soon. Candidates who started their training/professional activity within the last few months should register with the Examination Secretariat by **28 May 2024** in order to be able to sit the first paper of the new EQE in 2025 – paper F. The registration and enrolment process remains the same, a two-stage process with registration being the first step and enrolment for specific examination papers being the second step. The difference is that paper F of the new EQE can be taken after only a year of professional activity, compared to the two years for the pre-exam of the old EQE. Candidates who miss the registration deadline risk not being allowed to sit paper F next year and their training may be delayed by a year. Enrolment period for both, the old and new EQE papers in 2025, will run from **8 July 2024** until **23 September 2024** – make sure to note those dates and set some reminders to avoid missing them!

One more point that remains the same for the new EQE is requests for reasonable adjustments under R.17 IPREE. Candidates with permanent or temporary conditions (disabilities, injuries, illness or other conditions) that affect their ability to participate in the EQE should contact the Examination Secretariat as soon as possible (preferably during enrolment for the examination) to discuss their options.

Candidates who are already registered with the Examination Secretariat and are currently going through their training will have different options for taking the old or the new EQE depending on the number of years of professional activity that they have. Detailed overview of these options has

been provided by the Institute of Professional Representatives before the European Patent Office (epi) (<https://patentepi.org/en/epi-students/qualifying-as-a-european-patent-attorney/eqe-format-change.html>).

Changes to the Exam

The new EQE will test the same competences in candidates as the old one, but it will do so in a different format. The exam will become modular, with shorter modules aiming to reduce the required amount of screen time. The goal is to avoid testing the same competences in different parts of the exam while still ensuring that candidates are qualified to practise before the EPO. This is achieved by providing one foundation paper (F) that candidates can take after one year of practice and four main papers (M1-M4) that candidates can take after two (for M1 and M2) and three (for M3 and M4) years of practice, respectively.

All new EQE papers will have one to three parts, each lasting a maximum of 2.5 hours. Some parts will be marked by autoscoring (like the pre-exam of the old EQE), and others will be marked by two members of the Examination Committees. Apart from the usual questions requiring multiple-choice and free text answers, candidates may expect to see other types of questions as well, e.g. those requiring multi-select or drag and drop type answers.

The tasks in the new papers may vary from year to year. For example, paper M3 may include drafting of third party observations or grounds of appeal. The old EQE was much more rigid in that sense: papers A, B, C and D had the same underlying tasks each year.

Criteria for passing the EQE are changing as well. Compensable fail grade has been discontinued, replaced by variable passing thresholds for the new EQE papers. In other words, the grade needed to pass a particular examination paper may not be known in advance, and may only be determined by the Examination Board after the marking of the papers has been completed. In practice, this is a smaller change than it may appear at first sight, because the marking scheme for the old EQE papers was only finalized after marking had already begun. Therefore, some flexibility in the passing requirements has always been built-in into the EQE.

The Fast Track and some more changes

The new EQE offers an exciting new option for sitting the exam: the Fast Track. Candidates can choose to enroll for all four papers M after three years of training without first sitting paper F. However, this option carries some risk. Candidates will need to pass paper M2 plus at least one of papers M1 and M3 in one shot to stay on the Fast Track. Should they fail either paper M2 or both papers M1 and M3, they will need to take paper F the following year. This can be done concurrently with re-sitting the failed papers M, but those papers will only be marked if the candidate passes paper F.

Candidates working as Examiners at the EPO will now be on a more equal footing with those working in private practice or in-house: they will be able to write the papers of the new EQE after the same amount of years of professional activity (one year for paper F, two for papers M1 and M2 and three for papers M3 and M4). Previously, one additional year of professional activity was required for Examiners. Qualifying as a European Patent Attorney will also be possible for Examiners who spent at least a year working in private practice or in-house and pass the EQE as opposed to the two years required previously.

The syllabus of the EQE has also undergone some changes. Papers F and M1 are subject to a more limited syllabus than papers M2, M3 and M4. This should reflect their intended relatively lower level of difficulty (especially paper F, taken after only a year of training, is intended to be easier compared to the pre-exam). Additionally, candidates should have basic knowledge of Japanese, American, South Korean and Chinese IP laws insofar as they may be relevant in connection with proceedings before the EPO. Previously, the syllabus only included the first two of the list.

Finally, the new EQE also includes an important change relating to complaints against the conduct of the examination. During the era of the in-person EQE, these complaints were to be submitted within 30 minutes of the end of the last examination paper. Starting with the e-EQE in 2021, the complaints needed to be submitted by the end of the day of the examination paper in question. For the new EQE, R.19(3) IPREE complaints will need to be submitted by the candidates at the latest on the day after the examination paper in question. Complaints under this provision often include descriptions of technical problems encountered during the examination and may be important as part of appeals filed by the candidates at a later point.

Tips and Tricks

Having discussed the many changes coming with the new EQE, let's look at some concrete tips for candidates caught up in the transition. Here are a few things that could be helpful:

- **Inform yourself.** If you got to this point in the article, you are already well on the way. Take a look at other materials out there concerning the new EQE, particularly the epi's overview of the transition period and of the new EQE papers.
- **Identify your options for the next few years.** Will you start out in the new system in 2025? Or will you sit some or all of the old EQE papers in 2025/2026 and use the transitional provisions for any papers that you do not pass?
- **Consider your personal circumstances.** Perhaps you have national exams or a training period (such as the *Amtswehr* in Germany) coming up in the next couple of years. How will those line up with the old and new EQE papers? Or you may have family obligations, which could affect your plans for the transition period. For example, it may be easier to skip all exams in 2025 and write them later.
- **Take into account your learning style.** Are you someone who prefers to learn gradually and over a longer time period? Then you might want to start with paper F in 2025, move on to papers M1 and M2 in 2026, and then finish off your EQE with papers M3 and M4 in 2027. If, on the other hand, you prefer to tackle your exams all at once, you may want to wait until 2027, when all four papers M will be available at the same time, and take a shot at qualifying via the Fast Track.
- **Reach out to others.** Ask other candidates what they are doing, discuss options with your supervisor, reach out to tutors (we are always happy to hear from candidates!) or to other European Patent Attorneys that you know and see what they think. Your friends and family may have some useful thoughts as well (if they are anything like mine, they heard all about your escapades in the profession by now to the extent that they could probably pass Paper F!).
- **Don't panic!** The EQE may have gotten an upgrade, but it remains the same at its core. Prepare as you would otherwise – by learning the subject matter, doing plenty of practice papers, preparing all of your study materials and annotating your reference books well in advance of the exam.


This is everything that I wanted to share about the new EQE, for now. The road ahead may be

difficult, but hopefully it looks less daunting. Most importantly, remember that there is support for candidates out there, and don't be afraid to seek it and use it!

With thanks to Kaisa Suominen!

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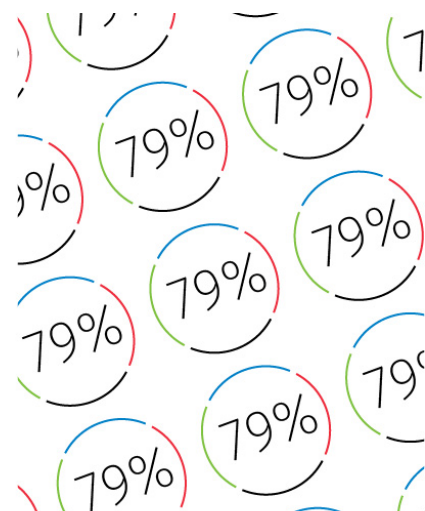
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