

**CIPA Informals Handbook  
for  
Trainee Patent Attorneys**

**2016-17**



The Chartered Institute of Patent Attorneys

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## Introduction and Endorsement by the CIPA President

Welcome to the IP profession! At this point, it's tempting to assume that your job will be primarily about the law. You could also be forgiven for thinking that passing the qualifying exams is the highest priority. Not so, on either count. The work of an IP attorney is a rich and rewarding mixture of law, science and commerce. And it is your clients' business needs which will take precedence throughout your career, giving you the chance to work with bright, creative people as you help them to make the most of their intellectual property rights.

Throughout your journey from new trainee to qualified attorney and beyond, no matter who you work for and what type of clients you serve, the Chartered Institute of Patent Attorneys (CIPA) will be there to guide, support and represent you. CIPA is the membership body to which most UK patent attorneys belong, but its members also include many other professionals with an interest in IP, from the administrators who handle your organisation's records and formalities systems, through IP solicitors and barristers, to overseas patent attorneys. As one of those members, you will have the chance to help shape the Institute's policies and strategies, because CIPA is governed largely – through Council – by its members.

There are four key benefits to CIPA membership, which we codify using the acronym "SILC":

- **Status** – the title “chartered patent attorney” commands world-wide respect and trust: part of CIPA's job is to protect and promote this reputation for us, and to ensure that high standards continue to be maintained throughout the UK profession.
- **Influence** – CIPA can engage with law makers and policy makers both at home and abroad, speaking out for the UK profession and its clients. Its collective voice can be heard much louder and more powerfully than any individual attorney or firm.
- **Learning** – both during your initial training and also post-qualification, you will need access to good quality, cost-effective and properly tailored training resources, to allow you to develop and maintain high professional standards. CIPA will help you with this, offering training events, textbooks and training manuals, professional guidance and constant updates and analyses on matters of interest to the IP attorney.
- **Community** – perhaps most importantly of all, CIPA provides a community for you to feel part of. Ours is a small profession, but its members respect and support one another, sharing resources and expertise for the greater good.

CIPA is the focal point around which that community is built, and the reason it continues to thrive.

It is through the Informals that you will first begin to feel part of the CIPA “community”; through them that you will receive the guidance and support you need during the early part of your career; through them that you will have access to vital training resources such as exam tutorials, lectures and seminars as well as to social events that allow you to meet, and share experiences with, others in your position. I urge you to get involved with the Informals and participate in the activities they run.

Look further into this handbook – which is just a part of what the Informals do for new entrants to the profession – and you will find valuable information to get you started. I believe it reflects the warmth of the welcome you will receive from the Informals, and indeed from all CIPA colleagues, wherever you go. I am full of admiration for the people who have worked so hard to put it together, and hope that one day you too will feel able to contribute to the CIPA community in similar ways.

The work of a patent attorney is often challenging. CIPA is here to help you meet those challenges. I wish you every success in your career, and look forward to working with you.

Tony Rollins  
CIPA President

## Introduction to this Booklet

This booklet is made available to every new student member of CIPA and aims to fulfil two roles:

- to provide new trainee patent attorneys with information about CIPA, the Informals and other bodies, and to encourage them to get involved with the Informals and CIPA
- to provide new trainee patent attorneys with some basic information about training, and useful resources that may help them through the early years in the patent profession.

When a firm takes on a new trainee, it also takes on responsibilities for training that person and for supporting that person through his or her career both before and after qualification. There are resources available to assist employers in fulfilling their responsibilities. It is hoped that this booklet will be helpful to trainees in locating resources that may help them in their training.

### A Warning

The information in this booklet has a limited shelf life. Information contained herein will go out of date. You are therefore advised to check that information is current before acting on it. The CIPA website is an important source of up-to-date information and the current version of this booklet should be available from that site.

<http://www.cipa.org.uk/>

## Introduction to CIPA

The Chartered Institute of Patent Attorneys (CIPA) is the professional representative body for patent attorneys in the United Kingdom. The Institute was founded in 1882 and was incorporated by Royal Charter in 1891. It represents over 2000 chartered patent attorneys, whether they practise in industry or in private practice. Total membership is over 3500 and includes trainee patent attorneys and other IP professionals.

As the approved regulator for the patent attorney profession in England and Wales, CIPA discharges its responsibilities in partnership with the Institute of Trade Mark Attorneys (ITMA) through an independent body, the Intellectual Property Regulatory Board (IPReg). The Patent Examination Board (PEB) is a self-governing committee of CIPA, accredited by IPReg to oversee the administration and quality assurance of the examinations required to a) enter on to the register of patent attorneys maintained by IPReg and b) become a Fellow of CIPA.

CIPA is the pre-eminent professional and representative body for IP professionals practising in patents, designs, trade marks and other forms of intellectual property. The Institute is responsible for promoting the education, standing, training and continuing professional expertise of IP professionals and for establishing, maintaining and enforcing high standards of professional conduct and compliance with the law. CIPA achieves this through:

- democratic governance by its members, via a Council of twenty-six elected representatives;
- providing the profession with opportunities for continuing professional development (CPD), via an annual programme of highly relevant seminars, webinars and other educational events;
- acting as the principal advocacy body for the profession, with a range of public affairs activities aimed at influencing policy formers and decision makers in the UK and internationally;
- creating a knowledge-hub, through the publication of its *Journal* and a series of text books and guides through which its members stay up-to-date with IP law and practice; and
- supporting the professional community through its social programme, including regional events, special interest groups and informal networking opportunities.

Lee Davies  
CIPA Chief Executive

## Introduction to the Informals

The Informals is, as its name suggests, an informal association of the student members of CIPA who are not yet fully qualified. This primarily comprises trainee patent attorneys who are new to the profession, part qualified, or single qualified in the UK or Europe. However, opportunities provided by the Informals may be of interest to those who are recently dual qualified (e.g. one or two years post qualification).

There is no formal membership – everyone who joins CIPA as a student member automatically becomes a member of the Informals. Trainees remain members of the Informals until they become fully qualified. The Informals provides a support network for trainees at all levels.

The Informals Committee is made up of volunteer trainees dotted around the UK. The Committee organises social, educational and sporting events each year, across the UK, for all patent trainees. As of autumn 2014, the Informals Committee is an official CIPA committee and is therefore required to report to CIPA Council and the Internal Governance Committee so that CIPA can keep track of the Informals Committee's activities. The Committee also advises CIPA Council on matters relating to the training and support needs of trainee patent attorneys.

### 1. Educational events

The Informals Committee organises lectures and tutorials directed to both the UK Patent Examination Board (PEB) exams and the European qualifying examination (EQE). More details about the exams are given later in this booklet. Each lecture focuses on a specific topic which is of relevance not only to examinations but also to day-to-day practice for a trainee patent attorney. Usually, each year the Committee runs a **Foundation lecture series** from January through to the summer. The lecture series includes individual lectures with titles like “Novelty and Inventive Step”, “Patentability”, “Basic English Law”, “Introduction to Trade Marks”, “Introduction to Copyright and Designs”, “Infringement”, etc. The lectures are designed to introduce trainees to some of the key topics which are useful in day-to-day work and which form part of the Foundation exams.

The Committee also runs **two Final lecture series** each year: one for the European qualifying examination (EQE), and one for the UK Final papers. Typically, the Finals lectures (a.k.a. ‘Advanced lectures’) involve a lecturer going over a particular past paper and explaining how to arrive at the answer. In 2015, in response to feedback from student members, we introduced a new lecture format in which we first provide

‘overview’ lectures explaining what to expect from a paper and give general guidance on how to approach the paper. We then provide a more detailed lecture which focusses on a specific past paper, showing how the approach is applied. The more detailed lecture is provided closer to the exams.

The Foundation lectures are held in CIPA Hall, and trainees often head out together for a drink or two after a lecture. However, **all of our lectures are broadcast live**, so that you can listen to the lectures wherever you’re based in the UK. All the lectures are **recorded** too, so that you can listen to them at your leisure and as often as you like. The recordings and slides are available via the Informals pages on the CIPA website.

The Informals and CIPA work together to provide a **tutorial system** each year, to help trainees to prepare for the UK and European exams. Qualified CIPA members (‘Fellows’) offer tutorials to go over specific past exam papers (for the UK exams and the EQE), and trainees can sign up to join the tutorials. This is especially useful if you’re at a small firm or in an in-house IP department, or if you’re the only one in your office taking a particular exam. Even if you’re at a big firm that runs its own tutorials, you can always benefit from the experience and expertise of attorneys working at other firms or in industry. Plus, the tutorials are free, though you will be asked to organise a tutorial for other people to take part in too, if at all possible. Your tutorial could be led by your supervisor or another qualified colleague, for example.

Roughly, our education calendar looks as follows:

January	UK Foundation lectures			EQE lectures & tutorials
February				<b>EQEs</b>
March				
April				
May				
June		UK Final lectures (overview)		
July		UK tutorials (Foundation & Final)		
August		UK Final lectures		EQE lectures (overview)
September				
October	<b>UK Exams</b>			
November				EQE tutorials
December				



The Committee also organises **trips to the UK Intellectual Property Office (UKIPO)**, which provide trainees with an opportunity to see inside the UKIPO and meet examiners in person. Typically, these are arranged between May and June and are always extremely popular. The trips include lectures from senior examiners at the UKIPO on topics such as “excluded subject matter” and “accelerated processing”, one-on-one discussions with an examiner to see how he or she works, and a claim drafting workshop.

## **2. Social and sporting events**

Another focus of the Informals Committee is organising social events throughout the year, in London and around the UK. These events provide trainees with an opportunity to socialise with one another and to learn more about the patent profession through each other’s experiences. Typically, **in London** the Committee organises at least a new entrants’ and post-UK exams party in autumn, a Christmas party, a post-EQEs party in March or April, and a summer event. The Informals Committee also co-ordinates sporting events such as the annual 5-a-side football tournament. In the summer, there is an annual Intellectual Property Ball (IP Ball) in London, which is attended by patent and trade mark trainees and attorneys.

**Outside London**, the Informals Regional Secretaries organise cocktail nights, trips to the local pub, curry nights, Christmas dinners, etc. in an ever-increasing number of regions. Many regional events are subsidised by the Informals, so you may be able to get free drinks! A list of the current regional secretaries is provided at the end of the booklet. If you’d like to see events in your region, please get in touch with the honorary secretary. As long as there are at least two patent firms in your area, and you’re willing to volunteer to become the regional secretary in that area, we can probably help you to run events in your area.

## **3. How to keep informed about the Informals**

Informals Committee members communicate with trainee patent attorneys in a variety of ways. Firstly, there is the **Yellow Sheet blog** (<http://yellowsheet.wordpress.com/>). The blog is run by the Informals Yellow Sheet Editor and is regularly updated to provide you with useful information. The Editor posts information about upcoming lectures, cancelled or rescheduled events, exam enrolment deadlines, social events around the UK, updates regarding the qualification process that might affect you, etc. All trainees

are strongly encouraged to subscribe to the Yellow Sheet blog so that they don't miss any information.

There is an Informals **Facebook**<sup>®</sup> group where we provide information about lectures and social events, and a **Twitter**<sup>®</sup> account.

The Editor compiles a **Yellow Sheet newsletter** which is distributed to all trainees with the monthly CIPA Journal. The newsletter contains updates about events, our light-hearted 'wacky patent' feature, and educational information. Since the newsletter only comes out once a month, the best way to keep up to date is by subscribing to the blog.

If you have any questions, you're welcome to contact individual members of the Committee – their email addresses can be found at the end of this booklet. If you would like to contribute to the Yellow Sheet blog or newsletter or have found a wacky patent that you'd like to share, you can also email us at *informalseditor@gmail.com*

#### **4. Getting Involved with CIPA**

As mentioned earlier, CIPA does a lot of work on the behalf of its members to, for example, help maintain and promote the reputation of the UK patent profession, lobby on matters relevant to the UK patent profession and provide education and training support to both trainees and qualified attorneys. To achieve all of this, CIPA has a number of **committees** set up to perform specific tasks. For example, the *Litigation Committee* is concerned with IP litigation matters and the rights for UK patent attorneys to litigate in the courts; the *Media and Public Relations Committee* is tasked with liaising with the press and broadcasting media; and the *Education and Professional Standards (E&PS) Committee* is concerned with all matters relating to professional education and training. Each month you can usually find an update from the different committees in the CIPA Journal. As student members of CIPA, you can **join the committees** and help shape what CIPA does. There isn't usually an experience or qualification requirement to join a committee. For example, the Informals Education Coordinator attends *E&PS Committee* meetings, to keep up-to-date with education reforms and represent the views of the student body. You can find out more about the CIPA Committees on the CIPA website – if you'd like to get more involved, just email a current committee member and ask if you can join: <http://www.cipa.org.uk/about-us/people/cipa-committees/>

When you're nearly UK qualified, you may wish to consider joining the **CIPA Council**. The Council is responsible for how CIPA is governed. There is no minimum

age or experience requirement to put yourself forward for election to Council. In fact, former Informals Hon Sec Simone Ferrara and former Informals Treasurer Alicia Instone have recently been elected to Council and bring the views of young patent professionals to Council. Simone is our contact point on Council, which is useful when Council or CIPA is discussing matters that affect patent trainees. If you'd like to know more about CIPA Council or the Council members, please see the CIPA website: <http://www.cipa.org.uk/about-us/people/council-members/>

## **Message from the Informals Honorary Secretary**

My name is Henry and I will be the Honorary Secretary of the Informals Committee until September 2017. My role is, very generally, to oversee the Informals and make sure everything runs smoothly. Most relevant to you is that I am the first point of contact in matters between current trainees and CIPA.

You will be able to read my column in the monthly Yellow Sheet newsletter, which is distributed with the CIPA Journal. The column is usually light-hearted, but it also contains updates related to meetings I've had with CIPA officers. I will also include a summary of what is going on from a wider perspective.

I recommend that you subscribe to the Yellow Sheet blog and read the Yellow Sheet newsletter. You should also keep an eye on the Informals' section of the CIPA website (<http://www.cipa.org.uk/membership/informals/>) as this has the lists of upcoming lectures and tutorials that are organised by the Informals (as well as webinar log-in details to listen to lectures live, and the recordings and handouts from past lectures).

Furthermore, there are the all-important social and sports events which I hope to see you taking part in! Remember, if you have an idea or proposal for the Informals, please contact me and I will be happy to consider it.

Henry Muttock  
([cipainformalshonsec@gmail.com](mailto:cipainformalshonsec@gmail.com))

## **Message from the Informals Education Coordinators**

We're the Informals Education Coordinators. As part of our role on the Informals Committee, we liaise with CIPA to put forward your exam- and training-related queries and concerns. We are also involved in developing other aspects of training (including non-exam-related training and post-qualification training). We understand that aspects of the training can be intense, especially during exams, and thus one of our ongoing aims is to maintain a foundation of support for trainees across the profession. Please feel free to contact us if you have any suggestions about additional resources which you think we would be able to provide, or if you think there is something missing from your training.

Feng Rao and Laura Jennings  
([FXR@dyoung.com](mailto:FXR@dyoung.com) and [LEJ@dyoung.com](mailto:LEJ@dyoung.com))

## How Do You Qualify as a Patent Attorney?

Most trainees in the UK aim to become dual qualified, i.e. qualified in the UK (registered patent attorney, or RPA), and in Europe (European patent attorney, or EPA). However, there are differences in how the two qualifications are obtained, and in what they allow you to do. The table below sets out the different requirements for qualification and the differences between the two jurisdictions:

	EPA	RPA
Qualification essential to represent client?	Yes	No
Exam-based qualification	Yes	Yes
Practice requirement	2 years – you must have completed 2 full years in the profession before you're eligible to sit the EQE pre-examination	2 years – you must have completed 2 full years (and passed all the exams) before you can be entered onto the Register of Patent Attorneys
Essential to train with a qualified attorney	Yes – in order to enrol for the EQE exams, an EPA must sign a form indicating you have been trained by them	No – but you need to be able to show you have at least <u>4</u> years of relevant practice if you do not train under a qualified attorney (cf. 2 years above if training with a qualified attorney)
STEM degree	Yes – see EQE section below for details	No – but see PEB Exam Regulations ( <a href="http://www.cipa.org.uk/patent-examination-board/">http://www.cipa.org.uk/patent-examination-board/</a> )
Resident / National of member state	Yes – except in special circumstances, you must be a resident and a national of an EPC-contracting state in order to be entered on the Register of EPAs	No
Continuing Professional Development (CPD) requirement	No	Yes – you are required to carry out a minimum of 16 hours of CPD each year after qualification in order to remain on the register of patent attorneys.

Most, if not all, RPAs are also Chartered Patent Attorneys (CPAs). CIPA was granted a Royal Charter in 1891 which permits Fellows of CIPA (i.e. UK-qualified attorneys) to use the title 'Chartered Patent Attorney'. Thus, once a trainee has qualified in the UK, he or she must apply to be entered onto the register of patent attorneys. He or she may separately apply to upgrade his/her CIPA membership to become a Fellow (to become a CPA).

## UK Qualification System

The Intellectual Property Regulation Board (IPReg) (see "Other Bodies" section below) is responsible for setting the education and training requirements for qualification as a patent attorney. The requirements set by IPReg can be found here:

<http://ipreg.org.uk/public/what-is-an-attorney/becoming-an-attorney>

<http://ipreg.org.uk/pro/getting-qualified>

There are four key components to become qualified as an RPA:

1. Foundation level examinations
2. Final level examinations
3. practice requirement
4. advocacy examination

These components are explained in more detail below.

### 1. Foundation Level

IPReg has approved several examination agencies at Foundation level. These include:

- Queen Mary, University of London

The *Postgraduate Certificate in Intellectual Property Law* course is a thirteen-week, **full-time** course in London, which starts in September and finishes in mid-December. The exams run over two weeks in January. The course concentrates on "many of the practical aspects of patents, trade marks and designs, and features greater involvement of patent and trade mark practitioners to complement the academic treatment of the subject matter" [source: QMUL website].

<http://www.qmul.ac.uk/postgraduate/taught/coursefinder/courses/121523.html>

- Bournemouth University

The *Intellectual Property Postgraduate Certificate* course is an **online** course. The course starts in January each year and ends in June, with a final three-hour examination. Approximately 60 hours of the course (over three weekends) are delivered by academics and practising experts in IP. To reinforce and develop your knowledge you will have to undertake approximately 12 hours per week of self-directed study (reading set texts and web resources, researching, participating in online tutor group activities etc.) using our Virtual Learning Environment and electronic resources. Attendance is required on three weekends supported by distance learning between weekends and one exam attendance [source: Bournemouth University website].

<https://www1.bournemouth.ac.uk/study/courses/pg-cert-intellectual-property>

- Brunel University

The *Intellectual Property Law PG Cert* course is a **part-time** programme which starts in September and continues until March. It is delivered on Wednesdays from 1pm to 5pm. The course “will explain the basic principles of Intellectual Property Law and the nature and scope of these rights. It will also explore the procedures, both national and supranational, for the granting and recognition of the rights, and mechanisms for enforcement as well as defences against enforcement” [source: Brunel University website].

<http://www.brunel.ac.uk/study/postgraduate/Intellectual-Property-Law-Postgraduate-Certificate>

- The Patent Examination Board (PEB)

The PEB examinations are held once every year, usually in October. The PEB does not run any courses – trainees prepare for the exams in their own time, and/or by going on external courses. Please note, as of 2015 the names of the examinations have changed, but your supervisors will likely refer to the exams by the old names, so we have included both names in the list below. The PEB Foundation Certificate exams are:

- a. Basic UK Patent Law and Procedure (P1, now called FC1)

- b. Basic English Law (Law, now called FC2)
- c. Basic Overseas Patent Law and Procedure (P5, now called FC3)
- d. Design and Copyright (D&C, now called FC4)
- e. Principles of Trade Mark Law (P7, now called FC5)

<http://www.cipa.org.uk/patent-examination-board/>

## 2. Final Level

IPReg has only approved the Patent Examination Board as an examination agency providing Final level examinations. Please note, as of 2015 the names of the examinations have changed, but your supervisors will likely refer to the exams by the old names, so we have included both names in the list below. The PEB Final Diploma exams are:

- a. Advanced IP Law and Practice (P2, now called FD1)
- b. Drafting of Specifications (P3, now called FD2)
- c. Amendment of Specifications (P4, now called FD3)
- d. Infringement and Validity (P6, now called FD4)

It is currently possible to obtain exemption from FD2 and FD3 by passing the equivalent EQE papers or the EQE as a whole.

## 3. Practice Requirement

In order to be entered onto the Register of Patent Attorneys, you are required to have spent two years in full-time practice in IP under the supervision of a:

- Registered patent attorney

**OR**

- Barrister/solicitor/advocate who is engaged in, or has substantial experience of, patent attorney work in the UK

Otherwise, you need to have four years' full-time practice in IP, including substantial experience of patent attorney work in the UK.

There is currently no specific requirement regarding the nature of practice to be undertaken. However, there is guidance on the knowledge and experience



recommended before sitting the Final papers on the PEB website. For example, it is recommended that before you take FD2 (the drafting exam), you should have worked on 10 UK drafts during your day-to-day work, and attempted at least 5 past papers.

#### 4. Litigation and Advocacy

There are three levels of litigation qualification. The first level is an *Intellectual Property Litigation Certificate*, which provides you with:

- the basic right to conduct appeals in the High Court from decisions of the UKIPO
- the opportunity to seek judicial review of such decisions in the High Court; and
- the right to be heard in the Intellectual Property Enterprise Court (IPEC).

**All attorneys qualifying on or after 1 January 2013 need to** attend and pass a *Basic Litigation Skills Course* within **three** years of qualification. More information about this requirement can be found on the IPReg website: <http://ipreg.org.uk/pro/manage-your-professional-development/cpd-requirements-for-litigators>

IPReg has accredited three providers of a Basic Litigation Skills course.

- Nottingham Law School

The Basic Litigation Skills course to be offered by Nottingham Law School is a five-day course for patent attorneys (generally Monday to Friday). The course is accredited by IPReg and will be assessed by a two-hour written paper and a 15-minute advocacy assessment approximately 4-6 weeks following the course. Success in the assessment entitles candidates to apply to IPReg for the *Intellectual Property Litigation Certificate*.

<http://www.ntu.ac.uk>

- CPD Training (UK) Ltd

Several public CPD Training (UK) courses are scheduled to run in 2017, including courses in March, May, September and November.

<http://www.cpdtraining.net/bookings>

- CIPA / the Patent Examination Board

CIPA runs a Litigation Skills Course which leads to the Basic Litigation Skills Certificate. The course comprises an online portion, and a face-to-face portion which is currently run at Kents Hill Park Training and Conference Centre in Milton Keynes. The course comprises a short oral examination and a written examination.

CIPA intends to run the course in April and September each year.

<http://www.cipa.org.uk/patent-examination-board/support/examination-information>

For completeness, there are two further levels of qualification: a *Higher Courts Litigation certificate*, and a *Higher Courts Advocacy Certificate*.

# European Qualification System

There are five key components to becoming qualified as an EPA:

1. STEM degree requirement
2. training under supervision of an EPA
3. foundation level examination
4. final level examinations
5. residency and nationality requirement

These components are explained in more detail below.

## 1. STEM degree requirement

Any decisions regarding the admission to the European qualifying examination are based on the conditions laid down in Article 11(1)(a) of the *Regulation on the European qualifying examination* (REE) and Rules 11 to 14 of the *Implementing provisions to the REE* (IPREE).

The IPREE states that “a candidate shall be considered to have the necessary qualification if he possesses **at least a university-level scientific or technical bachelor’s degree**, or any equivalent academic degree” (Rule 11), in any one of “biology, biochemistry, chemistry, construction technology, electricity, electronics, information technology, mathematics, mechanics, medicine, pharmacology and physics” (Rule 13). Importantly, Rule 11(2) states that “the academic degree...shall have been awarded at the end of a full-time course **with a minimum duration of three years. At least 80% of the course hours taken to obtain this degree shall have been devoted to scientific and/or technical subjects**”. Thus, if your degree is in a subject like Geology, Geophysics, “Physics and Music” or “Mathematics and Philosophy”, you may need to prove that you spent at least 80% of your time studying the technical/scientific parts.

The REE and the IPREE are available here:

<https://www.epo.org/law-practice/legal-texts/official-journal/2014/etc/se2.html>

## 2. Training under EPA

Articles 11(1)(b) and 11(2)(a)(i) REE specify that a trainee must have “completed a full-time training period of at least three years in one of the contracting states to the European Patent Convention under the supervision of one or more persons entered

*on the list of professional representatives before the EPO, as an assistant to that person or those persons, and that in the said period they took part in a wide range of activities pertaining to European patent applications or European patents".* Thus, in order to be able to enrol for and sit the Main (Final) exams, you need to have completed **three years of training** under the supervision of a European Patent Attorney. You must have completed the three years by the date of the Main exams, not at the point at which you enrol for the exams.

In order to enrol for and sit the pre-examination (Foundation level exam), Article 11(7) REE specifies that you must have completed **two years of training** under the supervision of a European Patent Attorney. You must have completed the two years by the date of the pre-examination, not at the point at which you enrol for the exam.

Additionally, in April 2016, a new Rule 28 IPREE came into force. Under the new rule, trainees must register for the EQE **within 2 months of joining the profession** if they want their entire periods of training to count towards the “periods of professional activity” required before they are eligible to sit the EQE papers. (More precisely, they must register within 2 months of commencing “their professional activities or employment as defined in Article 11(2) REE”; for many people these periods will be equivalent.)

There is a transitional period of “at least one year” from 1 April 2016 during which candidates may register for the EQE for free. It also appears that, at least during the transitional period, candidates may request to have previous periods of professional activity that are longer than 2 months taken into account.

Trainees who will only be eligible to sit an EQE paper for the first time in 2018 should register by 31 March 2017 if they want to make sure their previous activity is counted (and they want to register at no cost).

For detailed instructions on how to register, see the Yellow Sheet blog post of 11 April 2016 entitled “EQE registration procedure – an update”:

(<https://yellowsheet.wordpress.com/2016/04/11/eqe-registration-procedure-an-update>)

### **3. Foundation Level**

The pre-examination can only be sat by trainees who have had at least two years’ experience in the profession. The pre-examination is a multiple choice examination

which includes both legal questions and questions on the drafting and prosecution of claims.

Please note that enrolment for the pre-exam is **almost a year before** the date of the exam. For example, the enrolment period for the 2017 pre-examination was between 1 April 2016 and 02 June 2016, for the exam taking place on 6 March 2017. Be sure not to miss the enrolment period!

At the time of enrolment, it is not necessary to have completed two years of supervised training, but you need to show that by the date of the examination you will have achieved this. To this end, part of the enrolment process requires your EPA supervisor to sign a document attesting to the completion of the period of training.

There is quite a lot of paperwork involved when enrolling for the pre-examination. You need to complete an official form to provide your personal details. You need to provide proof of identity (e.g. a certified copy of your passport), evidence that you have the required STEM degree (e.g. a certified copy of your degree certificate, and possibly a transcript showing that at least 80% of your degree was technical), and the document signed by your EPA supervisor about your training. A fee is required to register and for the exam. Please note, some trainees have had their enrolment applications rejected due to missing paperwork or missing fees, and so have had to wait another year to enrol.

#### 4. Final Level

There are four Main (Final) EQE papers:

- Paper A – Drafting Claims & Introduction for EP application. Until 2016, this was available in two versions: one paper for “Electricity/Mechanics”, and one paper for “Chemistry”. However, with effect from 2017, a single Paper A and a single Paper B will be set each year. As for current Paper C and the Pre-Examination, Papers A and B will be set in technical fields that are “accessible to everyone”. A mock paper for the new “accessible to everyone” version of Paper A is available on the EQE website (<http://www.epo.org/learning-events/eqe.html>)
- Paper B – Preparing a Response to an Examination Report. Until 2016, this was available in two versions: one paper for “Electricity/Mechanics”, and one paper for “Chemistry”. However, with effect from 2017, a single Paper A and a single Paper B will be set each year. As for current Paper C and the Pre-Examination, Papers A and B will be set in technical fields that are “accessible to everyone”.

A mock paper for the new “accessible to everyone” version of Paper B is available on the EQE website (<http://www.epo.org/learning-events/eqe.html>)

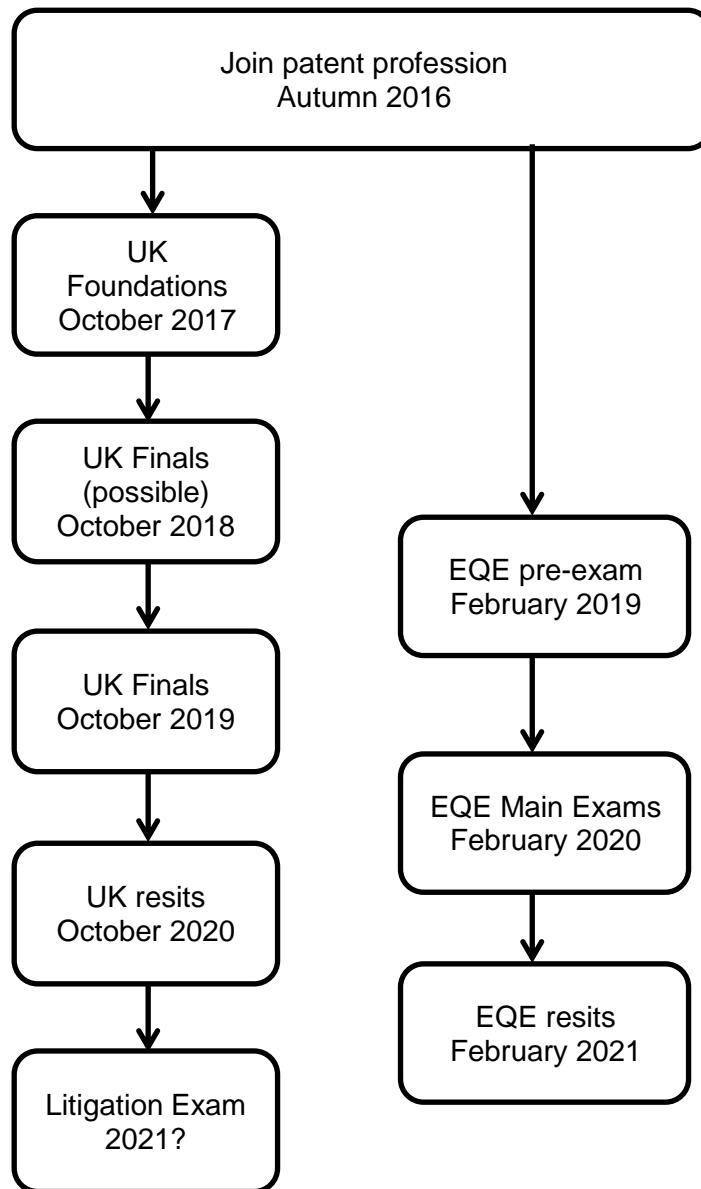
- Paper C – Notice of Opposition
- Paper D – Legal Questions

## 5. Residency and nationality requirement

Article 134(2) of the European Patent Convention (EPC) states that a person who has passed the European qualifying examination (EQE) can be entered on the register of European patent attorneys **only if** that person (a) is a national of an EPC-contracting state (e.g. the UK), and (b) has his/her place of business or employment in an EPC-contracting state. That is, he/she must be **both** a national of **and** a resident in an EPC-contracting state. Note, though, that this is a requirement to be entered on the list/register. The nationality requirement is not a requirement to be able to sit the EQE. Thus, for example, you could sit the exams as a non-UK national, but you must have UK nationality after qualification if you want to be added to the register of EPAs. However, Article 134(7) EPC does allow the President of the European Patent Office to grant exemptions from the nationality requirement in special circumstances. Such an exemption might be granted if a person has lived in an EPC-contracting state for a considerable period of time, is employed as a patent attorney in that state and has demonstrated an intention to stay there permanently and practise as a European patent attorney there.

## Timeline for a trainee starting in the profession in autumn 2016

The diagram below may help you to visualise the various steps in the path to becoming dual-qualified:



There is a long wait for results – usually five or six months! Thus, if you start as a trainee in autumn 2016, the earliest possible point at which you can obtain single qualification is March 2019. This is because the results of the UK PEB exams usually come out in March. The earliest possible point at which you can obtain dual qualification is July 2020, because the EQE results usually come out in the July following the February exams. It is not uncommon to take until 2021 – the exams are notoriously difficult!

## Other Bodies

### **Intellectual Property Regulation Board (IPReg)**

The Intellectual Property Regulation Board (IPReg) was set up by the Chartered Institute of Patent Attorneys (CIPA) and the Institute of Trade Mark Attorneys (ITMA) to undertake the regulation of the patent attorney and trade mark attorney professions, after changes to the Legal Services Act necessitated an independent regulatory body.

IPReg is responsible for setting the education and training requirements for qualification as a patent attorney and a trade mark attorney, setting the requirements for continuous professional development (CPD), setting and maintaining the Code of Conduct for the professions and handling complaints of professional misconduct against patent and trade mark attorneys (and where appropriate taking disciplinary or other action).

### **Institute of Trade Mark Attorneys (ITMA)**

ITMA is the professional body for trade mark attorneys in the United Kingdom. “The Institute of Trade Mark Attorneys, which was founded in 1934, promotes high standards of training, qualification and continued learning in order to ensure that the Trade Mark Attorney profession is able to undertake on behalf of clients, large and small, all of the work associated with securing and protecting trade marks and other intellectual property rights, for example registered designs, both in the UK and abroad” [Source: ITMA website]

### **Patent Examination Board (PEB)**

The Patent Examination Board (PEB) is an independent committee of CIPA and is responsible for setting and marking the UK qualifying examination papers (Foundation and Final examinations), for revising the syllabi, and for setting and marking the Litigation Skills Course exams which lead to the Basic Litigation Certificate. PEB runs UK qualifying examinations every year, generally in October.

Professional qualifications for UK patent attorneys comprise nine examinations; five at Foundation level and four at Final level. Currently, in order to become a Registered Patent Attorney (RPA) you must: (a) pass or be exempted from the Foundation level examinations, (b) pass the Final level examinations, and (c) satisfy any service requirements which have been set by The Intellectual Property Regulation Board (IPReg). More information about the examinations, as well as FAQs and past examination papers, can be found on the PEB website: <http://www.cipa.org.uk/patent-examination-board/>.



## **The Institute of Professional Representatives before the European Patent Office (*epi*)**

The Institute of Professional Representatives before the European Patent Office (also known as the European Patent Institute or *epi*) is a professional association of European patent attorneys and an international non-governmental public law corporation. It was founded on October 21, 1977 by the Administrative Council of the European Patent Organisation. All European patent attorneys, i.e. all persons entitled to act as professional representatives before the EPO (by virtue of passing the European qualifying examination (EQE)), are members of the Institute.

Trainees preparing for the European qualifying examination (EQE) may become *epi* student members (see the website for more information: <http://www.patentepi.com/en/education-and-training/epi-students/>). Currently, each student is entitled to receive his/her own hard copy of “European qualifying examination – Guide for preparation”, receive an issue of the quarterly magazine “**epi** Information”, and a 50% reduction on course fees of *epi* educational events, such as tutorials, mock EQE papers and seminars.

## Useful Resources / Training Material

We provide below a list of resources you may find useful throughout your training, whether you're completely new to the profession or are preparing to sit Finals. This information is also available on the Yellow Sheet blog's useful links page: <http://yellowsheet.wordpress.com/useful-links/>

If you come across a book, website or course which you find useful, please let us know and we'll consider adding it to this booklet when it is next updated.

### 1. General resources:

- **CIPA Journal** – Once you are a student member of CIPA, you will be sent a copy of the CIPA Journal each month. It contains reports on recent court cases, information on changes in patent law across the world and CIPA news.
- **Yellow Sheet newsletter and blog** – The Informals Committee's newsletter is distributed with the CIPA Journal each month. In between paper newsletters, the blog is used to provide further updates (<https://yellowsheet.wordpress.com>). The newsletter and blog provide details of forthcoming lectures, tutorials, social and sports events and any other information particularly relevant to trainees.
- The **CIPA website** – An invaluable source of information. Includes information about upcoming seminars and social events, recent changes to patent law and much more. <http://www.cipa.org.uk/>
- The **EPO website** – Another invaluable source. Includes official EPO notices and appeal board decisions, as well as details of the European patent system and the European Patent Convention (EPC) itself. [www.epo.org/index.html](http://www.epo.org/index.html)
- The **Official Journal of the EPO** – A source of official information and general notices from the EPO and of other information relevant to the EPC or its implementation. <http://www.epo.org/law-practice/legal-texts/official-journal.html>

## 2. Resources for UK exam preparation and day-to-day UK work:

### The Legal Texts:

- The **Patents Act 1977** – this sets out the requirements for patent applications, how the patent-granting process should operate, and the law relating to disputes concerning patents. It also sets out how UK law relates to the European Patent Convention (EPC) and the Patent Co-operation Treaty (PCT).

<https://www.gov.uk/government/publications/the-patents-act-1977>

- The **Patents Rules 2007** – these set out the detailed procedures to implement the Patents Act 1977.

<https://www.gov.uk/government/publications/the-patents-rules-2007-and-patents-fees-rules-2007>

### Useful material in your first year, and preparing for Foundations:

- The **PEB website** – Valuable information pertaining to exams run by the Patent Examination Board. Includes all notices released by the PEB, exam regulations, past exam papers, exam syllabi, exam results, and contact information. <http://www.cipa.org.uk/patent-examination-board/>

- The **CIPA Training Manuals** – CIPA produces a *Patents Training Manual*, a *Foundation Level Training Manual on Trade Mark Law*, and a *Designs and Copyright Training Manual*. Further details can be found on <http://www.cipa.org.uk/eshop/>.

- The **Manual of Patent Practice (MoPP)** – this explains how the UK Patent Office puts the Patents Act 1977 into practice. The Manual is updated regularly to reflect recent developments in law. Note, the MoPP is not a set of legal requirements.

<https://www.gov.uk/government/publications/patents-manual-of-patent-practice>

### Useful material when preparing for Finals:

- **Drafting Manuals** – CIPA contributes to and/or publishes a number of textbooks and manuals, including *Fundamentals of Patent Drafting* by Paul Cole. Further details can be found on <http://www.cipa.org.uk/eshop/>.
- **CIPA publications for the Final papers:** *Study Guide to the Patents Acts* (Doug Ealey), *Infringement and Validity: CIPA FD4 Study Guide* (Nigel Frankland), and *How to Pass P3* (Iain Russell). Further details can be found on <http://www.cipa.org.uk/eshop/>.
- When you're preparing for the FD1 (previously P2) PEB paper, you might like to join Doug Ealey's **P2 (FD1) Study Guide group** on LinkedIn® which has information on when the new version of the study guide is released and allows students to discuss past paper questions with each other.  
<https://www.linkedin.com/groups?home=&gid=4425194&trk=anet Ug hm>
- The **Manual of Patent Practice (MoPP)**

### Additional resources:

- The “**Black Book**” – A staple for every patent attorney's desk – your firm probably has the latest copy in the library. This is also known as the *CIPA Guide to the UK Patents Acts*. It contains a section-by-section guide to the Patents Act 1977 and relevant provisions of the Copyright, Designs and Patents Act 1988, provides extensive commentary on the interpretation of each section by the UKIPO and courts, and on relevant case law of the EPO Boards of Appeal, and acts as a practical guide to the current requirements and procedures before the UKIPO and the UK courts.
- The **JDD Consultants** run revision courses to help prepare for all UK papers <http://www.jddcourses.co.uk/>

### 3. Resources for EQE Preparation and day-to-day EP work:

#### The Legal Texts:

- The **European Patent Convention (EPC)** – this sets out the requirements for patent applications, how the patent-granting process should operate, and the law relating to oppositions of granted European patents. It comprises the EPC Articles and the Implementing Regulations (Rules).  
<http://www.epo.org/law-practice/legal-texts/epc.html>
- The **London Agreement** – also known as the Agreement on the Application of Article 65 EPC, this is an optional agreement aimed at reducing the costs relating to the translation of European patents.  
<http://www.epo.org/law-practice/legal-texts/london-agreement.html>
- **Case law of the EPO Boards of Appeal** – these are decisions made by the Boards of Appeal on legal and technical matters. G decisions are made by the Enlarged Board of Appeal and are the most important.  
<http://www.epo.org/law-practice/case-law-appeals/case-law.html>

## Useful material in year 1-2, and preparing for the pre-exam:

- The **EPO's EQE website** – this provides information on the EQE including notices from the Examination Board, the compendium of past papers, and enrolment dates as well as the enrolment web portal <http://www.epo.org/learning-events/eqe.html>
- The **EQE Coffee Break questions** – these are a series of email questions and answers on aspects of European patent law and practice. The questions could form part of your training for the EQE pre-examination. The questions are short and should each only take between 5 and 15 minutes to answer. There are around 50 questions. <http://www.epo.org/learning-events/eqe/eqe-training/coffee.html>
- The **Guidelines for Examination** – these give instructions on the practice and procedure to be followed in the examination and opposition of European patent applications and patents. Note, the Guidelines do not constitute legal provisions. <http://www.epo.org/law-practice/legal-texts/guidelines.html>
- The **European Patent Academy's online training course for the pre-examination** <https://www.epo.org/learning-events/events/search/details.html?id=13371>
- An up-to-date copy of an **annotated guide to the European Patent Convention (EPC)**. The books published annually by Derk Visser (<https://www.htelpublisher.com/books/the-annotated-epc>) and Jelle Hoekstra (<http://www.hoekstradoc.nl>) are popular among trainees preparing for the pre-examination or main EQEs. They are also useful reference texts for day-to-day prosecution work.
- **CEIPI** (Centre d'Études Internationales de la Propriété Intellectuelle) run various courses in the UK to prepare students for the pre-exam and main EQEs. <http://www.ceipi.edu/index.php?id=5415&L=2>

### Useful material when preparing for EQEs:

- Read the **EQE Forum** or ask examiners questions about the EPC or past EQE papers: <http://www.eqe-online.org/forum/>
- The **Salted Patent blog** is written by an EPA and tutor in EPC and PCT law. The blog contains information on what to take to the EQEs and provides possible solutions to past papers <http://saltedpatent.blogspot.co.uk/>
- The **Delta Patents** blog separately covers each of the pre-exam and the four Main exams, including the Delta Patents team's answers to exam papers before the official answers are released <http://eqe-deltapatents.blogspot.co.uk/>
- An up-to-date copy of an **annotated guide to the European Patent Convention** (EPC). The book published annually by Derk Visser (<https://www.htelpublisher.com/books/the-annotated-epc/>) or by Jelle Hoekstra (<http://www.hoekstradoc.nl/>) are popular among trainees preparing for the pre-examination or main EQE. They are also useful reference texts for day-to-day prosecution work.
- **CEIPI** (Centre d'Études Internationales de la Propriété Intellectuelle) runs various courses to prepare students for the pre-exam and main EQEs. <http://www.ceipi.edu/en/>
- The **JDD Consultants** run revision courses to help prepare for all EQEs <http://www.jddcourses.co.uk/>
- The EQE training course run by **Queen Mary University** prepares candidates for the EQEs <http://www.ccls.qmul.ac.uk/courses/courses/short/eqe/index.html>
- The **EPO's E-Learning Centre of the European Patent Academy** provides online training courses: <https://e-courses.epo.org/>
- The **European Patent Institute** (*epi*) has useful information on preparing for the EQE, as well as the rules and regulations regarding enrolment for the exams <http://www.patentepi.com/en/education-and-training/>
- **Case Law of the EPO Boards of Appeal** – this advanced book provides summaries of cases and decisions of the Boards of Appeal and is useful for trainees preparing for the main EQEs. <http://www.epo.org/law-practice/case-law-appeals/case-law.html>

#### 4. Resources for Design and Copyright Law:

The UK:

- The **Copyright, Designs and Patents Act (CDPA) 1988**  
<http://www.legislation.gov.uk/ukpga/1988/48/contents>
- **Design Right Rules**  
<http://www.legislation.gov.uk/uksi/1989/1130/contents/made>
- **Registered Designs Act and Rules**  
<https://www.gov.uk/government/publications/registered-designs-act-and-rules>

The EU:

- The **Community Design Regulation**  
[https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/contentPdfs/law\\_and\\_practice/cdr\\_legal\\_basis/62002\\_cv\\_en.pdf](https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/cdr_legal_basis/62002_cv_en.pdf)
- The **Community Design Implementing Regulation**  
[https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document\\_library/contentPdfs/law\\_and\\_practice/cdr\\_legal\\_basis/22452002\\_cv\\_en.pdf](https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/cdr_legal_basis/22452002_cv_en.pdf)
- The **EU Directive 98/71/EC** on the legal protection of designs  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0071&from=EN>

The EU legal documents above can be accessed via the European Union Intellectual Property Office (EUIPO) website at the following link:

<https://euipo.europa.eu/ohimportal/en/community-design-legal-texts>



## 5. Resources for PCT and foreign jurisdictions:

- The ***Cross-Referenced Patent Cooperation Treaty*** book covers the Patent Cooperation Treaty and the Regulations under the PCT. The book provides cross-references to the articles and rules, to make understanding the PCT somewhat easier. It is also a useful text when preparing for the EQEs <http://www.helze.com/>
- **National Law relating to the EPC** – this booklet aims to provide a concise guide to the most important provisions and requirements of the relevant national law in the EPC contracting states <http://www.epo.org/law-practice/legal-texts/national-law.html>
- The **PCT Applicant's Guide**: International and national phase <http://www.wipo.int/pct/en/appguide/>
- The “**Brown Book**” – This is also known as the *Manual for Handling of Applications for Patents, Designs and Trade Marks throughout the World*. It should be found in your firm's library, and it is a useful guide to IP laws in other countries. It can also be accessed online (with a subscription): <http://www.kluweriplaw.com/>

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