CHAPTER 1 STUDY PROGRAMME

In this chapter, a list of twelve main topics is presented, which should be studied and understood in order to be successful at the Pre-examination. Each of the topics has to be studied and internalised by the candidate. The division has been made such that each topic approximately requires an equal study time. In the next chapter an example of a time schedule for studying is presented.

The study programme for the Legal Questions of the Pre-examination is structured as follows:

1 General and Institutional Provisions; Languages and Representation

- Interpretation of the EPC
- Institutional provisions
- Languages and translations
- Representation before the EPO

2 Patentability (Part I): Inventions, Exceptions to Patentability and Medical Uses; State of the Art

- Patentable and non-patentable inventions
- Industrial application
- Exceptions to patentability
- Medical uses
- State of the art

3 Patentability (Part II): Novelty and Inventive Step

- Novelty
- Inventive step

4 Unity of Invention, Disclosure and Claims; Right of Priority

- Unity of invention
- Disclosure
- Claims
- Right of priority: EPC, Paris Convention, PCT

5 Right to and Effect of the European Patent or Application; Information from the EPO

- Right to the European patent
- Entitlement proceedings
- Designation of the inventor
- Rights conferred by a European patent and by an application
- Interpretation of the European patent
- Infringement and sanctions
- Transfer and assignment of patent applications or patent
- Licences and other rights
- The European patent application as an object of property
- Register of patents
- File inspection
- Periodical publications
- Exchange of information between the EPO and national offices

6 EPC Procedural Law (Part I): Filing the Application; Date of Filing and Formalities Examination; European Search

- The European patent application
- Filing the application
- Date of filing and examination on filing
- Missing parts of the description and missing drawings
- Formalities examination
- European search
- Opinion on patentability (search opinion)
- Unity of invention
- European search report
- Response to the search opinion

7 EPC Procedural Law (Part II): Publication, Substantive Examination; Grant or Refusal; Amendments and Correction of Errors

- Publication of the patent application
- Designation of states
- Request for examination
- Invitation to provide information on prior art and results of earlier searches
- Substantive examination
- Auxiliary requests
- Decision to grant or refuse
- Amendments and correction of errors

8 EPC Procedural Law (Part III): Opposition, Intervention, Limitation and Revocation; Appeal Proceedings; Enlarged Board of Appeal

- Opposition
- Intervention of the assumed infringer
- Request for limitation or revocation
- Appeal
- Referral to the Enlarged Board of Appeal
- Petition for Review

9 EPC Procedural Law (Part IV): Common Provisions, Periods, Remedies and Fees; Conversion, Revocation and National Rights

- Common provisions governing procedure
- Periods
- Further processing and re-establishment of rights
- Fees
- Conversion into a national patent application
- Revocation of European patents in national proceedings
- National prior rights

10 PCT (Part I): General Provisions; Filing the International Application and Accordance of the International Filing Date; The EPO as Receiving Office

- Definitions
- General provisions
- Filing the international application
- International filing date
- Missing parts or missing elements
- Formalities examination
- The EPO as receiving Office

11 PCT (Part II): Search, Publication and Preliminary Examination

- International search
- Written opinion of the ISA
- The EPO as ISA
- International publication
- Supplementary international search
- The EPO as ISA carrying out supplementary international searches
- International preliminary examination
- The EPO as IPEA

12 PCT (Part III): National/Regional Entry and Euro-PCT Application

- National phase
- Regional entry before the EPO as designated or elected Office
- Processing of the Euro-PCT application
- The EPO as designated or elected Office