



Figure 6.5: The stages of analysing a question in Part D1 of Paper D.

6.3.1 Translate the situation into legal provisions

With respect to the first stage, you use the keywords to go to a higher level of abstraction. Ask yourself:

- What is going on here?
- What is unusual?
- What is the problem?

In the example question of Figure 6.2 you see the wording:

“the applicant finds out that he forgot to file the drawings when filing the application”

When you ‘translate’ this into the wording of the law, this could be formulated as follows:

“a part of the application – in this case drawings – is missing” (Rule 56(2) EPC).

The other issues in the question will be dealt with below.

The question to be answered here is “legal situation?”. In the context of the question this can be translated into more legal terms into: *“is the applicant right that the EPO should have informed him, and what is the legal basis for that?”*

After completing the first stage, you have:

- the ‘abstract’ situation: this is the situation described in legal terms, and
- the ‘abstract’ question: this is the question formulated in legal terms.

6.3.2 Answer the abstract question

In the second stage, the ‘abstract’ question is to be answered. To this end, you must find the legal answer to the ‘abstract’ question. The answer is formulated by going step by step from the ‘abstract’ situation to answering the ‘abstract’ question. This is a vital part of your answer to be handed in because it shows that you understand the legal principles and how they relate to each other. Therefore, make sure you do not skip or forget to write down any steps, to show the corrector that you understand how the law works.

Before writing down your answer, open the appropriate study book or reference book and find the legal provision. Here it is essential that you know your way in the books you bring to the exam,