Paper D

Wednesday, 01 April 1998

Part I: 3 hours, first day, morning

Part II: 4 hours, first day, afternoon

Instructions to candidates for preparing their answers

I. General provisions

1. Candidates are expected to be sufficiently familiar with

   – the Guidelines for Examination in the EPO and
   – the content of the Official Journal of the EPO

   as published up to the end of the year preceding their examination.

2. It will be assumed that candidates have read the examination paper in the language in which they give their answer. Where this is not the case, candidates should indicate on the front page of their answer the language in which they read the paper. The same applies to candidates who, having filed a corresponding request when enrolling for the examination, give their answer in a language other than English, French or German.

3. Candidates are to accept the facts given in the paper and to limit themselves to these facts. Whether and to what extent these facts are used is the responsibility of the candidate. Candidates are not to use any special knowledge they may have of the field of the invention.

II. Paper D

4. Paper D Part I comprises questions relating to different areas of the candidates' legal knowledge. Candidates must answer all the questions. Answers should be brief and to the point. For all questions candidates must cite any articles, rules or other legal basis relevant to their answer.

5. Paper D Part II comprises an enquiry from a client requiring an answer in the form of a legal opinion.

   In their opinion candidates must explain the legal consequences of the situation as described.

   Candidates will be expected to demonstrate their ability to deal with a complex industrial property law situation involving fundamental issues of patentability, rights of inventors, inventions as property and third party rights, as defined in particular, but not solely, in Articles 52 to 89 EPC, corresponding articles of the PCT, the Agreement relating to Community Patents and the Paris Convention, as well as in the relevant laws of the contracting states. Candidates should preferably cite any articles, rules or other legal basis relevant to their answer.

6. One grade will be given for Paper D, based on the marks awarded for Parts I and II.