

Question 1

Which of the following statements regarding the filing of claims for a European patent application that is filed directly at the European Patent Office is incorrect?

- a. It is not necessary that the patent application contains one or more claims to obtain a date of filing.
- b. It is possible to file an amended set of claims before the European search report is established.
- c. It is possible to file an amended set of claims after the European search report is established.
- d. It is possible to file an amended set of claims after receipt of an Intention to Grant under Rule 71(3) EPC.

Question 2

During proceedings before the European Patent Office, it is possible to request further processing of a European patent application, if an applicant fails to observe certain time limits vis-à-vis the European Patent Office.

For which of the following situations is further processing possible?

- a. Failure to meet the time limit for requesting further processing.
- b. Failure to request examination of the European patent application within the prescribed time limit.
- c. Failure to file a notice of appeal to a decision of the opposition division of the European Patent Office within the prescribed time limit.
- d. Failure to file a copy of a patent application from which priority is claimed within the time limit identified in the invitation to correct this deficiency.

Question 3

A European patent application, filed on 20 June 2021, was granted on 26 February 2023.

What will be the last date to validly file a notice of opposition for this patent?

- a. 26 November 2023
- b. 27 November 2023
- c. 8 December 2023
- d. 6 December 2023

Question 4

For a European patent application, you have received a first communication pursuant to Art. 94(3) EPC. The communication was dated 25 January 2023, and had a time limit of 4 months for filing a reply. Today, 30 May 2023, your client instructs you to withdraw the patent application. Yesterday, you filed a request for 2 months extension of the time limit. If you withdraw the patent application today, will there be any refund of fees?

- a. No, because you already filed a reply to the communication pursuant to Art. 94(3) EPC a refund is no longer possible.
- b. Yes, because you are still within the 4-month time limit for filing a reply, the Examination Fee will be refunded in full.
- c. Yes, because the extended time limit for replying to the first communication pursuant to Art. 94(3) EPC has not expired yet, 50% of the Examination Fee will be refunded.
- d. No, because the substantive examination has already started for this patent application.

Question 5

Consider the following statements regarding the publication of European patent applications:

- I. It is mandatory to request examination, pay the examination and designation fees and file comments to the Search opinion within 6 months after the date of the A1 publication.
- II. The A1 and A3 publications trigger the period during which any third party may file observations concerning the patentability of the invention.

Which of these statement(s) is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Both statements I and II are correct.
- d. Both statements I and II are incorrect.

Question 6

A granted European patent (granted in English) has been opposed. After the opposition procedure the patent is maintained in amended form with amended claims. The new specification is published in the European Patent Bulletin on 5 April 2023. The patent has been validated in the Netherlands, Belgium and Germany and the patent holder wishes to maintain the patent in these countries. Which actions should be performed?

- a. No actions are required for **NL**, **BE** and **DE**. The patent has already been validated within three months from grant. As the patent has been maintained after opposition, the validations are maintained automatically.
- b. **NL**: A Dutch translation of the claims as amended during opposition must be filed on or before 5 July 2023. A fee must be paid by that date as well.

For **BE** and **DE** no actions have to be taken.

- c. **NL**: A Dutch translation of the claims amended during opposition must be filed on or before 5 July 2023. No fee is due, because the fee for validation has already been paid when the patent was granted.

For **BE** and **DE** no actions have to be taken.

- d. **NL**: A Dutch translation of the claims amended during opposition must be filed on or before 5 July 2023. A fee must be paid by that date as well.

BE: A translation of the specification into Dutch, French or German must be filed on or before 5 July 2023.

DE: No actions have to be taken.

Question 7

You have to file a European patent application claiming priority from a Dutch patent application. At the due date for filing only a Dutch text is available and you are instructed not to pay any fees yet.

Which of the following statement(s) is/are correct?

I - You will receive an invitation to pay the missing filing fee and search fee within one month from notification.

II - If you do not file an English translation within 2 months from filing, the application will be deemed withdrawn.

- a. Both statements are correct.
- b. Only statement I is correct.
- c. Only statement II is correct.
- d. Both statements are incorrect.

Question 8

A Mexican company producing food products, considers exporting to Europe and wants to register its trademark in the European Union. Which of the following statements is correct:

- a. The company can file the European trademark application and proceed with the prosecution without representation.
- b. The company can file the European trademark application, but after a formal check the EUIPO will request to appoint a representative.
- c. The company must appoint a representative at the moment of filing, because the applicant has no place of business or effective establishment in the European Union. Without representation the European trademark application will be rejected.
- d. The company needs to have a place of business or effective establishment in the European Union to be entitled to apply for a European trademark.

Question 9

Consider the following statements regarding a Benelux design application:

- I. If all formal requirements are met, the design will be registered and published.
- II. An opposition procedure is available for designs in the Benelux.

Which of these statement(s) is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Both statements I and II are correct.
- d. Both statements I and II are incorrect.

Question 10

Consider the following statements regarding Benelux trademark and design registrations:

- I. A design registration can be renewed after 5 years for an unlimited number of years, as long as the renewal fees are paid every 5 years.
- II. A trademark registration can be renewed after 10 years for an unlimited number of years, as long as the renewal fees are paid every 10 years.

Which of these statement(s) is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Both statements I and II are correct.
- d. Both statements I and II are incorrect.

Question 11

Your Dutch client is interested in opening her own web shop to sell aromatic candles that she handcrafts at home. She needs a domain name (.NL) for her web shop and requests your assistance to register her domain name (.NL). Where do you have to apply for a domain name?

- a. At the Benelux Office for Intellectual Property
- b. At Internet Corporation for Assigned Names and Numbers (ICANN)
- c. At Stichting Internet Domeinregistratie Nederland (SIDN)
- d. At a registrar

Question 12

Company XL has filed a Benelux trademark application "X" through a trademark attorney on 13 March 2023 for the classes 20, 21 and 25. The Benelux Office for Intellectual Property published this application on 25 April 2023. After checking the publication, the trademark attorney noticed a mistake: the entire class 25 was missing. The trademark attorney informed the Benelux Office for Intellectual Property of the mistake on 29 April 2023. Which of the following statement(s) is/are correct?

- I. The opposition period will start counting from 25 April 2023.
 - II. The Benelux Office for Intellectual Property will have to re-publish the application.
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- a. Only statement I is correct.
 - b. Only statement II is correct.
 - c. Both statements I and II are correct.
 - d. Both statements I and II are incorrect.

Question 13

You are going to file an International patent application with the Netherlands Patent Office as Receiving Office claiming priority from an earlier Irish patent application.

Consider the following statements regarding the options under the PCT for furnishing the priority document for this International patent application:

- I. The priority document can be furnished by providing a WIPO Digital Access Service code.
- II. You can furnish the priority document directly to the International Bureau of WIPO yourself.

Which of these statement(s) is/are correct?

- a. Only statement I is correct.
- b. Only statement II is correct.
- c. Both statements I and II are correct.
- d. Both statements I and II are incorrect.

Question 14

The European Patent Office as Receiving Office for an International patent application invites the applicant to provide a missing abstract within a period of two months. The invitation is dated 29 March 2023 and is received by the applicant on 10 April 2023. The date of receipt stamped on the communication by the mail service provides evidence of the receipt date. What is the last date for responding to the invitation?

- a. 29 May 2023
- b. 30 May 2023
- c. 5 June 2023
- d. 9 June 2023

Question 15

Which of the following is NOT a minimum requirement for obtaining a filing date for an International patent application?

- a. A part which appears to be a description.
- b. At least one applicant with the right to file at the selected Receiving Office.
- c. Payment of the filing fee.
- d. A part which appears to be a claim or claims.

Question 16

Today, 30 May 2023, you file an International patent application for a Montenegrin corporation using e-PCT with the European Patent Office as Receiving Office. The application consists of 22 pages description, 6 pages claims, 1 page abstract, 7 pages drawings and 4 pages for the request form. The application is filed in English. The selected International Searching Authority is the European Patent Office. All Contracting States bound by the PCT today are designated. No priority is claimed.

What is the total amount of fees payable for filing the International patent application and receiving an International search report without incurring late payment fees?

- a. EUR 3.251
- b. EUR 3.171
- c. EUR 3.458
- d. EUR 3.245

Question 17

Your office is requested to enter the national phase for the United States of America based on an International patent application within the prescribed 30-month period. The application contains a total of 75 pages. There are 2 independent claims. The application was filed with the French patent office as Receiving Office and published in French on 15 December 2022. The European Patent Office acted as International Searching Authority. The International search report and written opinion was fully positive.

What are mandatory acts for entering the US national phase?

- I. Filing of an Information Disclosure Statement and payment of accrued maintenance fees
 - II. Payment of the basic national fee, search fee and examination fee
- a. Only I is a mandatory act.
 - b. Only II is a mandatory act.
 - c. I and II are both mandatory acts.
 - d. I and II are both not mandatory acts.

Question 18

You are instructed by your client to file an application for a Supplementary Protection Certificate in the Netherlands based on patent no. EP1234567. The filing date of the European patent is 8 May 2012 and the date of the mention of the grant is 18 November 2022. The patent is granted in the name of Medical, Inc., a resident of the United States of America. The brand name of the medicament is Bert[®], the generic name is Ernie. The first marketing authorisation for Bert[®] was issued by the European Medicines Agency (EMA) on 27 April 2022. It is not a paediatric medicine.

What was the last date to validly file an application for a Supplementary Protection Certificate in the Netherlands without entering the grace period?

- a. 27 October 2022
- b. 28 October 2022
- c. 18 May 2023
- d. 19 May 2023

Question 19

You filed a Dutch patent application on 14 April 2023 claiming priority from a Croatian patent application that was filed on 29 April 2022. Your client was not sure about the type of novelty search they wanted and therefore the application was filed without filing a request for a novelty search and paying the search fee.

Your client is now invited by the Netherlands Patent Office to indicate the type of search and to pay the prescribed fee. The invitation is dated 15 May 2023.

What is/was the last date for validly requesting the novelty search and paying the prescribed fee?

- a. 29 May 2023
- b. 30 May 2023
- c. 15 August 2023
- d. 14 May 2024

Question 20

Today, 30 May 2023, you have to validate a European patent in the Netherlands on the last day of the 3 month period. The European patent was granted in the German language.

A complete English translation of the German description, claims and drawings as granted is available. There is not enough time to prepare a Dutch translation of the German description, claims and drawings. Only a Dutch translation of the claims can be finished in time.

How should you proceed in order to validly validate the European patent in the Netherlands today?

- a. File the English translation of the description and drawings together with the Dutch translation of the claims and pay the prescribed fee.
- b. File the Dutch translation of the claims and pay the prescribed fee.
- c. File the English translation of the description, claims and drawings and pay the prescribed fee.
- d. File the English translation of the description, claims and drawings, pay the prescribed fee and file a request for an extension of time to file the Dutch translation of the complete description and claims.

Case 1

A Dutch client wants a trademark registration in the Netherlands for the sign ELI-TEX for clothing textile (Class 25).

- a. At which IP office(s) can the application for a trademark registration be filed and which countries would be covered?

In discussions with the client it is decided to file a Benelux trademark application with the Benelux Office for Intellectual Property.

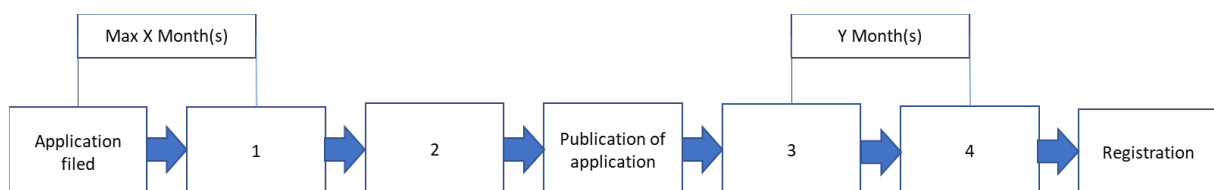
- b. Which of the following means can be used to file the trademark application:
1. delivery at the Benelux Office for Intellectual Property in person,
 2. sending by mail or courier service,
 3. sending by email,
 4. Benelux Office for Intellectual Property web portal.
- c. What requirements have to be fulfilled for the application to obtain a filing date?
- d. What are the procedural steps from filing until registration of the Benelux trademark?

For each of the numbers 1 - 4 choose one of the following steps

- Payment of basic fee
- Formalities check
- Establishment of search report and written opinion
- Examination on absolute grounds
- Examination on relative grounds
- End of opposition period

For each of the time periods X and Y choose one of the following:

- 1 Month
- 2 Months
- 3 Months
- 4 Months
- 6 Months
- 9 Months



After the Benelux trademark is registered, the client wants to extend trademark protection to other countries in the EU, and also outside of Europe, in particular in Argentina, United States of America, and India.

- e. Which 4 options are available to obtain trademark registrations in these territories?
- f. What are the requirements for further applications for trademark registration, if these further applications should benefit from priority of the Benelux trademark registration?

In discussions with the client it is decided to file an application for an International trademark registration.

- g. At which office(s) can the International trademark application be filed?

The International trademark application designates the EU, the United States of America and a number of other countries. The USPTO refuses the International trademark application.

- h. Does this refusal have consequences for the other designations? Motivate your answer.

Case 2

You filed a European patent application EP1 for your client on 4 March 2019.

One week after filing your client contacted your firm and indicated that a mistake had been made and that priority should have been claimed from Canadian patent application CA1, which has a filing date of 6 March 2018.

- a. Was it still possible to claim priority from CA1 at that time?
- b. If so, what step(s) had to be taken to validly claim priority from CA1? What was/were the time limit(s) to do so?
- c. What is the procedure where the European Patent Office notes that a copy of the search results of the priority application is not filed at the time the examining division assumes responsibility? What is the consequence if the results are not filed at all?

Substantive examination of the European patent application started in March 2020. You received a second communication pursuant to Art. 94(3) EPC dated 15 June 2021. The communication invited your client to file observations and, optionally, amend the application within a time limit of 4 months. A response was timely filed to the communication but unfortunately was not considered sufficient to overcome all objections raised therein. Consequently, the examining division refused the application by decision of 10 February 2022.

- d. Could a divisional application still be filed if your client does not appeal the decision to refuse EP1? If so, what was the last day for filing? Motivate your answer.
- e. Which fees needed to be paid for a divisional application EP2 that was filed in due time on 8 March 2022 for the application to undergo substantive examination and when were these fees due?

After reconsideration your client decided, however, to appeal the decision of refusal of EP1.

- f. Which actions must be taken to validly appeal the decision?

Oral proceedings were held before the Board of Appeal and an Intention to Grant was issued after remittal to the examining division.

- g. What actions need to be taken in response to the Intention to Grant if your client approves the text intended for grant and the bibliographic data? What was the time limit for performing these actions?

The Decision to grant was received on 19 May 2023 indicating that the mention of the grant will be published in the European Patent Bulletin on 21 June 2023.

- h. What is the last day on which a further divisional application of EP1 can be filed?

Case 3

Your Dutch law firm received a request from a client, X-Medical, a company based in Mexico, to file an International patent application. X-Medical would like to claim priority from an earlier patent application which was filed in Venezuela on 17 May 2022. X-Medical is the sole applicant of the Venezuelan patent application.

- a. Is it possible to file an International patent application claiming priority from a Venezuelan patent application? Motivate your answer.

The client informed you that they would like to file the International patent application in the name of two applicants, X-Medical based in Mexico and the affiliated company, Y-Medical based in Venezuela.

- b. Mention all competent Receiving Offices for filing the International patent application.
- c. Considering the addition of Y-Medical as applicant, is there anything that needs to be done to validly claim priority from the Venezuelan patent application as compared to when X-Medical would have been the sole applicant of the International patent application? Motivate your answer.

The Venezuelan patent application from which priority is to be claimed was filed in the Spanish language. You decided to file the International patent application on 17 May 2023 in Spanish with the International Bureau of WIPO as Receiving Office.

- d. Can your Dutch law firm act as an agent before the International Bureau of WIPO as Receiving Office for this International patent application? Motivate your answer.

Your client informed you that they would like to receive a search report from the European Patent Office.

- e. Is it possible to select the European Patent Office as International Searching Authority for this application? Motivate your answer.

After the International patent application was filed you received an invitation from the European Patent Office as International Searching Authority to furnish a sequence listing, because the International patent application discloses nucleotide and amino acid sequences. You discovered that the priority application contained a sequence listing which was filed with WIPO Standard ST.25.

- f. Is it possible to file the sequence listing for the International patent application with the same ST.25 Standard? Motivate your answer.
- g. Is it necessary to pay a fee when filing the required sequence listing and if so, what is the amount of the fee?

After the International patent application was filed, the client informed you that X-Medical and Y-Medical signed a Deed of Assignment. In the Deed of Assignment the rights of X-Medical are transferred to Y-Medical, making Y-Medical the sole party having rights to the International patent application.

- h. What is the last day on which a change in the applicant under Rule 92bis PCT should reach the International Bureau of WIPO in order to show this change in the bibliographic data of the published PCT application?

The change is recorded by the International Bureau of WIPO before publication. Assume that the International search report including the written opinion will be transmitted on 14 December 2023, and that in the written opinion the claims of the International patent application will be objected to

for lacking novelty. Your client wishes to receive a positive International Preliminary Examination Report before entering the national phase and will ask you to file a Demand for International Preliminary Examination.

- i. What is the last date to validly file a Demand?
- j. Which offices are competent as an International Preliminary Examination Authority to file the Demand? Motivate your answer.