

CIPA Informals Handbook for Trainee Patent Attorneys

2022

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A. Introduction and Endorsement by the CIPA President

A very warm welcome as you embark on your training towards becoming a patent attorney. Congratulations on joining an exciting and international profession. The COVID-19 pandemic has shown just how important innovation is, and how important is the support of innovative industries, whether in life sciences or IT or engineering or elsewhere. It is your hard work and achievements in tough times that have brought you where you are today. As a trainee you will learn all you need to know about the law and its practice, to advise your clients, whether in private practice or in industry. Advancing your clients' business needs will be your goal throughout your career, as you work with inventive and creative people to make the most of their IP rights.

During your journey from new trainee to qualified attorney and beyond, no matter who you work for or what type of clients you serve, the Chartered Institute of Patent Attorneys (CIPA) will be there to guide, support and represent you. CIPA is your professional body. We are delighted to have you as a member.

CIPA's membership extends beyond the patent attorney profession and includes IP paralegals, IP solicitors and barristers, and judges, and IP professionals outside the UK. As one of those members, you will have the chance to help shape what the Institute does: its policies, its strategies, its impact and its services to members. CIPA, as a membership body, is governed by its members who serve on its Council, and by its many specialist committees, supported by senior practitioners to the newest recruits, which are instrumental in all CIPA's activities.

CIPA membership has four key benefits. We capture them with the acronym "SILC":

- Status: the title "Chartered Patent Attorney" (CPA) commands world-wide respect and trust: part of CIPA's job is to protect and promote this reputation, and ensure that high standards are maintained throughout the UK profession.
- Influence: CIPA regularly engages 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. We know it makes a difference.
- Learning: both during your training and after 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: it delivers training events, textbooks and training manuals, professional guidance and constant updates and analyses on matters of interest to the IP attorney. By professionals, for professionals.

 Community: perhaps most important, CIPA provides a community for you to feel part of. Ours is a small profession, but its members respect and support one another. They share resources and expertise (and fun) 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. It is where you will receive guidance and support (and friendships) during the early part of your career. The Informals will provide you with training resources: exam tutorials, lectures and seminars as well as organising social events that allow you to meet, and share experiences with, others in your position. Please get involved with the Informals and please participate in the activities they run.

Look further into this handbook – it 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. 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. The environment we operate in brings more interesting (and exciting) challenges, from the practical to the political, where emerging policies from governments at home and abroad often impact on our work and that of our innovative clients. CIPA is here to help you meet your professional challenges and to work in your interests to ensure the IP system is the very best it can be. Last, but certainly not least, CIPA recognises that trainees come from many and varied backgrounds. Inclusivity is fundamental to CIPA's activities, and we work with IP Inclusive to make the IP community more equal, diverse and inclusive. Please take a look at IP Inclusive's work and draw on the support it offers.

I wish you every success in your career and look forward to working with you.

Alasdair Poore

CIPA President 2022

B. 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; and
- 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 their 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. It is the Informals point of view that firms have an obligation to train you on your journey to becoming a patent attorney.

A Warning

The information in this booklet has a limited shelf life. Information contained herein may 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 most recent version of this booklet should be available there. Also, don't forget to check out our blog, the Yellow Sheet, where up-to-date information is provided frequently, and where this booklet can also be found. cipa.org.uk / yellowsheet.wordpress.com

We emphasise that this booklet is most useful in online/PDF form, so that the embedded hyperlinks are easily accessible. If you happen to have a printed copy and wish to access external materials referred to herein, please use the online version of the handbook to navigate to those external resources. We intend to update this booklet at least annually - if you spot any errors/omissions/out-of-date information, or would like to make suggestions for improvements, please email us at informalsyellowsheet@gmail.com.

C. Introduction to CIPA

The Chartered Institute of Patent Attorneys (CIPA) is the professional representative body for patent attorneys in the United Kingdom. CIPA was founded in 1882 and was incorporated by Royal Charter in 1891. CIPA represents over 2500 chartered patent attorneys, in private practice and industrial departments. Total membership is over 4500 and includes trainee patent attorneys, IP paralegals and other IP professionals.

CIPA is designated as the approved regulator for the patent attorney profession under the 2007 Legal Services Act (LSA) and the keeper of the Register of Patent Attorneys under the 1988 Copyright, Designs, and Patents Act (CDPA). CIPA delegates its regulatory responsibilities to 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 be entered onto the Register of Patent Attorneys, and become a Fellow of CIPA and a Chartered Patent Attorney (CPA).

CIPA is the UK's leading professional and representative body for IP professionals practising in patents, designs, trademarks and other forms of intellectual property. CIPA 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-seven elected representatives, and committees covering the full range of IP policy and practice areas;
- 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 textbooks 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

D. 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 as a European patent attorney (EPA) and Chartered Patent Attorney (CPA) (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. Therefore, it's really important that your CIPA student membership is paid for as soon as possible. For some trainees, your firm or employer will pay this for you. Trainees remain members of the Informals until they become fully qualified. The Informals provides a support network for trainees at all levels; from socials, to mental wellbeing resources, to reminders to sign up for exams, and everything in-between.

The Informals Committee is made up of volunteer trainees dotted around the UK. The Committee organises social, educational, wellbeing, and sporting events each year, across the UK, for all patent trainees. Since 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. Members of the Committee also meet twice a year with the PEB Governance Board (PEB-GB, who oversee the PEB) to discuss issues relating to the PEB examinations and UK qualification. So, we are always happy to hear feedback for exams.

I. Message from the Informals Honorary Secretary

My name is Lindsay and I will be the Honorary Secretary of the Informals Committee until September/October 2022. 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 <u>Yellow Sheet blog</u> and read the Yellow Sheet newsletter. This is where most of my, and as a committee, our, updates will be posted first, including lists of upcoming lectures and tutorials that are organised by the Informals, as well as webinar log-in details to listen to lectures live. Recordings and handouts from past lectures can be found on the CIPA website: cipa.org.uk/lecture-archive/.

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.

I can't emphasise enough that my inbox is always open to trainees (or indeed, anyone in the profession or wishing to enter the profession) who may have questions or feedback about the Informals, or training as a patent attorney in general.

Lindsay Pike (ljpike@mathys-squire.com)

II. Message from the Informals Education Coordinator

I am the Informals Education Coordinator. As part of this role on the Informals Committee, I liaise with CIPA to put forward your exam- and training-related queries and concerns. I am 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 me 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.

Heather Reiffer

(hreiffer@hgf.com)

III. 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.

Before the COVID19 pandemic, the Foundation lectures were held in CIPA headquarters in London, and trainees often headed out together for a drink or two after a lecture. However, **all of our lectures are now broadcast live**, so that you can listen to the lectures wherever you're based. Recently, the lectures have been in a hybrid format. 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 Lecture Archive on the CIPA website (see cipa.org.uk/lecture-archive/) Note: CIPA membership is required to register to attend the lectures in person.

The upcoming schedule of lectures can be found on the <u>Yellow Sheet Blog</u>, and we also post regular reminder posts on the Yellow Sheet blog and our LinkedIn[®] group: <u>linkedin.com/groups/8985205</u>.

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 and open to everybody. Although there is no requirement that you have to organise a tutorial in order to be able to participate in one, we do encourage you 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. Further information about the tutorial system, and a list of available tutorials, is available at <u>vellowsheet.wordpress.com/tutorials/</u>.

Roughly, our education calendar looks as follows:

January	UK Foundation .		EQE tutorials
February			EQEs
March			
April			
May			
June			
July		UK tutorials	
August		(Foundation	
September		& Final)	
October	UK Exams		
November			EQE tutorials
December			LQL totoliais

The Informals also run a buddy scheme. The buddy scheme provides a really useful support channel for trainees, especially for those that are in-house or work in smaller firms. Upon signing up, you will be paired with a trainee that has signed up to the scheme. More information can be found at:

yellowsheet.wordpress.com/buddy-scheme-2020/.

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 they work, and a claim drafting workshop. In 2020 and 2021 this event took place virtually, with a series of lectures and an opportunity for a one-to-one or small-group meeting with a patent examiner. A hybrid version is being planned for 2022.

IV. 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 coordinates sporting events such as the annual 5-a-side football tournament. In the summer, there is an annual Intellectual Property Ball (IP Ball, organised by a separate committee) in London, which is attended by patent and trademark trainees and attorneys.

Outside London, the Informals Regional Secretaries organise cocktail nights, trips to the local pub, curry nights, Christmas dinners, etc. in a number of regions. Many regional events are at least partially subsidised by the Informals, in the way of a free drink or two, food, or ticket cost, depending on the event! A list of the current regional secretaries is provided on the Yellow Sheet website. 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.

Since 2020, the Informals have organised the Wellbeing Coffee Club, a series of regular online coffee meetings, to fill the gap while in-person social events were mostly cancelled due to the pandemic. The Wellbeing Coffee Club is a very informal chance to get to know your fellow trainees, while discussing wellbeing-related topics. The Wellbeing Coffee Club is continuing in 2021/2022, and details of the schedule can be found on the Yellow Sheet website.

The best way to keep up with events is via then events tab on our blog (<u>yellowsheet.wordpress.com/events/</u>) which lists upcoming events that we think will be of interest to trainees, including lectures, CIPA events, IP Inclusive events, and our own Informals social and sporting events. We also share a monthly blog post listing upcoming events, and regularly post on the blog and <u>LinkedIn®</u> group.

One more thing - as a registered CIPA student member, you can request a free Totum Pro card from membership@cipa.org.uk, which provides access to a variety of deals and discounts.

V. How to Keep Informed about the Informals

Informals Committee members communicate with trainee patent attorneys in a of is variety ways. Firstly, there the Yellow Sheet blog (http://yellowsheet.wordpress.com/). The blog is run by the Informals Yellow Sheet Blog Editor and is regularly updated to provide you with useful information. The Blog 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 LinkedIn® group (https://www.linkedin.com/groups/8985205/) where we provide information about lectures and social events, and a Twitter® account (https://twitter.com/SheetYellow).

We also have a Yellow Sheet Editor (separate from the above-mentioned Blog Editor), who compiles a **Yellow Sheet** section of the monthly CIPA journal, which is distributed to all CIPA members. The newsletter contains updates about events, our light-hearted 'wacky patent' feature, and educational information. Since the CIPA journal only comes out once a month, the best way to keep up to date is by subscribing to the blog and/or joining the LinkedIn® group.

If you have any questions, you're welcome to contact individual members of the Committee - their email addresses can be found on the Yellow Sheet website at https://yellowsheet.wordpress.com/meet-the-team-2021-22/. If you would like to contribute to the Yellow Sheet blog or section in CIPA journal or have found a wacky patent that vou'd like to share. you can also email us at informalsyellowsheet@gmail.com.

See yellowsheet.wordpress.com/contact-details/ for more contact information.

VI. Getting Involved

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 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 and Honorary Secretary attend Education 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:

cipa.org.uk/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. It's important to continue your involvement in the profession so that the views of junior patent professionals are present at Council - in fact, former Informals Treasurer Alicia Instone later was president of CIPA Council in 2021. The Honorary Secretary of the Informals Committee has a seat on council for just this reason, that way the students of the profession (the Informals) are represented, therefore, any issues can be sent to the Hon. Sec., or any other of the members of CIPA council: cipa.org.uk/officers-and-council-members/

After qualification, don't be a stranger! The Informals relies on qualified members to provide tutorials, webinars, and lectures as a part of the foundation and advanced lecture series (ad hoc). Keep in touch via LinkedIn®, the Blog, or email us!

E. 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).

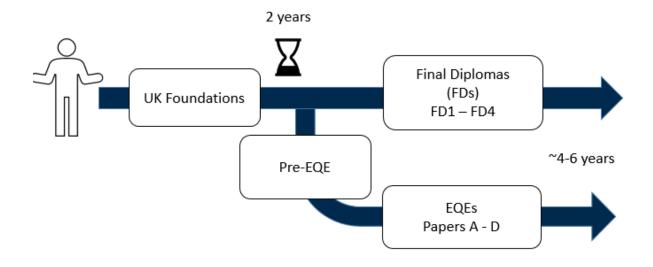
Most, if not all, RPAs are also Chartered Patent Attorneys (CPAs). CIPA was granted a Royal Charter in 1891 which permits Fellows of CIPA (i.e. UK-qualified attorneys) to use the title 'Chartered Patent Attorney'. Thus, once a trainee has qualified in the UK, they must apply to be entered onto the register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

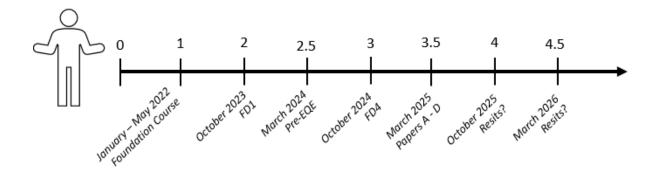
There are differences in how the UK and European qualifications are obtained, and in what they allow you to do. The table below sets out the different requirements for qualification and the differences between the two jurisdictions:

	EPA	RPA/CPA
Qualification essential to represent clients?	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 3 years - you must have completed 3 full years in the profession (and passed or be exempt from the pre-EQE) before you're eligible to sit the EQE examinations	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	No – but you need to be able to show you have at least <u>4</u> years of relevant practice if you do not

	you have been trained by them (Article 134(1) EPC) In-house trainees may not train under a qualified attorney. Please see the European Qualification section G.II.ii for more information.	train under a qualified attorney (c.f. 2 years if training with a qualified attorney)
STEM degree	Yes – see European Qualification section G.I below for details	*Recently, IPReg and the PEB have stated that a STEM degree is required. However, there is no such requirement to sit the Exams. Accordingly, this may be just to enter the Register and gain CPA status. (cipa.org.uk/patent-examination-board/)
Resident / National of member state	No, you do not have to be a citizen of one of the contracting states to register for the EQE and take exams. However, in order to be included in the list of professional representatives, you must meet the conditions of Article 134 EPC. (epo.org//law-practice/legal-texts/html/epc/2020/e/ar134.html)	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.

A typical route to qualification may look like the below infographic, however, owing to the parallel nature in which the PEBs and EQEs can be taken, a plurality of other strategies are possible / recommended.





F. UK Qualification System

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

<u>ipreg.org.uk/what-is-an-attorney/becoming-an-attorney</u> <u>ipreg.org.uk/pro/getting-qualified</u>

There are four key components to become qualified as a Registered Patent Attorney:

- 1. Foundation level examinations (Foundation Certificate; FC)
- 2. Final level examinations (Final Diploma; FD)
- 3. Practice requirement
- 4. Advocacy examination

These components are explained in more detail below.

I. 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].

qmul.ac.uk/postgraduate/taught/coursefinder/courses/121523.html

Bournemouth University

The *Intellectual Property Postgraduate Certificate* course is a hybrid **online** and **in-person** 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 the 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].

bournemouth.ac.uk/study/courses/pg-cert-intellectual-property

Brunel University

The Intellectual Property Law PGCert 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].

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 (former P1, now called FC1)
- b. Basic English Law (former "Law" paper, now called FC2)

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

cipa.org.uk/patent-examination-board/
cipa.org.uk/patent-examination-board/support/syllabi-for-2021/

Please also note that the syllabi are updated each year, so the link above may not be the most recent one.

II. Finals Level

IPReg has approved only the Patent Examination Board as the examination agency providing Final level examinations. Please note, the names of the examinations changed in 2015, but your supervisors may 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 (former P2, now called FD1)
- b. Drafting of Specifications (former P3, now called FD2)
- c. Amendment of Specifications (former P4, now called FD3)
- d. Infringement and Validity (former P6, now called FD4)

It is currently possible to be considered as having passed FD2 and FD3 by passing the equivalent EQE papers (Papers A & B) or the EQE as a whole. See here for more information: cipa.org.uk/patent-examination-board/faq/

cipa.org.uk/patent-examination-board/support/syllabi-for-2021/

Please also note that the syllabi are updated each year, so the link above may not be the most recent one.

III. 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.

IV. 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 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:

ipreg.org.uk/pro/cpd/intellectual-property-basic-litigation-certificate

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*.

ntu.ac.uk/course/nottingham-law-school/pr/certificate-in-intellectual-property-basic-litigation-skills-patent-attorney

CPD Training (UK) Ltd

Several public CPD Training (UK) courses are typically scheduled to run in at various times across the year.

cpdtraining.net/bookings

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

G. European Qualification System

There are five key components to becoming qualified as an European Patent Attorney (EPA):

- I. A STEM degree requirement wherein at least 80% of the degree was STEM;
- II. Practice requirement: training under supervision of an EPA (private practice) or representing your employer (in-house) or working as an EPO examiner;
- III. Passing the pre-European qualifying exam (pre-EQE);
- IV. Passing the European qualifying exams (EQE papers A D);
- V. Residency and nationality requirements.

These components are explained in more detail below.

I. STEM Degree Requirement

Any decisions regarding the admission to the EQE 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 [they] possess 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:

<u>epo.org/law-practice/legal-texts/official-journal/2014/etc/se2.html</u> epo.org/law-practice/legal-texts/official-journal/2019/etc/se2/p2.html

II. Practice Requirement

In addition to the STEM degree requirement, before you can sit the exams there is a practice requirement. There are three different routes to fulfilling the practice requirement, detailed in the subsections below. By the time you sit the main exam, you must have either a) completed three years of training under the supervision of a qualified European Patent Attorney; b) worked for three years representing your employer before the EPO; or c) worked as an examiner at the EPO for four years. By the time you sit the pre-examination, you must have met the practice requirement minus one year, i.e. you must have two years of training under the supervision of a qualified European Patent Attorney or representing your employer, or three years working as an EPO examiner.

II.i Training under an EPA (Private Practice or In-House)

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 <u>by the date of the Main exams</u>, 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 <u>within 2 months of joining the profession</u> 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.)

Reductions in the training time period of up to one year are available for people with experience working as examiners for the EPO or for national patent offices.

More information on registering as an EQE candidate can be found here: epo.org/learning/eqe/registration.html

II.ii Representing Your Employer (In-House)

Important note for in-house/industry trainees who are not training under an EPA If you are working and training "under the supervision of one or more persons entered on the list of professional representatives before the EPO", the process of registration is the same as those in private practice (see section G.II.i above) and the start of your traineeship usually starts on the first day of your job.

However, Article 11(2)(a)(ii) of the IPREE provides another option as an alternative to training under supervision of a European Patent Attorney, for candidates who have "worked full-time for a period of at least three years in the employment of a natural or legal person whose residence or place of business is within the territory of the EPC contracting states and have represented their employer before the EPO in accordance with Article 133(3) EPC while taking part in a wide range of activities pertaining to European patent applications or European patents".

<u>If this is you</u>, you have to register with a form listing European patents for which you have represented your employer. EPO provides a template for listing activities.

The training form is the same for employment as for training under a qualified person - in section 4 of the form you are required to put a general authorisation number. To get a general authorisation you need to fill in a form 1004 and get your employer to sign it. You will need to get the general authorization from your employer and file something in your own name *for the traineeship period to start*.

Here are the links to the relevant forms and templates:

Training form
Template for list of activities
Form 1004 for general authorisation

You can combine periods of training supervised by a qualified European Patent Attorney and periods representing an employer to make up the total requirement of two years for the pre-exam or three years for the main exams.

Reductions in the training time period of up to one year are available for people with experience working as examiners for the EPO or for national patent offices.

More information on registering as an EQE candidate can be found here: epo.org/learning/eqe/registration.html

II.iii Working as an Examiner

Article 11(2)(b) provides a third option to meet the experience requirement, which is to "satisfy the Secretariat that at the date of the examination they have performed full-time the duties of an examiner at the EPO for at least four years".

More information on registering as an EQE candidate can be found here: epo.org/learning/ege/registration.html.

III. Pre-Examination

The pre-examination can only be sat by trainees who have met the practice requirement (see previous section). The pre-examination is a multiple choice (True or False) 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. Be sure not to miss the enrolment period, by adding the date of enrolment to your calendars and keeping a look-out on the Yellow Sheet blog! And note that you must be **registered** to be able to enrol in exams. The Informals post regular reminders on the Yellow Sheet blog.

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.

For those in-house, you must have completed a general authorization and represented your employer. Please see section G.II.ii of this handbook.

A fee is required for registration 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. Make sure to double check that your finance department has paid your fee nearer the deadline - or that you have received a confirmation of enrolment.

IV. Main Examination

There are four Main EQE papers:

- a. Paper A Drafting Claims & Introduction for an EP application.
- b. Paper B Preparing a Response to an Examination Report.
- c. Paper C Notice of Opposition
- d. Paper D Legal Questions

You can find out more about the EQE exams here: epo.org/learning/ege/about.html

V. Residency and Nationality Requirement

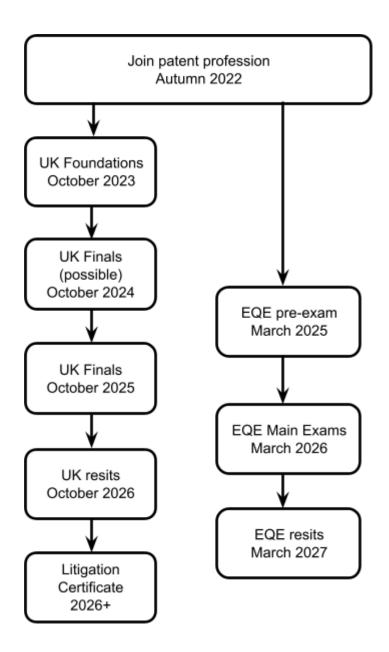
Article 134(2) of the European Patent Convention (EPC) states that a person who has passed the European qualifying examination (EQE) can be entered on the register of European patent attorneys **only if** that person (a) is a national of an EPC-contracting state (e.g. the UK), and (b) has their place of business or employment in an EPC-contracting state. That is, they 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-EPC member state national, but you must have EPC member state 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. Which is more common than you'd perhaps initially think.

VI. Exemplary Timeline for a Trainee Starting in the Profession in Autumn 2021

The diagrams below may help you to visualise the various steps in the path to becoming dual-qualified (UK-CPA/RPA & EPA).



There is a long wait for results – usually five or six months! Thus, if you start as a trainee in autumn 2022, the earliest possible point at which you can obtain single qualification is March 2024. This is because the results of the UK PEB exams usually come out in March, just after the EQE exam period. The earliest possible point at

which you can obtain dual qualification is July 2025, because the EQE results usually come out in the July following the March exams. It is not uncommon to take 4-5 years to obtain dual qualification and to take a couple of resits – the exams are notoriously difficult! For example, in some years, the pass rates for some exams can be as low as 33% - and many candidates have first class degrees and/or PhDs, and/or who might not have ever failed an exam before (probably just like you!) - so failing an exam is not uncommon, and is, in fact, expected. We have a bunch of on mental wellbeing on the Yellow Sheet website resources (<u>vellowsheet.wordpress.com/welfare/</u>) because we know exactly how difficult these exams are!

H. Useful Resources / Training Material

We provide below a list of resources that you may find useful throughout your training, whether you are completely new to the profession or are preparing to sit final exams. This information is also available on the "useful links" page of the Yellow Sheet blog: yellowsheet.wordpress.com/useful-links/

If you come across a book, website or course which you find useful that is *not* included on this list, please let us know and we'll consider adding it to this booklet when it is next updated.

Topics in this section fall under the following headings:

- I. General Resources
- II. Other bodies
- III. Resources for UK Exam Preparation and Day-to-Day UK work
- IV. Resources for EQE Preparation and Day-to-Day EP work
- V. Resources for Design and Copyright Law
- VI. Resources for PCT International Law and Foreign Jurisdictions
- VII. Resources for Equality, Diversity and Inclusion

I. 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.

cipa.org.uk/journal/

- 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. The newsletter and
 blog provide details of forthcoming lectures, tutorials, social and sports
 events, and any other information particularly relevant to trainees.
 https://yellowsheet.wordpress.com
- The CIPA website An invaluable source of information. Includes details of upcoming seminars and social events, recent changes to patent law and much more.
 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. You'll become intimately familiar with the Guidelines for Examination, which can also be found on this website.

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.
 - epo.org/law-practice/legal-texts/official-journal.html

II. 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).

ipreg.org.uk/

Chartered Institute of Trade Mark Attorneys (CITMA)

CITMA is the professional body for trade mark attorneys in the United Kingdom. "The Chartered Institute of Trade Mark Attorneys, which was founded in 1934 and chartered in 2016, 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 trademarks and other intellectual property rights, for example registered designs, both in the UK and abroad" [Source: CITMA website] citma.org.uk/

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: 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: <u>patentepi.com/en/education-and-training/epi-students/</u>). Currently, each student is entitled to receive their own 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.

IP Inclusive

IP Inclusive is a collection of individuals and organisations in the intellectual property (IP) sector, who have come together to make our community more inclusive, diverse, open and fair. See their Mission Statement.

The initiative is run by the sector, for the sector on a voluntary basis. It brings together IP professionals of all types, at all levels of seniority, from all kinds of working environments and in all parts of the UK. Meet the current team to get involved or find out how you can help.

Mostly, they work by sharing best practices, providing training, running events and providing resources to help people promote diversity and inclusion – including through their Careers in Ideas outreach campaign for young people who may be interested in a career in IP. The events and resources are free at the point of delivery; there's no paywall. But they do ask all their supporters to give what they

can to keep the initiative going: if you can contribute, please visit the fundraising page.

They also provide safe spaces where everybody can feel involved and valued. In particular they have (currently) six communities supporting diverse groups in the IP sector:

- BAME professionals (IP & ME)
- Disabled professionals and carers (IP Ability)
- Early-career professionals (IP Futures)
- Solo parents and other non-traditional family members (IP Non-traditional Family Network)
- LGBT+ professionals (IP Out)
- Women (Women in IP)

All six are open to allies and partner organisations as well.

https://ipinclusive.org.uk/

III. Resources for UK Exam Preparation and Day-to-Day UK Work

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 Cooperation Treaty (PCT).

gov.uk/government/publications/the-patents-act-1977

The Patents Rules 2007

These set out the detailed procedures to implement the Patents Act 1977. gov.uk/government/publications/the-patents-rules-2007-and-patents-fees-rule s-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.

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
 cipa.org.uk/eshop/.
- Informals Foundation lectures every year the Informals Foundation Lecture Organiser arranges a series of lectures that address various topics relevant to a new patent attorney trainee.
 cipa.org.uk/lecture-archive/
- 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.

gov.uk/government/publications/patents-manual-of-patent-practice

 The JDD Consultants run revision courses to help prepare for all UK papers iddcourses.co.uk/

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 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), Amendment of Specifications: CIPA FD3 Study Guide (Tim Allsop), and CIPA Study Guide to FD2: Drafting of Specifications (lain Russell). Further details can be found on 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.
 linkedin.com/groups/4425194/
- Loki's Patent Blog <u>lokispatentblog.com/</u>
- **CIPA lectures** on each of the four Finals papers:

FD1 - Advice for FD1 (P2) Candidates and Mentors (2021)

FD2 - Advice for FD2 (P3) Candidates (2021)

FD3 - FD3, an overview and practical guide to the UK Final Amendment of Specifications Paper (2021)

FD4 - FD4 for Trainees (2021)

- The Manual of Patent Practice (MoPP)
- The JDD Consultants run revision courses to help prepare for all UK papers iddcourses.co.uk/

 Barnes IP Training run FD4 courses barnesiptraining.co.uk/

Informals Tutorials
 <u>vellowsheet.wordpress.com/tutorials/</u>

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.

IV. 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).
 - epo.org/law-practice/legal-texts/epc.html
- The Patent Cooperation Treaty (PCT) this sets out the requirements for international patent applications, and how an application progresses through the various phases of the international phase of an international patent application through the PCT. It comprises a (mess) of Articles, Rules, and Al's.

wipo.int/pct/en/

- 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.
 - 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, in the sense that they determine how to interpret the EPC in the broadest sense of the word and are most influential. T decisions are technical board of appeal matters that often deal with individual cases and their merits. J decisions are legal matters decided by the Board of Appeal. D decisions are appeals before the disciplinary board.

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.
 - epo.org/learning/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.

epo.org/learning-events/eqe/eqe-training/coffee.html

- The European Patent Academy Preparing for the EQE pre-examination paper course - is an online course that covers all aspects of the EPC. The course includes articles, quizzes and live sessions with tutors.
 epo.org/learning/eqe/eqe-training.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 <u>not</u> constitute legal provisions, but are what the Examiner's follow when writing those pesky A94(3) office actions...
 epo.org/law-practice/legal-texts/guidelines.html
- An up-to-date copy of an annotated guide to the European Patent Convention (EPC). The books published annually by Derk Visser (wolterskluwer.com/en/solutions/kluweriplaw/eqe) and Jelle Hoekstra (webshop.deltapatents.com/references_epc) are popular among trainees preparing for the pre-examination or main EQEs. They are also useful reference texts for day-to-day prosecution work.
- Delta Patents pre-Exam book provides model solutions to past papers.
 webshop.deltapatents.com/pre_exam_cande
- CEIPI (Centre d'Études Internationales de la Propriété Intellectuelle) run various courses to prepare students for the pre-exam and main EQEs.
 ceipi.edu/en/

Useful material when preparing for EQEs:

 The IP.appify team have the EPC.app and PCT.app self-editable commentaries on the EPC and PCT, respectively. Users can edit the already provided commentary with their own notes during revision and order the book printed so it can be taken with you into the EQE exams. For more information, see the book review from former Hon. Sec. Joel David Briscoe, linked below.

epcapp.net/en

https://yellowsheet.wordpress.com/2021/11/16/study-materials-review-epc-app-and-pct-app-the-self-editable-commented-conventions/

- 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.
 saltedpatent.blogspot.co.uk/
- The DeltaPatents blog separately covers each of the pre-exam and the four Main exams, including the DeltaPatents team's answers to exam papers before the official answers are released.
 eqe-deltapatents.blogspot.co.uk/
- The Fillun EQE blog is written by a recently qualified attorney, sharing their tips, templates and tables for the main exams fillun.com/eqe-blog
- An up-to-date copy of an annotated guide to the European Patent
 Convention (EPC). The book published annually by Derk Visser
 (wolterskluwer.com/en/solutions/kluweriplaw/eqe/) or by Jelle Hoekstra
 (webshop.deltapatents.com/references_ep) 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. ceipi.edu/en/
- The JDD Consultants EQE revision courses jddcourses.co.uk/
- The Queen Mary University EQE training course gmul.ac.uk/law/postgraduate/courses/short/ege/

 The Delta Patents training courses and revision books <u>deltapatents.com/eqe.html</u> <u>deltapatents.com/webshop.html</u>

• The EPO's E-Learning Centre of the European Patent Academy 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.

patentepi.com/en/education-and-training/

Informals Tutorials
 vellowsheet.wordpress.com/tutorials/

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. epo.org/law-practice/case-law-appeals/case-law.html

See also section H.VI below for PCT materials, as the PCT is included in the scope of the EQE.

V. Resources for Design and Copyright Law

In the UK:

The Copyright, Designs and Patents Act (CDPA) 1988
 Statutory law relating to intellectual property in general.
 legislation.gov.uk/ukpga/1988/48/contents

Design Right Rules

Rules for implementing the UK unregistered design right. legislation.gov.uk/uksi/1989/1130/contents/made

Registered Designs Act 1949 and Rules

Statutory provisions and implementing rules for UK registered designs. gov.uk/government/publications/registered-designs-act-and-rules

- GOV guidance on changes to unregistered designs following Brexit gov.uk/guidance/changes-to-unregistered-designs
- The Designs and International Trade Marks (Amendment etc.) (E.U. Exit)
 Regulations 2019

This Statutory Instrument contains post-Brexit and transitional UK design law provisions, including the implementation of supplementary UK design right and continuing UK design right.

legislation.gov.uk/uksi/2019/638/contents

In the EU:

The Community Design Regulation

Essential legal provisions for community (E.U.) design rights.

<u>euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentP</u>

<u>dfs/law_and_practice/cdr_legal_basis/62002_cv_en.pdf</u>

• The Community Design Implementing Regulation

Regulations for implementing Community design rights.

<u>euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentP</u>

dfs/law and practice/cdr legal basis/22452002 cv en.pdf

- The E.U. Directive 98/71/EC on the legal protection of designs
 E.U. directive providing the basis for Community design protection.
 eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31998L0071
- OHIM guidance on the impact of Brexit in the E.U.

 Guidance from the E.U. on the impact of Brexit on Community design rights.

 euipo.europa.eu/ohimportal/en/brexit-q-and-a

 euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentP

 dfs/law_and_practice/communications_president/COM-2-20_en.pdf

The E.U. legal documents above can be accessed via the European Union Intellectual Property Office (EUIPO) website at the following link: euipo.europa.eu/ohimportal/en/community-design-legal-texts

VI. Resources for PCT International Law and Foreign Jurisdictions

PCT Treaty, Regulations and Administrative Instructions

Essential provisions and regulations for PCT law. wipo.int/pct/en/texts/

Paris Convention for the Protection of Industrial Property

The provisions of the Paris Convention regarding *inter alia* priority right. wipolex.wipo.int/en/treaties/textdetails/12633

• The PCT Applicant's Guide

A condensed, cross-referenced guide to the PCT and common questions that arise during the international and national phase.

wipo.int/pct/en/appquide/

National Law relating to the EPC

Extensive categorised tables of the most important provisions and requirements of the relevant national law in the EPC contracting states. Take note of the left-hand sidebar for full contents when using the HTML version. epo.org/law-practice/legal-texts/national-law.html

The Cross-Referenced Patent Cooperation Treaty

Reference book covering the Patent Cooperation Treaty and the Regulations under the PCT. Cross-references are provided between the articles and rules. helze.com/

• The "Brown Book"

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).

kluweriplaw.com/

PCT.App and the Complete PCT Applicant's Guide

Annotated study guide copies of PCT law and the PCT Applicant's Guide. <u>fireballpatents.com/study-materials/complete-pct-ag</u> fireballpatents.com/study-materials/pctapp

VII. Resources for Equality, Diversity and Inclusion

Everyone should feel safe in their workplace. Whilst a lot of work has been done to improve the safety of employees in the workplace, there is still a lot of work to do.

Under the Equality Act 2010, it is unlawful to discriminate against someone because of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The above are known as protected characteristics.

No one should have to face discrimination in the workplace and even a one-off incident can be considered to be discrimination. If you feel that you have been discriminated against, or have been made to feel uncomfortable in the workplace, then there are several options available:

- 1. Speak to someone you trust. If you feel comfortable sharing your experiences, it is important to create a record of what has happened as soon as possible after the incident. Some useful tips are to write down what happened and take a photo of your account, use track-changes on a word processing document to create a time-stamped account, or text a friend through a third-party social media application.
 - For your information, unless you enter into a confidentiality agreement with your employer, you are allowed to freely speak of your experiences so at no point should you feel worried or guilty about telling someone what happened

(both inside and outside of the firm).

- A useful guide on record-keeping can be seen at: <u>citizensadvice.org.uk/work/discrimination-at-work/taking-action/gathering-evid</u> ence-about-discrimination-at-work/
- 2. Raise a grievance with your employer. All employers should have a grievance, discrimination, bullying or harassment policy (either in their staff handbook or on their intranet) and this will outline the steps that will be taken by your employer should you raise a grievance with them. Where you raise a grievance concerning discrimination, it is likely that your employer will formally investigate the matter.
 - An important thing to note is that you do not need to go through this
 procedure alone. By law [1], you are entitled to bring a "companion" with you
 to any such meeting. A companion can be any member of the company (e.g.
 a colleague) or a trade union representative.
 - When meeting with your employer to discuss the matter, it may be helpful to
 ask them to take a record of what is discussed, or to take a record yourself,
 just to make sure that everyone is on the same page about what was said in
 the meeting. It is best practice to ensure that there is a written record of all
 interactions that involve your grievance.
 - Under UK GDPR, you are entitled to see all information an employer has relating to you. Where several people are involved, and you have been referenced, it may not always be possible to obtain information relating to what another person has said about you. Nevertheless, it is always possible to request access to minutes or notes taken by your employer if it relates to a conversation between you and your employer (e.g. a grievance hearing). If your employer is not willing to share their notes from any meeting to which you are a party, you can always submit a Data Subject Access Request (DSAR).
 - Note; when submitting a DSAR, it is important to make this request specific. Any broad request, such as a request for all information relating to you, may result in your request being refused as an employer can state that there is too much information to process. Your employer must respond to your request within 1 month. If they are unable to provide you with a response to the DSAR within 1 month,

they must inform you that this is the case and can request an extension of up to 2 months to comply with your request [2]. If your employer does not comply with your request, or if you do not believe that they have adequately dealt with your request, you may raise a complaint with the <u>Information Commissioner's Office</u> [3].

- 3. File a claim at an Employment Tribunal. Ideally, any complaint that you have raised will be dealt with fairly by your employer and your employer will have measures in place to prevent such incidents from happening. However, you can make a claim to an Employment Tribunal if you feel that your employer, or someone employed by your employer, has treated you unlawfully [5]. Discrimination is a ground for making a tribunal claim and it is also unlawful to be treated unfairly as a consequence of raising a complaint concerning discrimination (this is known as victimisation). If you are considering making a claim, there are several things you should bear in mind:
 - There is a <u>3 month</u> time limit (3 month less 1 day) to file a tribunal claim starting from the last date you felt discriminated against [6]. Following a consultation on sexual harassment in the workplace, the government looked at extending the time limit from 3 months to 6 months for Equality Act 2010-based cases [7]. This is now the case [8].
 - This time limit remains regardless of whether you raise a grievance with your employer first so it is important to keep an eye on timings.
 - Before bringing a claim to tribunal, you should make a claim to <u>Acas</u> and use their early conciliation service [9]. If you enter early conciliation, this essentially pauses your 3 month time limit and any time spent in conciliation (up to 6 weeks) will be added onto your 3 month time limit. You also have a minimum of 1 month from the termination of early conciliation to bring a tribunal claim.

Examples of people within the profession to whom you can reach out are:

 The CIPA Informals committee – you can always contact someone on the Informals committee to have a confidential chat about any of your concerns or to bounce ideas on how to proceed. If you wish to speak to a mental health first aider, you can always reach out to the Informals' confidential welfare email: informalswelfare@gmail.com

- An HR representative or your line manager.
- A person inside of your firm that you trust who isn't HR or your line manager.
- IPReg if you believe that your complaint is a serious breach of IPReg's Code of Conduct, then you can raise a complaint with IPReg to investigate the matter [4].

Other resources

There are many useful resources out there to help you should you feel as if you require additional support. Below is a list of free and confidential resources that could be of use should you ever require it:

The Advice, Conciliation and Arbitration Service (Acas)

Acas is an independent government body which offers employees and employer free, impartial advice on workplace rights, rules and best practice. Acas can also help resolve workplace disputes.

acas.org.uk/

0300 123 1100

LawCare

LawCare is an independent charity offering emotional support, information and training to the UK legal community.

lawcare.org.uk/

0800 279 6888

Rights of Women

Rights of Women is a charity which aims to help women through the law. Rights of Women provide legal advice and information that women may need to use the law and assert their legal rights (e.g. as a result of sexual harassment in the workplace).

rightsofwomen.org.uk/

020 7490 0152 (sexual harassment at work employment law helpline)

Citizens Advice

The Citizens Advice is a national charity that offers free confidential information and advice online, over the phone and in person.

citizensadvice.org.uk/

<u>citizensadvice.org.uk/work/problems-at-work/what-help-can-i-get-with-a-problem-at-work/</u>

References

- [1] davidsonmorris.com/right-to-be-accompanied/
- [2]

<u>ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/what-to-expect-after-making-a-subject-access-request/</u>

- [3] ico.org.uk/make-a-complaint/
- [4]

<u>ipinclusive.org.uk/newsandfeatures/ustoo-how-we-can-all-help-to-promote-dignity-at-work/</u>

- [5] gov.uk/employment-tribunals
- [6] <u>acas.org.uk/making-a-claim-to-an-employment-tribunal</u>
- [7]
 gov.uk/government/consultations/consultation-on-sexual-harassment-in-the-workplac
 e/outcome/consultation-on-sexual-harassment-in-the-workplace-government-respon
 se
- [8] citizensadvice.org.uk/law-and-courts/discrimination/taking-action-about-discrimination/
 n/discrimination-time-limits-for-taking-legal-action/
- [9] acas.org.uk/early-conciliation

I. Wellbeing and Welfare

Training to become a patent attorney can be incredibly rewarding, but it can also be challenging at times. The day to day work of balancing deadlines, dealing with feedback, billing, managing clients and various cases could be considered stressful in itself, without even factoring in revision/exams, or accounting for the other stressors in your life. The impact of the profession on mental health was reflected in the results of a 2019 IP Inclusive survey which showed that respondents were experiencing high levels of work-related stress and/or mental health difficulties that were compounded by attitudes of perfectionism, imposter syndrome and a reluctance to let employers know we are struggling, or take time off.

All of the above is not meant to put you off the profession - there are *many* wonderful aspects too. However, we want to emphasise that *if* you identify with some of the above, that you are not alone, and there are people willing to help if things get tricky.

'It is better to admit when you are starting to struggle and take appropriate action than to power on and run the risk of becoming really unwell'.

- Jonathan's Voice. Protecting your mental health and wellbeing: a guide for patent and trademark professionals.

I. CIPA Informals

The CIPA Informals host wellbeing related events throughout the year as well as a regular <u>Wellbeing Coffee Club</u>. The Wellbeing Coffee Club is an informal get together for trainee patent attorneys to chat. Updated details of the schedule and how to join can be found on the Yellow Sheet blog.

The Informals also coordinate a <u>Buddy Scheme</u> which matches trainees with more experienced buddies who can answer questions you have about your training or the job in general.

The Yellow Sheet blog also contains a <u>welfare section</u> (<u>https://yellowsheet.wordpress.com/welfare/</u>) which lists various resources and blog posts that may be helpful.

Finally, there is also a <u>confidential email address</u> for trainee patent attorneys which is accessed only by trained mental health first aiders (<u>informalswelfare@gmail.com</u>). The purpose of this email is to provide a safe space for trainees to reach out, should they feel they need help or someone to talk to. The mental health first aiders are also trainees, so they may also have additional insight into the pressures you're facing.

II. Your Workplace

Your workplace may have a trained mental health first aider, or designated person that you may be able to have a confidential chat with. You may also consider talking to a supervisor if you are struggling. However, we appreciate that discussing wellbeing in the workplace can be hard, so if you don't want to do this, there are other options available (listed below).

Your workplace may have an employee assistance program (EAP) which offers confidential wellbeing services such as counselling and crisis support.

III. Resources

Jonathan's Voice (JV) (<u>jonathansvoice.org.uk/resources</u>) is a mental health awareness and wellbeing charity that provides detailed resources specifically aimed at IP professionals. It includes lots of tips and ideas for improving your wellbeing.

The charity was set up in 2017 in memory of <u>Jonathan McCartney</u> who tragically took his own life that year. They aim to reduce the stigma associated with mental health issues and to empower people to speak up and <u>reach out for help</u> when they need it. JV work closely with organisations to raise awareness and support them to develop better mental health and wellbeing practices in the workplace.

You can find out more about their work here. Their slogan says it best, "Together we can make a difference...". Indeed, it was through working with Jonthan's voice that we had the idea to set up the mental health wellbeing email - informalswelfare@gmail.com.

The NHS also have many resources on how to look after your wellbeing and mental health including a 5 minute quiz that can help you to identify actions that can help you to improve your wellbeing overall

(nhs.uk/every-mind-matters/mental-wellbeing-tips/).

Mind (mind.org.uk/) also provides lots of general resources for people struggling with their mental health. They also provide various additional services, so it is worth having a look at what help you may be able to get. Mind also provide a supportive online community to talk about your mental health (sidebyside.mind.org.uk/).

The Mental Health Foundation provides podcasts, videos and resources on how to help your mental health and wellbeing (mentalhealth.org.uk/your-mental-health).

IV. Healthcare

We encourage you to reach out to your GP, or another health professional if you are encountering long term or severe issues related to your wellbeing.

For those of you in England, you can also access therapy via self referral (nhs.uk/service-search/find-a-psychological-therapies-service/).

For those of you in Scotland, **Breathing Space** is available to talk on Mondays to Thursdays (6pm to 2am) and Fridays 6pm to Monday 6am by calling **0800 83 85 87** for free. More information is available on their website: breathingspace.scot/

Unfortunately, if you live in Wales or Northern Ireland, these services are not available, but help can be accessed either via your GP or from the sources below.

V. Help Now

If you are in imminent risk, please call 999 for immediate help.

If you are struggling and need to talk to someone, there are several organisations offering free, confidential listening/advice services. Please note that you do **not** have to be in a crisis to access the support below. The numbers below are given for people calling from within the UK. Please access their website for details if you need to access help from outside the UK.

The Samaritans are available 24 hours a day, 365 days a year. You can call them on 116 123 for free. You can also write to them by email (jo@samaritans.org), letter (Freepost SAMARITANS LETTERS) or chat to them online (webchat.samaritans.org/-though note that the webchat this is not available 24/7).

SANE provides emotional support for anyone affected by mental illness, including families, friends and carers. They can be contacted via **0300 304 7000** from 4.30pm to 10.30pm every evening.

Campaign against living miserably (CALM) is a service for men, available by calling **0800 58 58 58** from 5pm to midnight every day. You can also contact them via webchat (thecalmzone.net/help/get-help/).

Papyrus is a service for people under 35. They can be contacted via **0800 068 41 41** between 9am to 10pm weekdays, or 2pm-10pm on weekends and bank holidays. You can also contact them via text (07860 039 967) or email them at pat@papyrus-uk.org.

Law Care is a service for anyone in the legal community who is struggling with any aspect of their life (not just job pressure). They can be contacted via **0800 279 6888** Monday to Friday from 9am to 5.30pm. Their webchat can also be accessed on Wednesdays from 9am to 5.30pm (<u>lawcare.org.uk/</u>).

Shout also provide 24/7 text support for free by sending texts to 85258.

Annex 1 - Checklist

Join CIPA as a Student Member (and ask membership@cipa.org.uk about the student discount card).
Sign up to the <u>Informals blog</u> mailing list.
Sign up for the <u>Buddy Scheme</u> .
Join the Informals LinkedIn group.
Watch the <u>Lecture Archive</u> (available via the CIPA website) Note: CIPA membership is required to attend the lectures.
Register for EQEs as soon as possible (this is different to enrolling for specific exams). You only need to do this once, and the deadline is 15 th January in the year you want to sit the pre-exam.
Complete the EPO training form (page 26 above, and <u>here</u>)
Plan your route to UK & EP qualification and discuss with your manager.
Register for Exams when you're ready, and within the requisite time period (EQEs from April - July; PEBs in July)
Join the mailing list of your local Informals regional secretary (contact details can be found on the Informals blog)
Provide <u>feedback for UK PEB</u> exams to the Informals Education Coordinator and the Hon. Sec.
Check the CIPA journal on a monthly basis (esp. the printed Yellow Sheet).
Don't know? Just ask. No questions are silly, and everyone in the profession was a trainee once! Any member of the Informals will happily field a question.
Access wellbeing resources if you're feeling stressed.