

INSTRUCTIONS TO CANDIDATES

You are to assume that you have received the annexed letter from your client including a description of an invention for which he wishes you to obtain a European patent together with references to the most pertinent prior art known to your client.

You should accept the facts given in the paper and base your answers upon such facts. Whether and to what extent these facts are used is your responsibility.

You should not use any special knowledge you may have of the subject-matter of the invention, but are to assume that the prior art given is in fact exhaustive.

Your task is to draft an independent claim (or claims) offering the applicant the broadest protection possible while at the same time having a good chance of succeeding before the EPO. In drafting your claim(s) you should bear in mind the need for inventive step over the prior art indicated, the requirements of the Convention, in particular as to the form of claims, and the recommendations made in the Guidelines for Examination in the EPO. Dependent claims should also be drafted so as to enable you to fall back upon them should the independent claim(s) fail and should be kept to a reasonable number.

You are also expected to draft an introduction, i.e. that part of the description which precedes the examples or the explanation of the drawings. The introduction should be sufficient to provide support for the independent claim(s). In particular, you should consider the advisability of mentioning advantages of the invention in the introduction.

You are expected to draft claims and an introduction for one European patent application only. This application should meet the requirements of the Convention as to unity. If you would in practice seek to protect further inventions by filing one or more separate applications, you should, in a note, clearly identify the subject-matter of the independent claim of such separate application(s). However, it is not necessary to draft the wording of the independent claim for the or each separate application.

In addition to your chosen solution, you may – but this is not mandatory – give, in a note, the reasons for your choice of solution, for example, why you selected a particular form of claim, a particular feature for an independent claim, a particular piece of prior art as starting point or why you rejected or preferred some piece of prior art. Any such note should however be brief.

It is assumed that you have studied the examination paper in the language in which you have given your answer. If this is not so, please indicate on the front page of your answer in which language you have studied the examination paper. This always applies to candidates who – after having filed such a request when enrolling for the examination – give their answer in a language other than German, English or French.

Different sets of claims for those states which have made reservations under Article 167 (2) EPC are not required.