

Patent Examination Board

Notice

Law Changes for 2026 Qualifying Examinations

The PEB examinations are based this year on legal texts and case law which were in force on **1 April 2026**.

Candidates will not be penalised for basing their answers on any amendments to the law enacted after 1 April 2026, or any case law published after 1 April 2026, and before the date of the examination. However, candidates must be consistent in their application of any recent changes in the law and are advised to mention in their answer if they are relying on provisions of law enacted or published after 1 April 2026.

Candidates are reminded that when answering questions in the Final Examination papers, they should not need to use technical knowledge which extends beyond that provided in the paper itself i.e. the examination scenarios are to be taken in context and external knowledge is not to be used.

Some changes have taken place in the year to 1 April 2026. Here is the PEB advice in relation to these changes.

FD1 – Advanced IP Law & Practice

The ethical, legal and financial responsibilities of a Registered Patent Attorney have been set out in greater detail in paragraph 17 of the FD1 syllabus.

FC1 – UK Patent Law; FD1 – Advanced IP Law & Practice; FD4 – Infringement & Validity

Assessment of Patentability (S.1 PA1977) and Inventive Step (S. 3 PA 1977) needs to be consistent with the decision in *Emotional Perception AI Limited v Comptroller General of Patents, Designs and Trade Marks* [2026] UKSC 3.

FC4 – Design & Copyright Law

Council Regulation (EC) 6/2002 has been amended by Regulation (EU) 2024/2822. Candidates are asked to note the following consequences:

- References to "Community Design right" and "Registered Community designs" have changed to "EU Design right" and "Registered EU designs".
- The amended Article 3 has been added to the syllabus to reflect the slight expansion of products to which EU Designs now extend.
- The new Article 20a has been added to the syllabus to reflect the change to how component parts of complex products are now treated in the EU.

- Article 37 has been amended to abolish the requirement that multiple EU design applications filed in one application be in the same Locarno class
- Case C-728/19, *Beverly Hills Teddy Bear Company v PMS International Group*, concerning the requirement for first disclosure in the EU/UK, has been explicitly added to the syllabus. However, candidates should note that Regulation 2024/2822 amends a key article - 110a - underpinning that decision and so there is a degree of uncertainty as to whether *Beverly Hills Teddy Bear* remains good law in the EU. Candidates should apply the current law but acknowledge this uncertainty.

For the sake of clarity, the general approach taken by the courts to assessing individual character set out in *Samsung v Apple* [2012] EWHC 1882, approving *PepsiCo v Grupo Promer* (C 281/10 P), has been explicitly added to the syllabus.

Following the recent decision in *Waterrower (UK) Ltd v Liking Ltd (T/A Topiom)* [2024] EWHC 2806, both this case and *Cofemel v G-Star Raw* (C-683/17), on the extent to which copyright protects product design, have been explicitly added to the syllabus.

References to Continuing Design Right have generally been removed from the syllabus. Candidates must nevertheless still be able to state what this right was, and when such rights became extinct.