




## EXECUTIVE SUMMARY OF FICPI INFORMATION DOCUMENT MUNICH, 20 JUNE 2013

### CET INFORMATION DOCUMENT – EXECUTIVE SUMMARY

TITLE: FICPI meeting with the European Patent Office	QR CODE:
DRAWN UP BY: <i>Commission d'Etude et de Travail (CET) Work &amp; Study Commission</i> : Antonio Pizzoli, Chair CET Group 04, and Liz Dawson, Reporter, CET Group 04	
PURPOSE: For information and publication in the library section of FICPI's website	

Munich, 20 June 2013

### Highlights from visit to the European Patent Office

At the annual visit to the EPO the FICPI delegation learnt a lot about the future plans of the EPO in various areas, as well as being able to put forward our views on the way the EPO is operating at the moment.

The following lists the more important points that were discussed. A full report is available.

The EPO will implement a technical system from 28<sup>th</sup> June 2013 which will enable applicants to see whether **search or examination** of an application has begun, and therefore determine whether the relevant fee **can be refunded**. For unpublished applications this information will be available through the "My Files" online service.

The Guidelines are now revised annually. The most notable change is that they will state that **Article 123(2) does not have to be interpreted literally**. This follows some Board of Appeal decisions in which the application of Article 123(2) has taken a less literal approach.

The consultation on **Rule 36** received a large number of responses compared to other

consultations. Many advocated a return to the system in place before the Rule was introduced. Among compromise proposals the most popular suggestion was simply to extend the present two year time limit. The EPO will decide how to act before the end of the summer, with a view to putting a **proposal to the autumn CPL meeting**.

A workshop on practice under Article 123(2) is to be arranged. FICPI suggested that practitioners from outside Europe could make a valuable contribution and this suggestion was welcomed.

The EPO is addressing its current work stocks (more commonly known as backlog) with a recruitment drive, more flexible working opportunities, and more monitoring of work prioritisation by examiners. Examiners are to be encouraged to be efficient in carrying out examination, for example by raising all possible objections in the first communication. **Examiners are to be encouraged to speak to representatives by telephone**. The EPO has already implemented a ticketing system to ensure that calls to examiners are responded to.

On the subject of **fees**, small entity fees are being discussed but this would have to be accompanied by an increase in the large entity fee which has been unpopular in the past with big business. It is proposed to bring the cost of European and International



searches into line with each other. It is also proposed to refund a proportion of the appeal fee in cases where the appeal does not go to oral proceedings. The amount is to be decided.

The next stage in the **digital office project** will be the production of electronic Druckexemplars, so hand written amendments will not be used. This will facilitate production of the B specification. Suitable equipment will be provided for use in oral proceedings so that agreed texts do not rely on handwritten amendments.

A third pilot of **collaborative examination** is to be run following which the business case for rolling this out more widely will be considered.

Plans for a **global dossier** are progressing. The plan is that an applicant will be able to see the status of its corresponding applications in several countries and eventually **cross file** easily e.g. a European application based on a US priority application. The EPO is mindful of the dangers of allowing applicants to do too much for themselves.

Liz Dawson

*[End of executive summary]*