Committee Reports

Report of the Online Communications Committee (OCC)

D. Brophy (IE), Vice Chair

Several members of the OCC are appointed to the SACEPO working group on the Electronic Patent Process (SACEPO-EPP), where the EPO updates and consults users on its future plans for electronic systems.

This report highlights the more notable points for **epi** members from a recent meeting of SACEPO-EPP in February 2020, and other activities.

Online Filing Systems

Most filings are currently done using the online filing software, eOLF. The intended replacement for this system was launched in pilot mode several years ago as "CMS" and it has achieved limited adoption, but has never been deemed to be ready as a complete replacement for eOLF. A third system, web form filing, is provided for occasional/emergency use but is not widely used otherwise.

CMS is not being further developed. The EPO has instead been working on of a different replacement system, which will be called "Online Filing 2.0". This will replace CMS and, ultimately, will replace eOLF. Online Filing 2.0 will permit for the filing of xml application documents (i.e. Word .docx files), enabling a switch from the current PDF-based way of working. The development of Online Filing 2.0 may or may not form part of a larger project for end-to-end communications between the Office and users.

The OCC has not yet seen this new system. There are immediate plans for pre-pilot testing by internal EPO staff and a very small group of external users, following which a broader pilot test will take place involving those interested in testing the system.

In parallel, a longer-term project has been established "IT Cooperation Working Groups". The most important of

these is called the "Front Office" working group, which will review all the options for future online filing and communication to and from the office. These working groups include experts from all the national offices as well as the EPO, and we are pleased to have an **epi** member, Dr Ben Grau representing users. (Our OCC colleague Florian Stöckle is similarly participating in the working group "Search".)

For the foreseeable future, eOLF will continue to be maintained as a primary filing mechanism. There is no immediate need for any users to transition away from eOLF, and the OCC will continue to keep members updated as the new system is tested and nearing general release.

Web form filing is to be maintained for the time being. The EPO indicated that they are examining alternative "emergency filing" mechanisms but were unable to share any details.

Finally, alternatives to the smart card authentication method are being examined (a long-standing wish of users), but again the EPO is not yet ready to share details of what alternatives might be offered, and when. OCC believes that the users should have a number of choices (smart card, two-factor authentication using mobile apps, soft certificates) to facilitate individual needs.

Outages of EPO systems

A new procedure has been drafted to better manage planned outages of online systems and to improve communications with users when such outages (planned or unplanned) occur.

Planned outages are generally timed for when there is thought to be least disruption to users. Early evening (e.g. 7pm) on a Wednesday is the EPO's preferred time, allowing the systems to be back in action before late evening for urgent deadlines.

OCC pointed out that while this time slot might be generally suitable, on particular Wednesdays there might be a greater need than normal to view the register, e.g. on the last day of the month or if it coincides with validation deadlines based on the date of publication of mention of grant.

A dedicated page now exists on the EPO website (https://www.epo.org/applying/online-services/online-filing-outages.html) where outages are recorded and archived. This page allows users to verify

whether there is a disruption at the EPO's side in cases of difficulty. In future such notices will also clearly identify the start and end times of such outages.

Colour drawings

The EPO wished to understand whether the filing of colour drawings was a matter of importance to users. The clearly stated view of the users at SACEPO-EPP was that this would be desirable (ranging from "nice to have" to "very important") notwithstanding the current lack of international harmonisation in this area.

At the moment the EPO accepts colour drawings and invites the users to supply greyscale replacements. The filing date is retained, and if it is not possible to replace the drawings then there can be a loss of information when published in black-and-white.

There are technical and legal barriers to accepting colour drawings. On the technical side the technology underlying the Register only handles monochrome documents, and there is no ability to publish patent applications and granted patents in colour. On the legal side, there are issues about enabling disclosure, and the impact on priority when interacting with the systems of other jurisdictions.

In view of the clearly expressed desire of users to accommodate colour drawings in future, the EPO will investigate further how this can be accommodated.

Users also mentioned in the same context the fact that prior art documents issued by the EPO in greyscale can be inadequate to properly understand the original (colour) content.