



Committee Reports

Notice from the Professional Conduct Committee

Oral Proceedings by videoconference during the Covid-19 pandemic and beyond

G. Checcacci (IT), Chair

Whether we like it or not, videoconferencing will be a very common format for Oral Proceedings (OPs), at least for a while.

When using this format, the usual provisions for OPs continue to apply. In particular Art. 116(3) EPC (OPs before the Receiving Section and the Examination Divisions are not public) as well as the Notices of the Vice-Presidents DG 2 & 3 dated 25 February 1986, OJ 1986 page 63, and dated 16 July 2007, OJ 2007 Special Edition no. 3, page 117 (no recording of Oral Proceedings is permitted) remain fully applicable.

Since the videoconferencing format allows limited possibilities of control by the Chairman or as a result of the technology used, it is more than ever our responsibility as professional representatives to ensure that these provisions are complied with, in line with the basic principle of our profession defined in the Regulation on Discipline, Art. 1,

and with the specific obligations vis-à-vis the EPO defined in the Code of Conduct, Art. 6.

Moreover it should be understood as a duty of any professional representative to arrange for internet connectivity and IT tools suitable to ensure that clients' interests are properly served (Art. 4 of the Code of Conduct) when OPs are held as videoconferences.

More generally in relation to the Covid-19 pandemic, it seems useful to remind Members that our duty towards clients includes having emergency plans ready to safeguard their interests in the event we are prevented from exercising our profession: this is provided by our Code of Conduct, at Art. 1(d). In view of the present pandemic, we recommend making sure that our emergency plans remain operative even under such challenging conditions. This is particularly important for those who work in very small businesses, or as sole practitioners.