

**epi** Biotech Committee will discuss the new draft document when it arrives and schedule a digital meeting.

The comments including any particular Biotech-related issues will be discussed in the regular SACEPO WPG meeting on **27 October 2020**.

The EPO thanked **epi** for their proposals and comments and all participants for their support in all aspects, including evaluating the user comments. The good collaboration has eased the EPO's work to a great extent and ensured that the meeting could be conducted in an efficient manner.

## Meetings

The Committee will hold digital meetings to discuss the further the amended Guidelines for Examination proposal of the EPO by end August and the yearly committee meeting will be scheduled.

The Chair Ann De Clercq also joined the digital EPO VP1 meeting on 10 July 2020. It was announced that meetings will take place again with DG1 concerning biotech and other topics.

# Report of the Online Communications Committee (OCC)

J. Gray (GB), Chair

## 1. Introduction

**O**CC remains very busy across several fronts, particularly with new topics arising as a result of the Covid-19 crisis. On 8 April 2020, OCC conducted its own meeting successfully by StarLeaf video conference.

## 2. Covid-19, ViCo and Council

As OCC chair, I found myself volunteering to help the Board and secretariat organise an **electronic Council meeting** under the constraints of the **coronavirus crisis**. This involved a lot of detailed work with the Presidium, with the Bylaws Committee (BLC) and the secretariat staff, as well as external suppliers such as eVoting.biz.

Another additional burden from the Covid-19 crisis was the sudden prominence of **videoconference** in the eyes of the EPO (see below). Cancellation of the **EQE** has led to a program to create a digital version of EQE. OCC members stand by to assist **epi** colleagues in the Supervisory Board as this project develops.

## 3. SACEPO-EPP, TOSC, SACEPO Meetings

As a bonus from the Covid crisis, attendance at EPO meetings such as TOSC, SACEPO etc. becomes much more practical in the online world, and ad hoc meetings become practical. This is a very welcome development.

OCC representations continue to be guided by the positions confirmed by Council in Helsinki, November 2018, and which formed part of **epi**'s submission to the EPO Strategic Plan consultation.

The SACEPO-EPP group grows into a well-functioning feedback forum, albeit focused on future developments. We get

to know well the new IT leadership at the EPO. We get to share experience and input from those **epi** members who attend as representatives of different bodies, and representatives of the growing EP paralegal network.

The SACEPO-EPP meeting reviewed and applauded developments to manage better planned **interruptions of the EPO online systems**. This is still evolving but already 2019 was far better managed than 2018. The timing of outages has already been improved, and the communication and information will be subject to further developments. OCC offers to act as a channel for urgent communication to users, and this has been heard by EPO.

Improvements in information systems including **Register Plus** and **Espacenet** were also noted and applauded. Links between My Files and the register now work properly. Prior art documents within opposition files will now



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be individually labelled at least in some form, rather than the generic “Non-patent literature cited during the opposition procedure”.

<input type="checkbox"/>	03.02.2020	<a href="#">Citation in opposition procedure - 001</a>
<input type="checkbox"/>	03.02.2020	<a href="#">Citation in opposition procedure - 002</a>
<input type="checkbox"/>	03.02.2020	<a href="#">Citation in opposition procedure - 003</a>
<input type="checkbox"/>	03.02.2020	<a href="#">Citation in opposition procedure - 004</a>
<input type="checkbox"/>	03.02.2020	<a href="#">Citation in opposition procedure - 005</a>

The EPO website **epo.org** is being revised and improved – feedback welcome.

Another area of positive progress is the **centralised fee payment service**. Several improvements expected: ease of use, support for correct payments (e.g. only annuities to be paid would show up), new functionalities (self-management, reconciliation of invoices, immediate visibility of deposit account payments), more modern technology. Other desirable features have been identified, but these must wait for future “portfolio management” functionality that does not exist now or in the short term.

Double payment control functions have already been implemented by the EPO for most fees (does not work for search fees, which can be paid several times). Legal safeguards are included in case a correct payment was to be rejected (e.g. if someone else paid in error). The system would record the fact that there was an attempt to pay the fee.

#### 4. CMS replacement “Online Filing 2.0” Pilot

Towards the end of April, EPO advertised for volunteers for a pilot of “Online Filing 2.0” system. This is to enable the retirement of the unreliable CMS system in the near term. It does not affect whether this system or something else is chosen as the long term “Front Office” solution.

The pilot is underway and OCC deputy chair David Brophy and a paralegal colleague, as well as myself and hopefully associates of OCC are recently enrolled in the pilot. The number of volunteers is healthy, though we got the impression this week that the volume of applications actually filed is lower than hoped. **Members involved in the pilot should please participate and provide feedback to the EPO, and share their thoughts with OCC also.**

Users emphasised that pilots should not last forever. Training requirements should be considered, and whether the tool will be implemented in the long term, before a firm or department will invest the time to try something

new. Users may have invested work in eOLF and CMS templates and will not be pleased if these cannot be ported to the new system.

#### 5. Existing online filing e-OLF

EPO has confirmed that the established e-OLF system and CMS will be maintained, but not improved. In mid-February I received reports of a problem caused by a change in eOLF. The workaround was quickly devised, confirmed with EPO, and advertised via the website.

#### 6. TOSC working groups – Future online systems

TOSC meetings provide an opportunity to observe and support collaboration between IT specialists of the EPO and national offices (NPO), as well as WIPO and EUIPO colleagues. Several working groups have been established for EPO to collaborate (TOSC working groups) on developments for the timescale of the Strategic Plan 2023 and beyond. The user experience is seen as key by all involved, and **epi** was invited to nominate participants for any of the seven “working groups”. Working group “**Front Office**” project aims to develop a platform for use across the member states, sharing infrastructure and/or design. Dr **Ben Grau** of Murgitroyd Munich was nominated and he joined the first workshop on 2 March 2020 in The Hague. OCC member **Florian Stöckle** was recruited for the Working Group “**Search**”.

#### 7. “e-Notification” Mailbox, MyFiles etc.

The EPO would like to increase usage of the **electronic notifications**, replacing paper communications. OCC has in the past explained various factors which prevent various users from adopting the electronic notification wholeheartedly. **David Brophy** and I had an ad hoc meeting with senior staff and key Account Managers. We explained that the reasons (attractions/obstacles) are different for different sizes and types of firms:

- Small users would like the option of a “push” notification, for example by email, when a new item arrives in their mailbox.
- Larger users would like the flexibility to assign cases to different user groups, rather than have every member see everything.
- Notification settings should be adjustable per application, not “all in or none in”.
- Users could integrate this function into their case management systems better, if information was received with XML or similar contents, rather than as images of conventional letters.

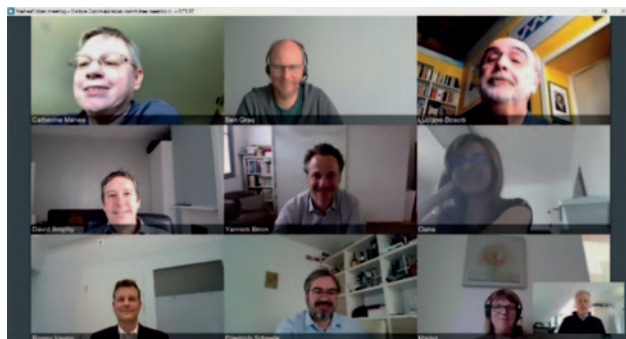
The input was appreciated, although the majority of improvements will need to wait until a next generation of the product, which may be piloted from late in 2021 and not fully operational until 2023 or beyond.

## 8. Authentication (smart cards etc.)

For the first time at SACEPO-EPP in February 2020 the EPO message shifted clearly from its indefinite adherence to smart cards. Future system designs will explore other modes of authentication.

## 9. eDrex

On **eDrex**, we learned in SACEPO-EPP that many improvements have already been delivered to examiners, especially in terms of performance. User guidance has been developed based on analysis of publication issues being regularly encountered. (Our impression is **eDrex** nevertheless remains troublesome.) One question is why the legal-binding text should be the marked-up text which the EPO sends with the Rule 71(3) letter, when the authentic text is the clean text when the applicant sends pages to the EPO. EPO has responded with its reasons why it was decided to retain this apparently contradictory situation. Users would like “Microsoft-like track changes”. According to the EPO, this can be envisaged in the context of the future filing solution.



## 10. Filing formats – DOCX, colour drawings, 3-D drawings etc.

The online filing 2.0 pilot brings with it for the first time the opportunity to understand and apply the EPO’s implementation of **OOXML/DocX filing formats**. Again, this has generated a high level of interest, and there are many long-standing questions that we can try to answer through the pilot. Interest in **colour drawings** is growing and has been implemented unilaterally e.g. by KIPO.

## 11. Video conference for oral proceedings

With the EPO’s sudden push to switch entirely to **video-conference for oral proceedings**, OCC collaborated with colleagues in the SACEPO Working Party on Rules and the Education Committee. On 5 May 2020, OCC chair and Deputy chair participated as “clients” in the recording of a mock inter partes hearing. The resulting video on the EPO website was viewed 5000 times in one week. A detailed report from the perspective of the **epi** members involved was published on the **epi** website, combining our experiences.

## 12. OCC for the next 3 years

OCC works on issues that affect our day-to-day working, rather than grand policy. We have excellent members and associates in OCC, and I hope as many of them as possible will stand for election in November. Special mention to our colleague **Luciano Bosotti** who has been in this committee from its very inception, back when “online filing” of patent applications was only a new proposal!!

New volunteers wishing to bring particular skills or experience into membership or associate membership are of course also welcome to stand for election.