

Report of the Harmonisation Committee (HC)

F. Leyder (BE), Secretary

This report completed on 12 May 2015 covers the period since my previous report dated 13 February 2015.

The Harmonisation Committee deals with all questions concerning the worldwide harmonisation of Patent Law, and in particular within the framework of WIPO.

The ESAB and the economic effects of introducing a grace period in Europe

Initiated by the EPO Economic and Scientific Advisory Board (ESAB), a Workshop on the economic effects of introducing a grace period in Europe was held at the EPO on 26 November 2014. The report of the Workshop is now available on the EPO website, together with the programme: <http://www.epo.org/about-us/office/esab/workshops.html>

The EPO's Economic and Scientific Advisory Board (ESAB) has issued on 17 March 2015 a statement on the possible introduction of a grace period in Europe.

As reported on the EPO website (<http://www.epo.org/news-issues/news/2015/20150317.html>), there was no consensus amongst ESAB members regarding the desirability of the introduction of a grace period in Europe. However, they did agree that Europe should consider introducing a grace period only if two vital conditions are met:

1. the grace period must be a "safety-net" grace period, and

2. the grace period must be internationally harmonised in the key global patent systems.

In preparing its statement, the ESAB took into account the report of the workshop held in Munich on 26 November 2014 and an economic study which the ESAB had commissioned from external consultants (the report of which is now available on the EPO website <http://www.epo.org/about-us/office/esab/workshops.html>).

EPO Tegernsee Symposium

The European Patent Office held a symposium in Munich on 12 February 2015, entitled "EPO Symposium on Harmonisation: Tegernsee and beyond". The presentations and a report prepared by the EPO are available on the EPO website:

<https://e-courses.epo.org/mod/url/view.php?id=7297>.

22nd Session of the SCP

The 22nd session of the Standing Committee on the Law of Patents (SCP 22) is planned to be held in Geneva, from the 27th to the 31st of July 2015. epi will be represented. The meeting papers will be available on the WIPO website:

http://www.wipo.int/meetings/en/details.jsp?meeting_id=35591

Report of the Committee on EPO Finances

J. Boff (GB), Chair

The principal matters occupying the Committee have been the fees relating to the Unitary Patent and methods of payment of fees to the EPO.

Renewal Fees for Unitary Patent

epi have a place as observer on the Select Committee. In response to proposed levels of fees epi have pressed for lower fees, arguing that: –

- increasing the penetration rate (the proportion of granted patents that elect unitary protection) by having low fees assured EPO finances more than having high fees that would lead to a low take up.
- a high fee would make the system unaffordable by SMEs and so would bias the system towards large companies even more than the current situation, par-

ticularly in those countries where there was currently a low validation rate. In contrast, low fees benefited all applicants in all countries.

- high fees would do great damage to the reputation of the European system, and thus could lead to lower filing numbers overall.

The Select Committee are aiming to be in a position to reach a final decision on rules and fees by June 2015.

Fee payment methods

This matter relates to closure of EPO bank accounts and the amended Arrangement for Deposit Accounts, and to possible new means of fee payment. The matter continues to be in discussion in Committee.