

According to the amendment proposed by the Internal Auditors:

- the Treasurer must report to Council. This means that the possibility for the Board to take any urgent action no longer exists.
- the Treasurer must wait until the next Council Meeting to propose a departure from the budget. The Board may be aware of the situation, but has no possibility to

react; this seems rather strange because this situation will impact other aspects (educational activities, for example) on which the Board may (or must) still decide.

It therefore seems that, in view of the present powers of the various bodies, no amendment is necessary to the present A.16.3 BL.

Report of the European Patent Practice Committee (EPPC)

F. Leyder (BE), Chair

This short report completed on 22.11.2015 covers the period since my previous report dated 12.08.2015.

The EPPC is the largest committee of the **epi**, but also the one with the broadest remit: it has to consider and discuss all questions pertaining to, or connected with, practice under (1) the EPC, (2) the PCT, and (3) “the future EU Patent Regulation”, including any revision thereof, except all questions reserved for other committees: Biotech, OCC, PDC, LitCom, and EPO Finances.

The EPPC is presently organised with six permanent sub-committees (EPC, Guidelines, MSBA, PCT, Trilateral & IP5, and Unitary Patent). Additionally, *ad hoc* working groups are set up when the need arises. Thematic groups are also being set up.

1. Independence of the Boards of Appeal

The EPO organised an online user consultation inviting users to express their views on the different reform elements. The consultation triggered a representative number of comments, including those of **epi**. The EPO has now summarised all submissions in a document that will be discussed at the December meeting of the Administrative Council of the European Patent Organisation. The summary can be downloaded from the EPO website:

<http://www.epo.org/law-practice/consultation/completed.html>

2. European patent with unitary effect in the participating Member States

The 16th SC meeting was planned in September, but has been postponed to 13.–14.10.2015 to take into account the request of Italy to join the enhanced cooperation. Although some progress was reportedly made on the distribution key, no agreement was reached.

The 17th SC meeting has now been set on 15 December 2015. It is again expected that the whole package,

comprising the level of renewal fees and the distribution key, can be finalised and adopted in 2015.

3. Committee on Patent Law

The 45th meeting of the Committee on Patent Law (CPL45) took place on 15.9.2015.

As expected, the CPL dealt with amendments to the Implementing Regulations to the EPC regarding handwritten amendments in opposition (Rule 82 EPC) and regarding constitution, maintenance and preservation of files (Rule 147 EPC). These have since been published.

4. SACEPO/WPR 13

The 13th meeting of the SACEPO Working Party on Rules was held on 17.11.2015.

The main item on the agenda was the presentation of ideas to simplify the procedures. As mentioned in the supporting document, “The need for a revision of the complexity of the procedures in place at the EPO was seen by EPO management in order to ensure a harmonised and sustainable practice under both the EPC and the PCT while fostering efficiency for users and examiners.” Some proposals having a direct impact on users have been presented during the meeting, and will be evaluated in the EPPC.

5. MSBA 22

The meeting planned on 7.10.2015 unfortunately had to be cancelled. We hope that a new date can soon be set for the next (22nd) consultative meeting of user representatives with the Boards of Appeal (MSBA i.e. Meeting of SACEPO with the Boards of Appeal). In the meantime, suggestions of topics for discussion are still welcome.