

Report of 78th meeting of Council, Barcelona, 25th April, 2015

T. Johnson (GB) (Chair of the Editorial Committee)

A full complement of members attended the 78th meeting of Council in Barcelona and a pre-event on Friday, 24th April, namely an Interactive simulation of Oral Proceedings before an Opposition Division of the European Patent Office. The “case” involved a patent for an applicator for face cream, suitable subject matter for show – casing the beautiful face of the epi in operation on behalf of clients!

We were fortunate in having as ‘chairman’ of the Division hearing the case Daniel Thomas, former Director of DG1, and a person well-versed in Oral Proceedings. He gave the respective representatives, Chris Mercer for the Patentee and Claude Quintelier for the Opponent, a hard time when necessary, interspersed with comments to the audience concerning procedural points. An impressive set of documentation had been prepared by the epi beforehand, including, details of the patent, the granted claims, main and Auxiliary requests, and prior art, so the audience was well briefed.

The protagonists handled themselves with real professionalism, as did the Chairman, so the audience gained valuable insights into oral proceedings and how they should be conducted. The main lessons taken away by the audience were: know all the papers in the case in depth, be prepared for anything and do not be taken by surprise, and always address the Division directly.

This event was a ‘first’ for the epi, and was very successful, instructive, and enjoyable for all participants.

As to the Council meeting itself, Axel Casalonga gave a detailed report on the status of the Unitary Patent and related issues concerning the UPPC. There could be difficulties on representation for EPAs, particularly if representation was limited to EPAs who are nationals of EU Member States. There was a discussion on a Code of Conduct for EPA representatives before the UPPC. Council agreed that the epi should be involved in discussions prior to a code of conduct being established, and deputed our President to consider the matter.

The Secretary General introduced a new legal member in the Secretariat, and also confirmed that the move to the 5th floor of the current office building had been completed successfully owing to the efforts of the Secretariat ‘team’, who were thanked with acclamation.

The Treasurer General reported that the final results for 2014-2015 were very good, coming in under budget. There was a discussion over the future finances as although the cost of distributing ‘hard’ copies of epi Information would be largely dissipated from about 2016 when distribution

would be in electronic form, nevertheless there would be for example increases in staff costs, the cost of the move to the 5th floor, the funding of more external activities for example in member states, and educational activities. The Internal Auditors were working with the Treasurer General to develop revised financial procedures, while the Finance Committee will work with the Treasurer General with a view to seeing where costs might be cut, for example by abolishing the Board ,or reducing it in size. The annual subscription has been constant for several years. There was a discussion on whether an increase would be appropriate. A decision will be made at a subsequent meeting.

The Reporting Group, in conjunction with the Editorial Committee, reported on recent work. The website continues to be updated with a view to making it making more user friendly, there may be a demonstration to the next Council. The Reporting Group is working towards improving reporting on and transparency of information to members, reform of structures of epi bodies such as committees, improving methodology of working to make working epi processes more effective, and continuation of and development of leadership roles within epi.

The Professional Education Committee inter alia reported on the introduction of Continuing Professional Education (CPE) for epi members. Following discussion, a new proposal will be presented to the Cologne Council meeting (November 14, 2015).

Council discharged the Bureau and Treasurer General for the preceding year.