



Francis Leyder



Report from the President

2022, the year of renewal for **epi**

2020 started as a challenging year for **epi**, as the pandemic started to affect our activities. The EQE had to be cancelled, just days before its scheduled date. Furthermore, it was immediately obvious that the Council meeting planned in Glasgow had to be cancelled too, however the installation of the new Council that had just been elected could take place in a virtual meeting. The year ended on a positive note with the recruitment of our first Executive Director (ED), Tatjana Lissak.

2021 was a transition year, as vaccination campaigns began. Online meetings continued to pile up day after day. With most of the staff working from home, Tatjana took office as the ED under difficult conditions. The first eEQE was successfully conducted online. The elected Secretary General (SG) stepped down, and a new SG was elected at the spring Council meeting. Fortunately, the number of Covid-19 cases decreased in the spring, what allowed the Presidium and the Secretariat to participate in an outdoor activity together during the summer. Despite these positive developments Council meetings unfortunately had to remain virtual.

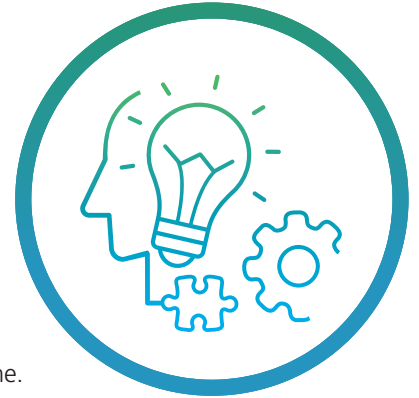
Then 2022 arrived, the year of renewal for **epi**, under so-called "new normal" conditions.

The year started with Verena Olivier taking on the function of Head of Accounting and Finances. Verena swiftly led her team to deliver annual accounts of exceptional quality that were praised by the auditors.

It proved just as difficult to revert to normality after the Covid-19 years, but I am so happy to have pushed for organising the spring Council (C92) as in-person meeting in Munich, so that we have now reverted to "gold standard" Council meetings. A second successful Council meeting (C93) took place in Málaga in the autumn.

As promised, the Board remained committed to dedicating as much time as possible to topics of general interest during Council meetings. The provisional agendas of C92 and C93 focused on external matters, and the recordings showed that largely over half of Council time was spent on substantive matters.

Report from the President



Our Council has delegated most of its powers to the Board since C80, with the condition that the Board keeps the Council fully informed in a timely fashion about what it does internally and externally. Thus, I have taken pride in implementing transparency in the functioning of the Board during the last two terms, by ensuring that all Council members have the same access as the Board members to the working documents and minutes of all Board meetings. In addition, Committee Chairs have also been given the opportunity to attend Board meetings, thus improving communication between the committees and the Presidium.

The pace of meetings with the President of the EPO had accelerated during the pandemic; meetings continued in 2022, albeit at a slower pace. Committee Chairs were consulted and invited to attend these meetings when the selected topics were relevant to their committees, reflecting a degree of transparency never seen before. I am proud that the collaboration between **epi** and the EPO has been intense, marked with high mutual respect. Further opportunities arose to engage with the EPO leadership when meetings of the Administrative Council and its bodies allowed in-person participation again.

The modernisation of the EQE continued to be a big challenge for the whole organisation. 2022 saw an important step forward with the organisation of a public consultation, which allowed the EPO-**epi** working group to finalise the “new e-EQE” project. By engaging in a transparent and collaborative process, we are ensuring that the “new e-EQE” meets the needs and expectations of all stakeholders.

In order for **epi** to remain at the forefront of EQE modernisation, I set up an **epi** working group, which undertook to prepare the amendments to the EQE rules (known as REE and IPREE) that are both desired by **epi** and necessary for the “new e-EQE”.

I reflect on the hard work done by **epi** to modernise the EQE and I am proud of the progress made. I wish to pay tribute to the numerous colleagues who contributed to this effort, too many to name.

I personally have every confidence that the “new e-EQE” will continue to effectively test fitness to practice of the candidates, and have high hopes that the digital format will enhance the relevance and the quality of the exam.

In this regard, I am extremely happy to have implemented that **epi** members of the EQE Supervisory Board be invited to Council and Board meetings; this proved invaluable for ensuring optimal communication and helped to ensure that the **epi** members of the SB receive the full support they need to carry out their important duties.

The Presidium and the ED continued their weekly meetings, also known as “Jour fixe” (a German “Scheingallizismus”, i.e. an expression that sounds like borrowed from French and translates as “fixed day”). These meetings have been a valuable tool for efficient cooperation and swift resolution of human resource matters.

The hiring of an ED has also influenced the work of the Presidium in the sense of optimising the collaboration among its members including the deputies, because the ED formally reports to a Presidium that has now more competencies as a body, in particular for the hiring of new permanent staff.

I have been honoured to serve as your President and to have led the Institute in 2022, the year of renewal for **epi**. I would like to express my sincere gratitude to everyone who played a role in making 2022 a successful year for our Institute as well as to the Secretariat for their invaluable support.

Francis Leyder
President



As I reflect on the past year, I am filled with a sense of pride and accomplishment for all that we have achieved. It has been a year filled with demanding tasks and many challenges, but I am pleased to report that we have risen to the occasion and accomplished much.

Beyond our daily Secretariat business, we have tackled a number of complex and challenging projects that have required dedication, creativity, and hard work. These tasks have pushed us to our limits at times, but we have remained steadfast in our commitment to excellence and have come out stronger for it.



Tatjana Lissak

Report from the Executive Director

In this report, I will provide a comprehensive overview of our accomplishments, challenges and advancements. I am excited to share our progress with you and anticipate a productive year of collaboration ahead.

The focus was mainly on two priorities – first is day-to-day business like serving our members, preparing in person Council, several Board, Presidium and Committee meetings and organising educational events etc. The second focus was about project management like the preparation of the Elections to Council and driving forward IT projects.

By managing the Secretariat, the structure and working methods of the Secretariat had to be re-organised in order to reduce the backlog on accumulated holidays.

The goal has been achieved and by 31 Dec 2022 there was no backlog on holidays of the staff of the Secretariat anymore.

Further to this, a new team leader level has been established in the structure of the Secretariat. Due to the regular exchange between the team leaders and myself, processes and communication have continued to improve, solutions are developed together and this makes the cooperation within the Secretariat much easier.

The Accounting Department has been restructured and together with a new team and a new Head of Finance & Accounting, processes have been built and implemented to deliver financial

statements in high quality. We had to pass the acid test of preparing the 2021 annual financial statements in “an auditable quality”, which was highly approved by the auditors. Further to this, **epi** is transitioning the work in the Finance Department away from having solely a function of recording historical transactions, but also including forecasting and strategy functions, which we didn’t have in the past.

Projects which were introduced in 2021 have progressed:

Many of the IT projects have been realised and implemented. Security gaps, which have been identified by a Penetration test have been closed and our IT systems were adapted accordingly. Three projects which result from the penetration test among others were accomplished such as security awareness campaign, data classification and IT policy, which includes password protection.

One of the finished projects is the DMS, which has been stopped as unrealistic evaluation of our requirements and as cost prohibitive. After re-evaluating our needs, we discovered that different already implemented IT systems could cover most of our requirements to a more economical provision of the required functionality from among the existing software packages in use.

A new project was the implementation of a new HR tool, “HR works”, in which working hours are recorded, vacation is approved, documents are stored, and in the future, preparatory payroll accounting will also be done.



Report from the Executive Director

Further we continued working on compliance. We have started with an internal training for a compliance officer at the end of last year.

Another focus was the so-called Culture Change. During the successful culture change seminar held in October 2022 with all Secretariat staff we worked on main values in the Secretariat such as: structure, communication, feedback, respect, commitment and transparency.

The preparation of the Election of Council was a very extensive task. The intention was to bring more transparency to the complex process and its milestones by providing high-level support, promoting knowledge-sharing, and ensuring continuity, thereby enabling the Secretariat

Next Steps at the epi Secretariat



to better understand and navigate the process. A Swimlane Flowchart that visually distinguishes job sharing of all parties involved and responsibilities for sub-processes of the Election process was set up in which all tasks and responsibilities were implemented. Every task was described in a separate project planner with a clear assignment of responsibilities, timeline, and status quo measure.

I want to take this opportunity to express my sincere appreciation to our hardworking staff for their dedication and unwavering commitment during this challenging year. Despite facing numerous obstacles and unforeseen circumstances, including the ongoing pandemic and related illnesses, our team has remained steadfast in their efforts to meet the demands of our work. I recognise and am grateful for the sacrifices made by many of them, including working long hours, sacrificing holidays, and filling in for colleagues during absences.



Report from the Executive Director

Our collective efforts to drive culture change have borne fruit, and I am proud of what we have accomplished together. As we move forward into 2023, I am confident that we can continue to build on these successes and achieve even more. Thank you again for your hard work, dedication, and contributions to our Institute's success.

At this point, I would like to extend a big thank you to all the members who have shown unwavering support to the Secretariat throughout the year. This includes the board members and all the other volunteers who have generously given their time and effort to our and the Institute's cause. Your continued dedication and involvement are essential to our success, and I am grateful for your contributions.

Looking ahead to 2023, I am excited to continue our fruitful cooperation and to work together to achieve our shared goals. I have every confidence that with your continued support, we will be able to overcome any challenges that may come our way and achieve even greater success. Thank you all for your contributions, and I look forward to another successful year of collaboration with all our members.

Tatjana Lissak
Executive Director



Facts und figures 2022

805
New professional
representatives

805 new professional representatives entered the list in 2022.

13835
Professional
representatives

The list comprised 13835 representatives at the end of 2022.

150
Trainee
patent attorneys

150 trainee patent attorneys became epi Students and a total of 534 epi students were counted at the end of the year.

2
Council meetings

2 in person Council meetings, Munich and Malaga

15

Presidium meetings

Presidium meetings: 15; 4 in person, 11 online thereof 8 online secret sessions

5

Board meetings

Board meetings: 5; thereof 3 in person Munich, Malaga, Malmö

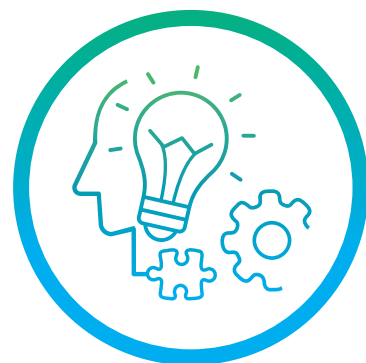
Meetings with EPO

1 OCC-EPO Meeting

1 EPPC-DG1 meeting

9 SACEPO/SACEPO Working Group Meetings

2 Meetings with the President Mr Campinos



For further information please visit our website (<https://patentepi.org/en>).

epi papers are also available online (<https://patentepi.org/en/epi-papers>).

An overview of the 2022 activities can be found in epi Information (<https://patentepi.org/epi-information>).

Life of the Institute

Professional Education Committee (PEC)

2022 has been another busy year for the PEC with both activities related to the EQE and continued professional education (CPE).

During the consultation period on the proposed EQE, PEC members promoted engagement with the consultation via webinars and social media. The PEC members who were involved in the preparation of the sample papers gave webinars on the detail of the new modules. Suggestions for responding to the consultation were prepared by two PEC members and discussed at PEC so that they could be circulated more widely. The efforts to encourage engagement were successful and over 180 responses were submitted together with several detailed letters.

Since the consultation ended, the Digitalisation Support Group has continued to support the EPO/**epi** WG as they adapt the proposal. Given that the IPREE and REE will need to be adapted for the new proposal, a new working group was also formed to ensure that any additional amendments to the IPREE and/or REE will also be implemented. These amendments will address several issues, including for example entry requirements (e.g. 80% STEM) and D&I issues.

PEC continued to offer online training sessions for Papers D, A, B and C, tutor consultations and tutorials for candidates preparing for the EQE in 2023; although there were no mock examinations this year, candidates were able to use the mock examinations on the Wiseflow system for their tutorials in addition to past examination papers from the Compendium. Candidates were encouraged to use

Wiseflow wherever possible so that they could better familiarise themselves with the system prior to the examinations. Some use was made of the **epi** Student Forum this year, mainly for Paper D questions.

Besides the EQE, the PEC also intensively worked on the continued education program, and 2022 saw the welcome return to some in-person events. The extensive on-line program continued and several of these webinars were free to attend for **epi** members. Training on the Unitary Patent (UP) and Unified Patent Court (UPC) was also provided by the UP/UPC working group which comprises members of PEC, LitCom and EPPC. More details on the training offered by **epi** can be found on <https://www.epi-learning.org>.

PEC has continued to take an interest in European Patent Administrator Certificate (EPAC), even though this falls outside the scope of PEC.

The first examination was held in December 2022 and there were over 500 candidates from 33 countries. At time of writing, the results are expected imminently.



Life of the Institute

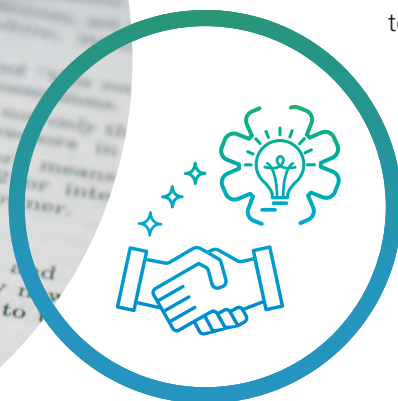
Litigation Committee (LitCom)

The LitCom has been extremely active in 2022 with the preparations for the start of the Unitary Patent (UP) and the Unified Patent Court (UPC). Being the 13th country declaring applicable the UPC Protocol on Provisional Application, Austria made the way free for the provisional application phase of the UPC to start in January 2022. During the following months, the governing bodies of the UPC were constituting themselves, starting with the Administrative Committee. During its first meeting in February 2022 the UPC Admin-Committee decided on the list of past courses that would allow European Patent Attorneys to be recognized as UPC representatives during the initial 1 year transitional period ("grandmother/father clause"). LitCom had been instrumental to suggest to the

UPC AdminCommittee to keep, with certain time restrictions, previously mentioned UK-based courses on the list of recognized courses even after the BREXIT has happened, to address the good expectations of all the attendees of those courses over the last years. The LitCom also actively monitored the events and posted various news items on the **epi** website as they occurred for the benefit of **epi** members.

The LitCom are particularly pleased to report that in July 2022 **epi** have been awarded observer status at the Administrative Committee of the Unified Patent Court (AC UPC). Together with three other user-association observers, **epi**, represented by members of the LitCom, is now able to attend non-confidential parts of all UPC AdminCommittee meetings and make submissions where felt appropriate. A newly formed **epi** internal support group (Administrative Committee UPC Advisory Group comprising of representatives from the Lit-Com, the Presidium, OCC, and EPPC) was established to prepare for these meetings. A significant development stemming from these meetings

was that the Administrative Committee UPC Advisory Group of **epi** led by the LitCom have established direct contact with the UPC CMS IT team and the Registrar. Through this channel it has been possible to raise the issues and concerns that **epi** members have as users of the CMS system. Topics raised and discussed include



those athered with the assistance of the OCC from the **epi** Forum for sharing UPC CMS experiences and solutions. This association has been extremely positive and beneficial to **epi** members. Quite a number of technical and legal issues have been clarified, amendments to the CMS have been made and some legal issues not totally apparent from the UPC RoP have been clarified.

The UPC Rules of Procedure and Case Management System (CMS) sub-committee of the LitCom continued their work analysing the July 2022 adopted Rules of Procedure of the UPC having previously received positive responses from the AC UPC concerning the use of ViCo for oral hearings before the UPC and public accessibility of Orders and Decisions.

The Virtual Proceedings sub-committee had the following working topics: Virtual proceedings before the EPO (in collaboration with the EPPC) and UPC (in collaboration with the UPC Rules of Procedure and CMS sub-committee), best practices (e.g., regarding technical equipment, visibility of the persons, separate channels of communication, access for the public, dealing with technical problems and so forth); data protection issues; requirement of a request for judicial assistance for participation in Court proceedings via ViCo from foreign country; and keeping an overview regarding national practices.

The Enforcement and Jurisdiction sub-committee continued to work on the following topics: trade secrets; damages and preliminary injunctions.

Additionally, the Representation and Privilege sub-committee of the LitCom could finally report that the issue with the Code of Conduct of European Patent Attorneys acting before the UPC could be resolved in 2022 after some years of efforts. The Professional Conduct Committee (PCC) together with the Representation and Privilege sub-committee of LitCom had presented an amended **epi**

Life of the Institute

Litigation Committee (LitCom)



Code of Conduct that was adopted by the May 2022 **epi** Council and published in the June 2022 EPO Official Journal and includes

now activities of European Patent Attorneys in

front of the UPC. The legisla-

tive framework was completed by the EPOrg Admin Council that took note of the amended **epi** CoC and its possible enforcement in the established **epi**/EPO disciplinary bodies. The sub-committee continued further working with the Harmonisation Committee in relation to the Group B+ discussion on the "Draft Agreement on Cross-Border Aspects of Client-Patent Attorney Privilege".

The sub-committee on Brexit Implications on Patent Litigation continued to monitor events in relation to litigation matters that are because of Brexit. During 2022, the currently suspended plans for accession of the UK to the Lugano Convention regarding jurisdiction and enforcement of patent litigation in other jurisdictions was on the radar as well as a survey carried out by the UKIPO on possible exhaustion regimes for IP-rights.

The LitCom has also been supporting and assisting the Inter-Committee Working Group lead by the PEC on the planning and coordination of educational activities on the Unitary Patent and Unified Patent Court system. Besides introductory video recordings on the essentials of the UP and UPC-system that were offered to all members for free, a number of more detailed 1-day seminars on the new system took place during the last quarter of 2022 in several European cities. Finally, a few shorter Webinars were offered on specific topics such as "filing requests for opt-out".

Life of the Institute

Online Communications Committee (OCC)

OCC remained active in a number of collaborations with the EPO and other **epi** bodies; **epi** Board meetings; **epi** meetings with the EPO President & Boards of Appeal; e-EQE development; SACEPO working groups on Electronic Patent Process (eSA-CEPO) and Patent Documentation and Information (PDI); and liaison with WIPO.

Spring 2022 saw the ‘general release’ of the EPO’s new multipurpose user area, now called MyEPO Portfolio. OCC members and others remained active in pilot groups throughout the year. Unfortunately, significant bugs emerged soon after the general launch and OCC worked

urgently with the EPO to safeguard rights and understand what can go wrong. EPO then adopted a more cautious approach of releasing features to the pilot group first, and considering legal certainty in the software design. With support from the **epi** Presidium, we also highlighted that user input did not seem to lead to progress on user priorities. Improvements in MyEPO Portfolio that we plead for include effective paralegal access, replacements for the smart card system, APIs for automation and integrating fee payment.

The trusty eOLF remains available in parallel to OLF 2.0 until further notice. Spain and Lithuania became the first countries to implement the new “Front Office” filing solution, as an eventual replacement for eOLF.

Toward the end of the year, OCC members worked hard to support Litigation Committee experts in preparation for launch of the UPC and its Case Management System. A forum was created for members to share experiences. With LitCom we fed these experiences to the UPC IT team, highlighting the lack of readiness which led to postponement of the UPC launch.

The above and many other topics remained in active discussion with the EPO and with **epi** colleagues at the close of 2022, and 2023 will be another busy year for OCC members. The opportunities for interaction with EPO experts remain frequent and increasingly productive.



Life of the Institute

Electoral Committee

The 2023 Election of Council was announced to the members in **epi** information 2/2022.

The election itself nominally takes place between mid-January to mid-February of the election year. The timetable for the Election to Council is prescribed by the Rules for Election of Council, with the first relevant date being September 15, only members on the list of representatives, as maintained by the EPO, at that date, can be elected to Council. The work of the Electoral Committee and the **epi** Secretariat began much earlier, in June, with the Secretariat reworking the documentation of the entire election process and all the documents involved in the various stages of the process. The Committee wishes to thank the Secretariat for proactively preparing for all the stages of the process well in advance.

The nomination tool, developed for the 2017 election, and updated in the meantime, did its duty very well. Based on the nomination tool, the list of nominations was continuously updated on the **epi** website: each nomination, after having been submitted through the website, generated a confirmation e-mail, and was published on the website after being checked by the Secretariat on the next working day. About a dozen nominations were submitted on paper.

After the deadline for nominations (November 2) had passed, the nomination was re-opened in those countries or groups where the number of nominees was lower than the number of available council seats and substitutes. Once the second



nomination phase was complete, the final list of nominations, and the list of voters, were transmitted to Civica Election Services, who **epi** had entrusted with administering the vote, as in the preceding elections since 2014.

Thanks to the Secretariat being well prepared, there were no significant issues in the phase covered by this report.

Life of the Institute

Professional Conduct Committee (PCC)

2022 has been a memorable year for PCC: after seven years of work and discussions, and again work and discussions (for so many times that we do not even remember exactly), the project for making the **epi** Code of Conduct explicitly applicable to activities of **epi** members in relation to the UPC was eventually completed.

This project had started in 2015, with the aim of introducing some amendments in the existing CoC, to make it clear that it refers not only to EPO-related activities, but also to UPC-related activities of **epi** members. The first proposal by PCC was presented to the **epi** Council at meeting C82 in

April 2017 but failed, because there was a widespread opinion -both within the **epi** and within the EPO- that any such amendment of the CoC would have lacked proper support in the Regulation on Discipline, from which the CoC depends.

Then, PCC prepared a proposal to amend also the RoD, so as to have a clear support for the proposed amended CoC. However, the RoD could not be amended by **epi** on its own, as it requires approval by the Administrative Council of the EPO; and it became immediately clear that it was necessary to have the support of the legal division of the EPO to get the approval by the AdC. The issue seemed rather simple and the amendments pretty straightforward, so that the project was presented and approved by the **epi** Council at meeting C85 in November 2018.

However, after that approval, we were unable to convince the EPO legal division, despite the many attempts. Clearly, also the delayed UPC ratification process in Germany didn't help, as the matter was not felt as urgent outside **epi**. But we insisted and insisted, knowing that the ratification issue might be resolved with a timing out of our control, and we did want to have **epi** ready even at the disciplinary level when the UPC agreement would have entered into force.



It was only in late 2021, when it became clear that Germany would ratify the UPC agreement soon, that the picture changed, and a different strategy to reach our goal was put forward. Different, but not very new after all: the idea was that of introducing very limited amendments to the CoC, while leaving the RoD unamended. Amending only the CoC did not require any approval or support from outside **epi**, however it was clear that it was necessary to be sure that the EPO (and the AdC) agreed with this approach. Thus, we looked for the support from the legal division of EPO, and this time we succeeded. In this phase, PCC joined its efforts with the Litigation Committee, and could also count on the clear and firm support by the President of **epi**; both contributions were essential.

At that point, the amended CoC could be presented and approved by the **epi** Council at meeting C92 in May 2022. Then, with the support by the EPO, the amended CoC was presented first at the Committee on Patent Law, in November 2022, and finally at the AdC, in December 2022, in both cases for information. Approval was neither required nor requested, but both bodies could in principle raise objections; this did not happen. Thus, when on 1 June 2023 UPC starts operations, **epi** will be ready also at the disciplinary level, as the **epi** CoC now addresses explicitly also the activities of **epi** members in respect of UPC.

But PCC can consider 2022 very positive also for other successful activities. The project of offering training in conduct matters continued and some webinars were organized in collaboration with Professional Education Committee; other webinars have been defined and will be launched in the near future.

The general aim of PCC of spreading awareness of conduct provisions included also publication (in **epi**

Life of the Institute

Professional Conduct Committee (PCC)

Information and on the website) of advice and opinions issued by PCC, both following requests made under Art. 7(d) of the CoC and in relation to external events, like the war in Ukraine and consequent sanctions against Russia and Belarus. This same aim is also at the basis of another project within PCC: to put at disposal of the **epi** members a database with useful opinions issued by PCC, obviously in anonymous form.

All these activities and others are carried on in specific working groups within PCC, where members who are willing to invest some of their time have the possibility to give an effective and useful contribution to the life of **epi**.



Life of the Institute

Nominations Committee



The NC is one of the smaller **epi** Committees, with 4 members today, and has its main activity at the interim between two **epi** Council terms. The main task of the Nominations Committee is to ensure that candidates for all Board's positions are standing for election during the first Council meeting of a new term.

Previously, the task of the Committee also included the nominations' process for the Committees for which the elections now take place at the second Council Meeting of a new term and where the smooth running of the election process is ensured by the Committees Election Committee. The focus on the Board's elections led to an amendment of the Terms of Reference (ToR) of the NC in 2022 and a general discussion on the need and the composition of the NC. In two Board meetings leading up to the approval in the Council meeting in October 2022, the ToR were amended to open membership of the Committee to any **epi** member and not only previous officers of the Board, to emphasize the cooperation of the Committee with the Presidium and to aim for a balanced representation of the constituencies in the Board.

Meetings of the Committee were normally carried out by video conference. Board and Council meetings were also an occasion to exchange between the members of the Committee present at these meetings. The initially foreseen overhaul of the internet-based nomination process had to be postponed and the previous Survey Monkey platform is again used with slight adaptations.

Institut der beim Europäischen Patentamt zugelassenen Vertreter
Institute of Professional Representatives before the European Patent Office
Institut des mandataires agréés près l'Office européen des brevets



Bayerstrasse 83
80335 Munich
Germany

Tel +49 89 242052 0
Fax +49 89 242052 220

info@patentepi.org
www.patentepi.org