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Oral proceedings by video-conference in examination and opposition

Dear Mr Leyder,

In view of the disruptions caused by the current spread of the corona virus and disease (COVID-19) the possibility to hold oral proceedings before the EPO by video-conference has gained unprecedented importance. For applicants and patent attorneys it avoids a need to travel, and for examiners it makes it possible to participate in oral proceedings remotely. Even when looking beyond the current situation, I firmly believe that video-conferencing can contribute to a more efficient, modern and sustainable European patent system, in line with the goals of the EPO's Strategic Plan 2023.

As you will know, the EPO has taken a number of ad hoc-measures to facilitate the use of video-conferencing in oral proceedings under the present circumstances. Since the start of the disruptions a number of oral proceedings in examination have been held as video-conference or will be conducted in this way in the coming weeks. In opposition, too, we have exceptionally made it possible to hold oral proceedings by video-conference to the extent feasible.

The EPO would now like to go a step further and establish video-conferencing as the standard way of conducting oral proceedings in examination, and to allow this in opposition upon request of a party or at the instigation of the division. Both a party and his representative as well as the members of a division should be allowed to join the video-conference from different locations. In examination, oral proceedings would be held on the premises of the EPO in exceptional cases only, in particular when evidence needs to be taken directly or when there are other serious reasons. Oral proceedings in opposition proceedings are equally excluded from video-conferencing if they involve the taking of evidence.

The EPO intends to inform users about this measure at the forthcoming meeting of the SACEPO Working Party Rules on 31 March 2020. I would be most grateful for the comments of epi and its members during the meeting so that the necessary measures can be implemented swiftly thereafter and, as much as possible, already be relied on for oral proceedings scheduled to take place in the coming weeks.

I thank you in advance for your attention to this important matter.

Yours sincerely, *B: e - i - G,*



António Campinos

Encs

Decisions of the EPO President on oral proceedings by video-conference before examining divisions