Dear Anette,

Thank you for your mail which came with time for our consideration.

We would like to address your comments as follows:

1. Revision cycle: We very much appreciate your proactiveness and your willingness to contribute to improving the Guidelines and their annual revision cycle. Unfortunately, as discussed in the last SACEPO WP GL meeting, we don’t see any possibility at present to change the annual revision cycle timeline. However, in order to acknowledge your wish to be involved earlier, we would offer epi and BUSINESS EUROPE the possibility to review one part of the EPC and PCT-EPO Guidelines every year after the EPO internal approval of the revised Guidelines at the end of March. The part would be the one containing the most changes. This year we would propose to send you part C of the EPC Guidelines and part B of the PCT-EPO Guidelines. However, due to the tight schedule we would need the comments within three weeks thereafter, i.e. by 20 April 2018. Please let us know as soon as possible whether you can agree to this suggested course of action.

2. Issuing summons as first action: We have taken note of your concerns. However, as explained during the SACEPO WP GL meeting in November, in our opinion the Guidelines 2017 already contain the relevant information about the exceptional situation in which a summons as a first office action can be applied. In such
exceptional situations the communication under Article 94(3) EPC can be issued in the form of an Annex to summons to oral proceedings. A response to the summons in writing within the time limit under Art. 116(1) EPC that is able to overcome the examining division's objections, will have the effect that the summons are cancelled or postponed (see GL 2017 C-III, 5, last paragraph).

3. Using a telephone interview as first action in examination: The Guidelines 2017 contain the requested information (see GL 2017 C-VII, 2.7). The information level and structure of the minutes of the telephone conversation must comply with those of an Article 94(3) communication; the time limit for filing a reply must be not less than four months.

4. PCT-EPO Guidelines - reference to the Euro-PCT Guide: Although our position remains as explained in our comments and during the SACEPO WP GL meeting in November, we will try to progressively reduce the cross-references to the Euro-PCT Guide. However, it will most probably not be possible to completely avoid them in the next editions of the PCT-EPO Guidelines.

With best regards,

Heli

Best regards / Mit freundlichen Grüßen / Sincères salutations

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Dear Heli

In continuation of the SACEPO WP on GL in November 2017, I enclose a note from the epi with a few additional comments.

We have discussed the revision cycle and the procedural change of issuing Summons to Oral Proceedings a first action in examination and since the next SACEPO WP on GL will be held after the 2018 Guidelines enter into force we find it very important to provide our opinion on these items now.

We hope that the EPO will take our opinion and wishes into consideration when preparing the 2018 Guidelines drafts.

Kind regards
Anette