



epi Activity Annual Report 2019

epi is an Institute that brings together about 12,500 European Patent Attorneys.

The European Patent Convention has 38 Member States.

In 2019, the Council of **epi** met twice, in:

C86 – Sofia, Bulgaria on 11th May 2019

C87 – Lisbon, Portugal on 23rd November 2019

The Board met in Munich on several occasions, as follows:

B103 – 29th March 2019

B104 – 12th July 2019

B105 – 25th October 2019

A Board meeting also preceded each of the Council meetings.

For further information on the above mentioned meetings, please visit the patentepi.org website.

In 2019, many subjects were discussed in Council and Board meetings, in various committees and in contacts with external organisations. An overview of these 2019 activities can be found in **epi** Information, available online via on the patentepi.org website at <https://patentepi.org/en/epi-information/archived-issues.html>.

Here is a brief summary:

Unitary Patent (UP) and Unified Patent Court (UPC)

The UP and the UPC appear to have an uncertain future, not only because of the issues raised by Brexit, but also due to the long-awaited decision of the German Constitutional Court,.

Relations with the EPO

In 2019, the EPO President António Campinos presented his strategic plans for the coming years. He emphasised the following strategic goals:

- Build an engaged, knowledgeable and collaborative organisation
- Simplify and modernise the EPO's information technology systems
- Deliver high-quality products and services efficiently
- Build a European patent system and network with a global impact
- Ensure long-term sustainability

The EPO President considers **epi** to be the closest partner of the EPO. He foresees the following areas for **epi**, in which there can be intensive cooperation:



- Claims drafting
- Certification of “paralegals” (“formalities officers”)
- Promotion of intellectual property in universities

There were also discussions on making examination procedure more flexible. **epi** is divided on this issue, with some wanting greater flexibility as proposed by the EPO and others opposing flexibility.

The **epi** committees

Last year, **epi** once again had many discussions with the EPO and followed proposals for change from the EPO critically, yet constructively. Many **epi** committees and the Presidium were involved in these discussions and in discussions with other stakeholders.

- The **European Patent Practice Committee (EPPC)** is one of the larger committees with many also technically oriented working groups, which regularly consult with EPO directors on developments in specific technical areas. Several amicus curiae letters have been sent to the Enlarged Board of Appeal: G1/18 on the difference between “filed” and “admissible”, G1/2019 on “simulations”, G2/2019 on allowing “oral proceedings in Haar” and, together with the “Biotech Committee”, G3/2019. Further contributions were made around the discussions on the quality of the EPO. There were also comments and discussions on the new rules for the Boards of Appeal.
- The **Committee on Biotechnological Inventions** regularly consults with EPO directors on biotech developments. The most important issue that this committee dealt with was whether plants produced by essential biological processes are patentable. The processes themselves are excluded from patenting. This question was submitted to the Enlarged Board of Appeal as G3/2019. Together with the EPPC committee, an amicus curiae letter was written. The committee also made an overview of the possibility of patenting plants in the EPC countries. Further topics were patenting of antibodies, difference between national and EPO decisions on patentability and adaptation of the guidelines for examination.
- The **Professional Education Committee (PEC)** is a large committee with many subcommittees, including continuing education, students and EQE, tutors and coaches. This committee examined the requirements for admission to the profession: now a Bachelor degree with 80% technical content. Any subsequent training is (officially) not counted. Several proposals are (still) being discussed. A “Case law” seminar and an “Opposition and Appeal” seminar took place in several European cities. On 6th December a seminar on the latest developments in various jurisdictions was organised in Eindhoven by the Belgian and Dutch members of the PEC. The three-year student programme approved by the Council three years ago in Warsaw, is continuously being implemented, which made the studentship more attractive.

News from the **epi** organisation

- At the end of 2019 **epi** had **12,658 members**. The **Secretariat** now has **17** staff members.

- The Treasurer will finalise the **epi** financial year 2019. For the time being, there is no reason to adjust the budget for 2020.
- The legal status of **epi** has been examined by an internationally recognised lawyer, who indicates that **epi** is a subsidiary organ of the European Patent Organisation with financial and some organisational autonomy. As a result, the names on the web have been changed from the .com domain to .org, like the names used by the EPO.
- Vice-President Barbara Kunič Tesović's plan for a web-based work exchange platform has been implemented. On this platform, patent firms and/or individual EPAs can advertise either to offer patent-related work or to search for work (in German "Kollegenarbeit").
- There was a long debate at the Sofia Council meeting on certificates of good conduct to be issued by the **epi** President.
- An Executive Director was proposed by the Reporting Group to assist the tasks of the Secretary General and the Treasurer. The Presidium unanimously supported this idea. The Council approved it.
- **epi** supports a WIPO program, where inventors from third world countries receive pro bono support for applying for patents in Europe.
- The professional liability insurance of **epi** is now used by more than 200 members.
- Investments have been made in an "on-line voting tool", so that in the future it will also be possible to vote online. The system has been tested in elections for a unitary **epi** constitution in Denmark.
- A working group has been set up to give advice on a new **epi** committee, which has the commercialisation of IP as its subject. Tony Tangena is the chairman of this working group.

The epi secretariat

The support staff in Munich was very active. The organisation of meetings, conferences and the support of the Presidium, Board, Council and Committee members was highly appreciated. Measures relating to the General Data Protection Regulation (GDPR) gave a lot of work.

The Munich office is functioning well. Most **epi** committee meetings now take place at the **epi** office in Munich. The videoconferencing system is often used when someone is unable to be present in person.

All in all, 2019 was a very busy and exciting year with many developments both in our patent systems and also internally at **epi**, to be able to work more efficiently as an organisation and to respond faster to new developments.

João Pereira da Cruz