



Institut der beim Europäischen Patentamt zugelassenen Vertreter
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Ausschuss für Europäische Patentpraxis
 European Patent Practice Committee
 Commission pour la Pratique du Brevet Européen

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Report on the SACEPO WPR meeting 18.9.2019

This report covers my notes (not proof read or confirmed) on the SACEPO Working Party on Rules meeting on 18 September 2019.

Designation of inventor paper (posted on Forum) was shortly discussed and further options were introduced. One of the further options is that name and country of residence should be indicated, name published unless waived, and the application form could have a box to tick that applicant has notified inventors. EPO will discuss this also before the Committee on Patent Law.

New Rules of the Procedure of Boards of Appeal: EPO sees that there is no need to change examination and opposition procedures (paper posted on Forum), Guidelines are fit for purpose. Users anticipated more requests filed during Oral Proceedings, more requests to correct minutes, and want that the division (examination or opposition) discuss all reasons, not stop at the first (i.e. discuss novelty and inventive step even after added subject matter decision). Further, more time will be needed for Oral Proceedings.

We also discussed on paper **“Streamlining the procedures”** (posted on Forum, on EPPC and OCC), which contain 8 high-level ideas how to implement some parts in the Strategic Plan. Received comments were forwarded. Couple of examples: Precise indication of the due data on any communications, shortening time limit for amendments to euro-PCT applications before supplementary search. No details disclosed.

Convergence on legal practices between national patent offices in member states and EPO was orally reported. It aims reducing differences in practices between national patent offices and EPO. Topics were suggested May 2019, and later in the year EPO will contact national patent offices. Users will be consulted, and information shared, via different SACEPO groups and national patent offices will consult national users.



Cancellation of Interpreting services: Attached paper (8/19) contains information that every working day about three – four interpreters are reserved in vain. It increases costs, and environmental impact. H Pihlajamaa referred to an article in **epi** Information couple of years ago, and asked us to inform **epi** members about the issue.

We were also given oral report on planned **EPO fee changes**. They will be discussed on 27.10.2019, planned entry 1.4.2019.

- Basically 4 % increase except in international search and examination fees. Further, the simplification of fee structure will continue. EPO will in future stop sending information that examination is soon to start.
- Appeal fee increase will be 20 %, except for SMEs fee the increase is 4 %. Different partial reimbursements of the appeal fee are planned, amount depends at what stage the appeal is withdrawn (reimbursement possible even in Oral Proceedings before final decision).

Future meetings

- fixed weeks every year, one in spring week 15 (normally – may clash with Easter) and week 43 (mid-October), EPO will finalize times at the latest at the beginning of the year
- agenda about 4 weeks advance, 2 weeks in advance documents, (others within next time)
- video or web via Skype possible for some participants,
- cost coverage by EPO (travel and accommodation, lunch included)
- ad hoc members as experts (special experts)

Any other business

- **epi** asked about 71(3) waiver problem, EPO said that they need feedback where it does not work, so that they can check
- T 0858/18 decision: no need to update decision of the president
- Bulk requests: **epi** comments have been taken into account, as can be seen in OJ 9/2019
- Patentee reacting to opposition only when responding to summons, and then sends many auxiliary requests, basically no time for the opponent to react before Oral Proceedings – EPO says that the opponent can discuss them in the Oral Proceedings, so no need to change practice

Marjut Honkasalo