

Fra: Helen Best <hbest@epo.org> på vegne af Heli Pihlajamaa <hpihlajamaa@epo.org>
Sendt: 6. marts 2018 15:43
Til: Anette Hegner
Cc: Heli Pihlajamaa
Emne: FW: Additional comments to EPC and PCT-EPO Guidelines

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

Heli Pihlajamaa

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From: Anette Hegner [mailto:ahe@hegner-partners.dk]

Sent: Monday, February 26, 2018 4:05 PM

To: Heli Pihlajamaa

Cc: 'e-mail chrismercer'

Subject: Additional comments to EPC and PCT-EPO Guidelines

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