



Institut der beim Europäischen Patentamt zugelassenen Vertreter
 Institute of Professional Representatives before the European Patent Office
 Institut des mandataires agréés près l'Office européen des brevets

Ausschuss für Europäische Patentpraxis
European Patent Practice Committee
Commission pour la Pratique du Brevet Européen

EPC subcommittee report – 3.4.2019

Meetings

The following meetings took place between the Helsinki Council meeting and the Sofia Council meeting:

- 12.11.2018 meeting with VP1 (Mr Casado)
- 17.1.2019 – 20th SACEPO WPR
- 2.5.2019 – meeting with VP1 (Mr Rowan)

The papers delivered by EPO for the Working Party on Rules meeting in January have been posted on Forum. No minutes of 19th and 20th SACEPO WPR have been received. An epi submission to 20th SACEPO WPR is attached (Document EPPC 4).

No minutes will be available for VP1 meetings. The agenda for the November meeting was presented to Council in Helsinki. No agenda for May meeting is available at the time this report is prepared. The main purpose of this meeting will be to discuss co-operation and how to arrange thematic group meetings.

Short summary on meetings

(This summary does not refer to actions which have already been implemented, like changes to refunds):

Priority order in which files are processed:

1. searches and opposition
2. all examinations that have been started
3. all new examinations

The examination stock is processed from the back (from oldest to newest) and should be absorbed at the end of 2020

Oral Proceedings

- Summons as a first examination communication – about 0.3 % of first examination communications
- ViCo: Skype for Business-based solution this year, support for ISDN has ended (seen in summons issued this year), more ViCo rooms
- ViCo for standard oppositions under consideration – pilot possibly this year

Rule 126 will change: No more registered letter with advice of delivery. This was approved at the last AC meeting



Collaborative Search and Examination (PCT) in the EPO

- First half of 2019 open for 5 applications in German and for 5 applications in French
- In July 2019 the pilot is once again opened for 40 applications in English
- info on pilot
[http://documents.epo.org/projects/babylon/eponet.nsf/0/5a875101e2a7d77cc12583a7002b0ece/\\$FILE/IP5_pilot_instructions_for_online_services_en.pdf](http://documents.epo.org/projects/babylon/eponet.nsf/0/5a875101e2a7d77cc12583a7002b0ece/$FILE/IP5_pilot_instructions_for_online_services_en.pdf)

No plans to remove fax in foreseeable future

AI (artificial intelligence) tools used in pre-search, in pre-classification and for predictions (what is happening for the file, when, etc.)

Issue that you should be aware of: Applicant name and address – may be changed by the EPO (the EPO is cleaning customer database)

Pending referrals to Enlarged Board of Appeal

This year G1/19 (patentability of simulation) and G2/19 (Are Oral Proceedings held in Haar violating EPC) are definitely pending.

The President of the EPO has referred a question on whether plants produced by essentially biological processes are patentable. This will probably be G3/19.

It is known that a Board is intending to refer a question on double patenting (EP2429542, most probably G4/19).

Amicus curiae briefs for each pending referral will be prepared by EPPC, in the case of the plant referral in by a joint Biotech/EPPC working group.



Institut der beim Europäischen Patentamt zugelassenen Vertreter
Institute of Professional Representatives before the European Patent Office
Institut des mandataires agréés près l'Office européen des brevets