



Europäisches
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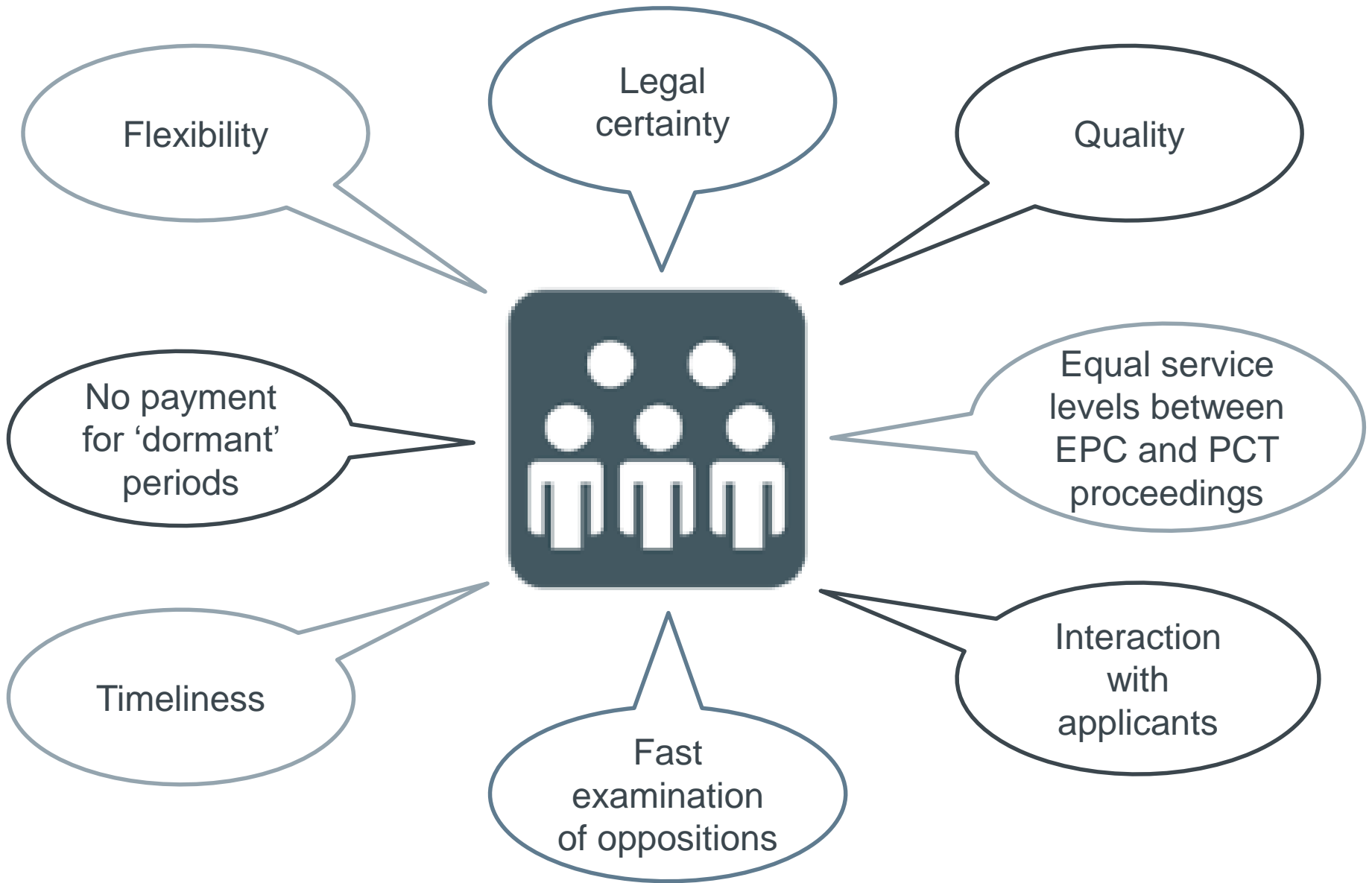
Overview on EPO's Current Initiatives for Improving Timeliness



Content

- Time matters
 - Early Certainty
 - Expediting the Proceedings
 - Streamlined opposition

Users' expectations from the EPO



Early Certainty ...

Early Certainty: High quality in time

- From 2005 onwards: not only prior art search, also written opinion
- Since July 2014: Early Certainty from Search
- **Now Substantive Examination & Opposition !**

Prior art search & written opinion within

6 months

Examinations within

12 months

Opposition within

15 months

Early Certainty in Examination

- Actions started as of July 2016

- Refund of the examination fee increased as of July 2016
- Advance information on the intended start of examination as of July 2016
- Additional refund of the examination fee as of November 2016
- Improved and Interactive Examiner – Applicant Communication
 - more positive statements
 - more contact by phone
- Internal workflows and prioritisation since July 2016

Applicant's possibilities to expedite proceedings

- Acceleration of proceedings by PACE request
 - PACE for search and examination
 - PACE also available for opposition and appeal (with reasoning)
- For Euro-PCT applications further possibilities:
 - PCT Direct
 - Early entry
- Shortening the procedural steps by waiving rights to communications →
“Waivers”
- PPH

The EPO PPH pilot programmes

- Fast track examination of applications
- EPO work products can be used at other PPH Offices
(**IP5** + Australia (AU), Canada (CA), Columbia (CO), Mexico (MX), Singapore (SG) Israel (IL) **NEW**: RUSSIAN FEDERATION (RU), The Philippines (PH), Malaysia (MY)

EP

Search and/or examination reports (incl. PCT) produced by EPO accelerate applications at:

JP

US

KR

CN

CA

MX

MY

PH

RU

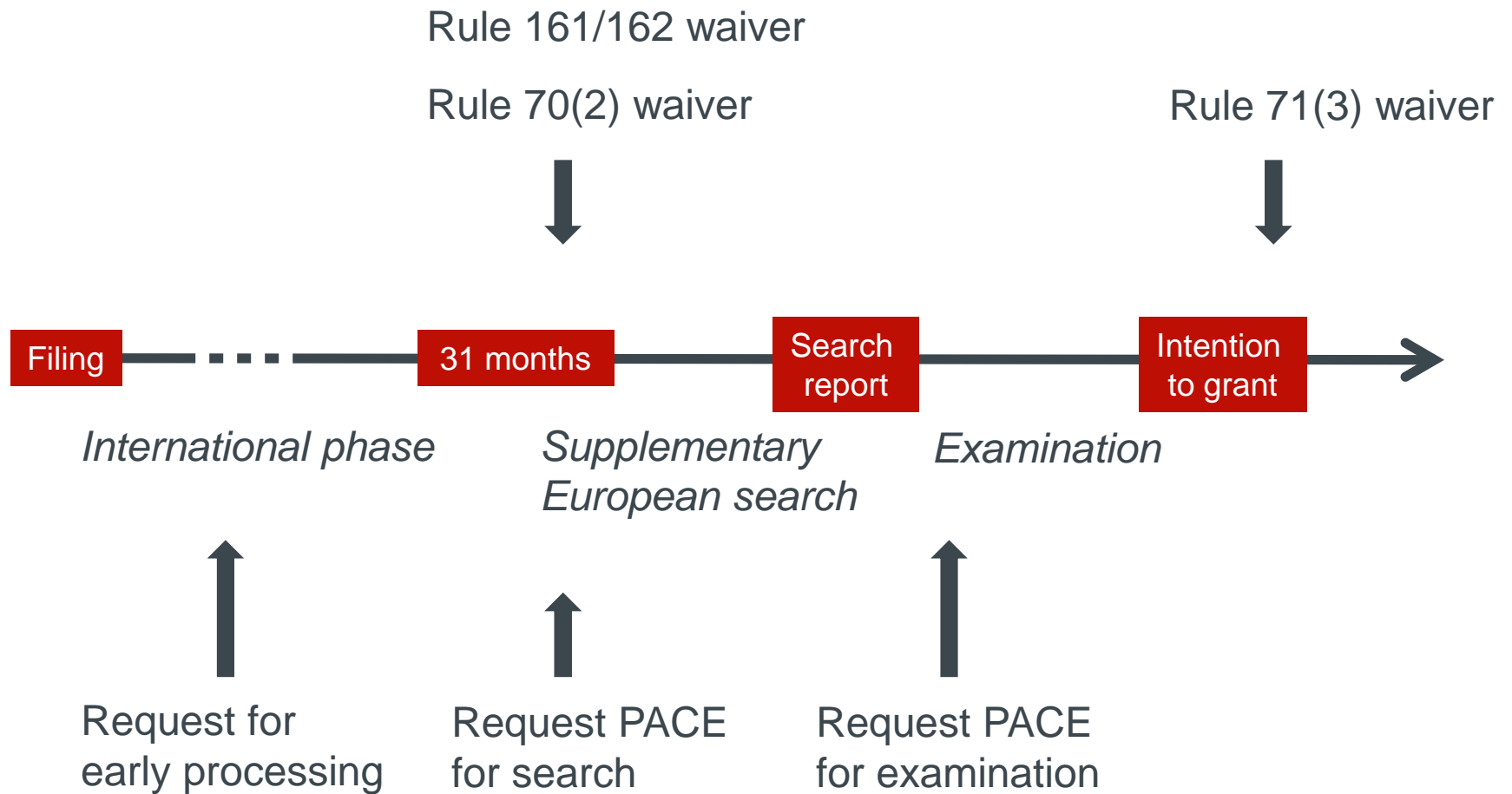
IL

SG

AU

CO

Expediting the procedure



Streamlined opposition proceedings

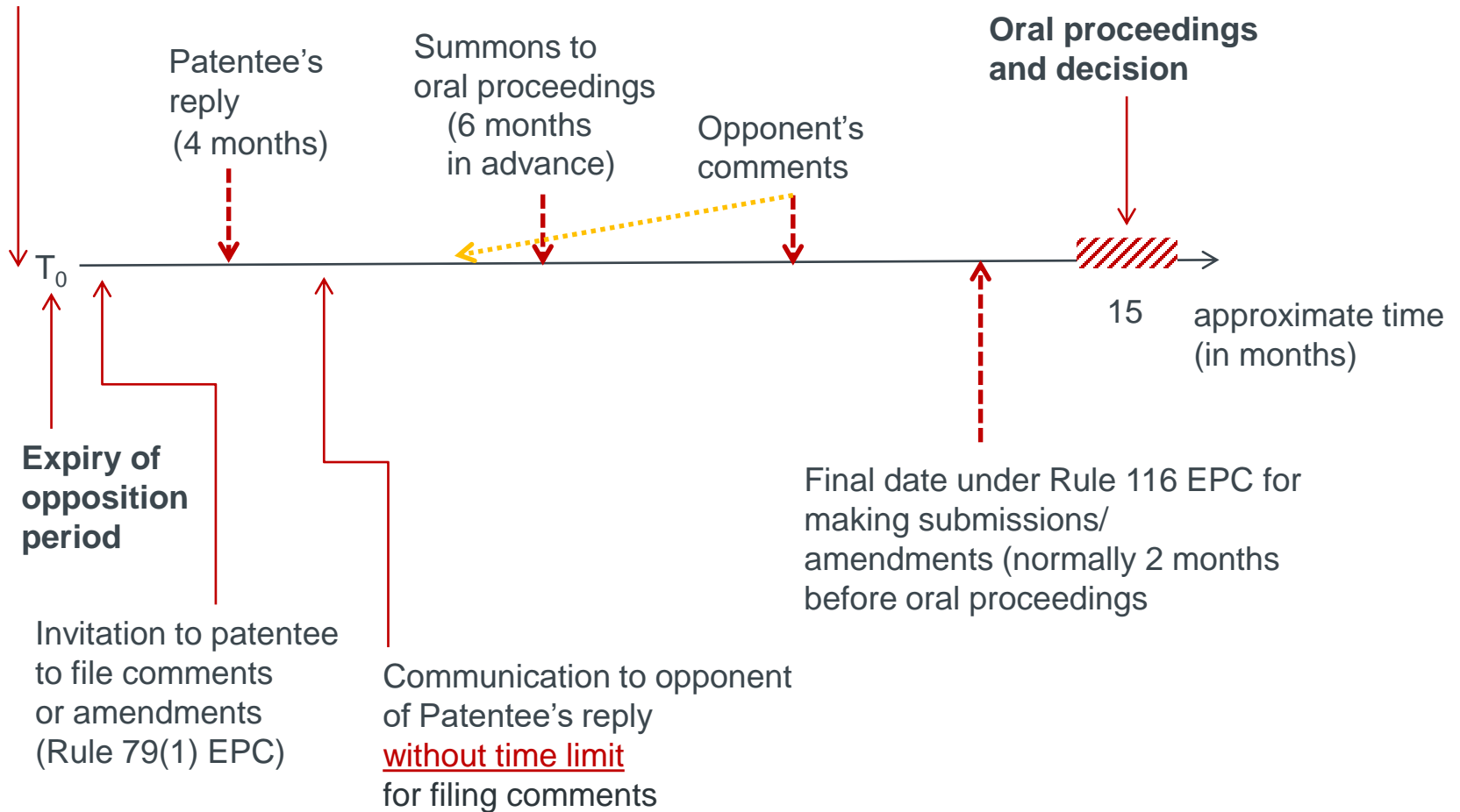
- Public/users demand for faster decisions on oppositions
 - Duration in 2015: 25.8 months
- Objective behind the revised procedural approach
 - Reduce overall length and variations between different cases
- Full review of internal workflow and time limits; without rule change
- **Aim:** For **standard cases** reduce procedural duration from expiry of opposition period to decision in oral proceedings to ca. **15 months**

Modifications in the procedure

- Observations and/or amendments filed by the patentee are **communicated to the opponent for information**
- At the same time the file is forwarded to the opposition division for preparing the next action, normally **summons to oral proceedings**
 - Summons are dispatched at least six months in advance
 - Final date under Rule 116 EPC: two months before oral proceedings
- Making more use of the possibility of summoning to **oral proceedings at the instance of the EPO**
- Allowing **extension of time limits only when necessary**, examples defined

Revised workflow

Notice of opposition



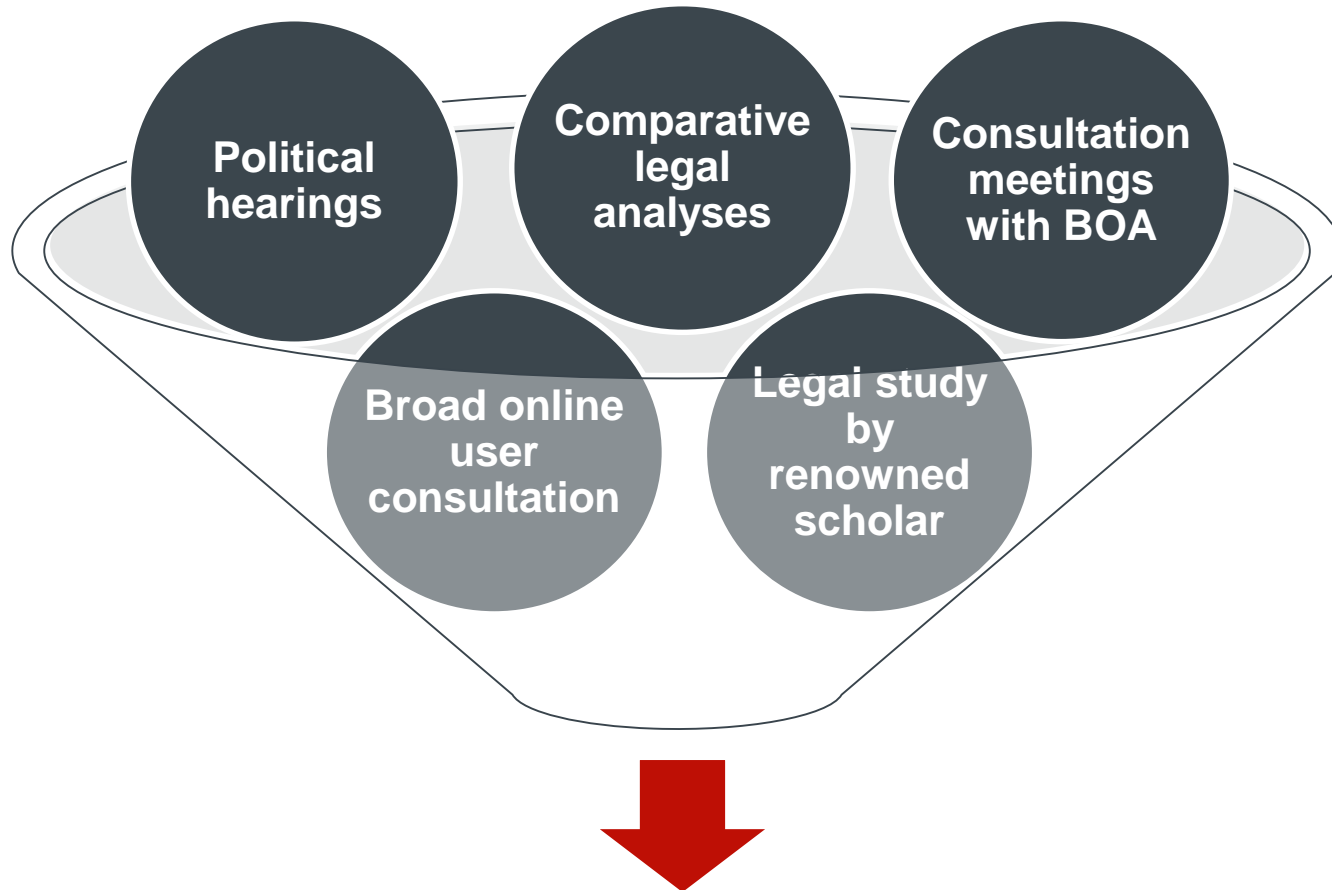
Streamlined opposition proceedings

- The EPO applies the revised workflow as from **July 2016**
- **OJ notice** explains the new opposition workflow
(OJ EPO 2016, A42, A43) [here](#)
- Additional information will be available on the **EPO homepage**
<https://media.epo.org/play/opposition> and in the **Guidelines 2016**

Content

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- **Structural reform of the EPO Boards of Appeal**

Preparatory work for the reform



Approval of the structural reform of the Boards of Appeal in June 2016.

The reform will become **operational on the 1 January 2017**.

Reformed Structure

- **Managerial powers** in relation to the Boards of Appeal Unit **delegated** by the President of the Office to President of the Boards of Appeal.
- Creation of a **Boards of Appeal Committee** as subsidiary body of the AC:
 - **Composition:**
 - 3 members of AC;
 - 3 judges of international, European or national courts
 - **Functions:**
 - guiding and supervisory functions;
 - adoption of the Rules of Procedure of the BOA proposed by the President of the BOA for approval by the AC;
 - monitoring of independence and efficiency of the BOA

Other reform aspects

- **Focus on efficiency and independence:**
 - **Conflict of interest rules:**
 - Duty to inform about professional activities after end of service.
 - Possibility to prohibit the activity.
 - **Relocation:**
 - The AC agreed to a **relocation into a separate building in Munich**
 - **Procedure for amendment of the Rules of Procedure**
 - Draft from the PBOA, **adoption by the BOAC** and approval by the AC
 - **Career:**
 - New structure to take into account **performance**
 - **New fee policy:**
 - Intention to **increase the cost coverage** of the BOA primarily by increasing the efficiency and later additionally by fee increases.

Thank you for your attention!

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