TOPIC 1

Science and technology appear to be developing and changing ever more quickly, with new fields appearing frequently (AI, blockchain, CRISPR, etc.). AIPPI considers that it will be challenging for all patent offices to adapt to these changes and accommodate the ever rising number of patent applications that come along with them. A particular challenge for the EPO in this respect is the fact that it is an international organization based on an international treaty that cannot be amended without involvement of all the contracting states. Although the implementing regulations can be modernized more easily by the Administrative Council, this will not always be enough to meet the challenges of the future (see for instance the recent decision T1063/188 on Rule 28(2) EPC).

The articles of the EPC have only seen one extensive overhaul since its entry into force in the 1970s (EPC2000). It is foreseeable that more frequent changes will be desired. Perhaps this can be facilitated by planning regular (e.g. every 5 or 10 years) diplomatic conferences where proposed changes can be discussed and adopted.

Additionally, patent law is increasingly part of the public debate (see also comments under Topic 3) and, with the increasing number of patent applications, more and more businesses and individuals are being exposed to and interact with the ramifications of patents and the activities of patent offices. Education of the public and a mutual understanding between the users of the patent system and patent offices is therefore very important. AIPPI encourages the EPO to expand activities such as the Praktika Intern and Praktika Extern, where EPO staff and patent attorneys gain insight in each others' practices, perspectives and working methods. Workshops and seminars could be organized where patent attorneys and inventors as well as EPO staff give presentations and can learn from one another. AIPPI also encourages the EPO to continue to use the instrument of user consultations when considering introducing new procedures.

TOPIC 2

AIPPI is of the view that quality of the patent granting procedure is of utmost importance. While efficiency and an early conclusion of proceedings are also important, if these aspects have to be balanced with quality, AIPPI proposes that quality carries more weight. Initiatives such as "early certainty" are welcome, but applicants and patentees do not always need a rapid resolution of grant or opposition proceedings. While flexibility to either accelerate or decelerate proceedings (e.g. by way of deferred examination) may be beneficial for users of the patent system and enhance the way patents may support their business interests, it must be ensured that predictability and legal certainty for third parties is not jeopardized. Therefore, if steps are taken to increase flexibility for applications, there must be appropriate mechanisms for third parties to request early processing of a particular application or patent.

Ways of facilitating communication between EPO staff and applicants or their representatives can be further improved. AIPPI supports the EPO's initiative to provide video-conferencing options for conducting oral proceedings in examination, but the facilities are not always available and can be improved. Also, informal access to examiners (e.g. telephone interviews) and chairs of examining divisions when oral proceedings have been set should be encouraged. Making use of modern technology, other ways of facilitating communication could include file-sharing to reduce the number of different texts and documents that are exchanged between EPO staff and applicants.
The online register and espacenet services provided by the EPO are of high quality, but could be improved, e.g., by the following:

- include links to the online register of patent applications in the same family (patentscope, US pair, etc.) - the online register and espacenet have an option to find family members of European patents and applications; it would be useful if such family members were listed together with hyperlinks to the registers of national patent offices giving direct access to the files of such family members

- expand and improve access to the global dossier

- allow and facilitate the (electronic) filing of documents in colour

- improve the systems to support handling of very large applications and files (by way of example, patent documents having over 1000 pages cannot be downloaded)

- improve the identification of documents in the online register (when filing them, users have to provide bibliographical information which is not available when inspecting the file)

- increase the number of patent applications / patents that can be followed using the register alert function and send notifications for every event in the file

AIPPI further supports the EPO's initiatives to collaborate with other patent offices around the world to facilitate and simplify the exchange of documents, enhance and extend options and eligibility for the Patent Prosecution Highway (PPH), and harmonize and streamline online filing procedures amongst offices (e.g. interfaces, document formats XML, etc.). Any steps that can be taken to avoid duplication of services, synergistically exploiting the work of other patent offices to standardize procedures and harmonize the law would result in benefits for users of the patent system.

**TOPIC 3**

As mentioned above, patent law is increasingly the topic of public concern and debate. As an NGO, AIPPI acknowledges its own responsibility to participate in such debates and to educate the public about the way the patent system works and what its merits are. AIPPI considers that also governmental organizations, such as the EPO, bear a responsibility to participate in such debates to ensure that factually incorrect information is corrected and that the public has sufficient access to an objective source of information. With increasing concerns about 'fake news' in (social) media, there is a need for a rapid response to prevent false information taking on a life of its own. The EPO could have a role in this by posting more on social media and/or responding to reporting in both conventional and social media.

AIPPI encourages the EPO to take measures to improve transparency and improved administration of the examination process by publishing goals in important administrative metrics, such as average time to grant, average time to first examination report, application backlog, etc., on a department by department level. The USPTO provides such statistics in its annual report and publishes information of this kind online (see https://www.uspto.gov/dashboards/patents/main.dashxml). This information is valuable in advising applicants and potential applicants on the expected timeline for obtaining a patent grant, which is important for making business decisions involving the products/services sought to be protected by these patents. Another area where transparency can be improved is that
of costs and allocation of costs. The EPO appropriately reports on the costs of translations, validations, professional assistance, annuities paid to national offices, etc., but more attention could be given to providing (economic) justifications for fee increases, especially in view the fact that the EPO has a de facto monopoly.