EPO Strategic Plan 2023
Public Consultation

The European Patent Office has launched the preparatory works for the elaboration of its Strategic Plan for the period 2019-2023. This major initiative will be conducted in an open, transparent and inclusive process with all its stakeholders. The Strategic Plan will be submitted for adoption to the Administrative Council of the Organisation in June 2019.

It will steer all the activities of the Office for the coming years in different sectors, be translated into concrete actions and projects, be subject to a regular monitoring and be reported openly on progress and achievements.

The Office is therefore eager to gather your views and opinions. They will contribute to the development of the Strategic Plan and help to define the future priorities of the Office.

Please send your contributions to the consultation via the filled out PDF template to: consultationSP2023@epo.org

The closing date for content submission is **15 March 2019**.
A. I am providing comments on behalf of an organisation

Organisation name and contact person

The Chartered Institute of Patent Attorneys (CIPA)

☑ On behalf of the organisation I agree to the publication of its comments on the EPO website

B. I am providing comments as an individual

First name | Last name

I am providing comments on my personal behalf and agree to their publication on the EPO website

I belong to one of the following categories:

☐ patent applicant: individual
☐ patent applicant: company
☐ patent applicant: institution
☐ professional representative / patent attorney
☐ in-house patent agent
☐ law firm
☑ association of IP / patent professionals
☐ IP / patent office
☐ inter-governmental organisation
☐ non governmental organisation
☐ academy / university
☐ other
**Topic 1 – Evolution of the patent system and future challenges**

During the last decade, the patent system has experienced great challenges, such as a growing number of patent applications at the global level, the increasing complexity of multi-sectorial applications that integrate more and more digital components, or the development of diverse prior art in different languages.

In the meantime, new technologies have helped patent offices around the world to offer new services that aim to better master the workload and simplify the life of users.

Guiding questions:

1. What are in your view the main current and future challenges of the patent system that the EPO should be ready to face? What should be its key priorities in the coming years?

2. How do you see the impact of the fourth industrial revolution technologies (e.g. Artificial Intelligence, Blockchain, etc.) on the functioning of the patent system?

3. Do you think that the current products and services offered by the EPO in general are still the right ones for fulfilling its tasks in supporting innovation? How could we maximise the impact of the patent system in the innovation system?

*Your comments (unlimited number of words)*

The key and central priority for the EPO should be to ensure the processing and granting of high quality patents in appropriate time and at reasonable cost. This is central to maintaining the European Patent Office's justifiable reputation as the best quality patent office in the world, granting the best quality patents. However, it must keep up with technological advances. For example, in relation to the "Fourth Industrial Revolution" it is notable that the EPC is now arguably considerably outdated; the difficulties of a full scale revision are fully understood, but full efforts should be made to ensure that the patent law tracks developments in technology. Certainly, and as discussed in other sections, harmonization between patent offices as to approaches in relation to developing technologies such as AI and IoT are extremely important.

The main services offered by the EPO are fit for purpose but again technology should be used at every level to ensure effective operation of the EPO. In terms of internal improvement, everything that can be done to make the patent system as accessible as possible to the end user should be a high priority; deregulation as far as possible should be sought, and accessibility to the system is essential.

The relative stagnation in filing within Europe compared with worldwide patent filings is notable. European applicants file widely outside Europe, but this is not reciprocated to the same extent by non-European applicants filing into Europe. Part of the reason has been cost (Europe being seen as an expensive place to patent) and part due to the fragmented nature of the European market being seen as complex and acting as a deterrent. If the Unified Patent Court and Unitary Patent proceed, then Europe will be seen as a much more attractive place to patent in, and numbers may increase with a kick. This may offer challenges in dealings with increased demand.
**Topic 2 – Delivering high quality products and services**

High quality products and services are firmly established as an integral element of the EPO's identity, incorporating attributes such as timeliness, consistency and predictability. Every year the EPO delivers a dedicated quality report that gives the public and our stakeholders a full evaluation of how quality is evolving. It concerns not only the granting of high quality patents to its applicants but the quality and comprehensiveness of the patent information delivered to the public.

We want to improve further, based upon a common understanding of quality, while making the patent granting process more efficient for our users.

Guiding questions:

1. Which aspects of the EPO patent granting process should be improved (mastering prior art, timeliness, quality, procedures, costs, accessibility, coherence, etc.)?

2. Have you identified any shortcomings when using any of the EPO's automated services (e.g. Espacenet, Federated Register, Patent Translate)? Are there any IT initiatives you would like to see developed by the EPO?

3. Do you have any suggestion on how the EPO could work more efficiently or develop more collaborative models?

4. How could we better support the European Patent Network and develop international partnerships in order to maximise the impact of our cooperation activities?

*Your comments (unlimited number of words)*

The EPO must continue to grant patents that are, after careful consideration, in accordance with the provisions of the European Patent convention. This should be carried out in as timely and cost effective a manner as possible, and with reasonable access for the user to a fair dialogue. The costs of the system are compromised where inefficiencies and unnecessary complexities arise. The EPO's continuing emphasis on IT improvement is welcomed but effective consultation with users, both end users and patent attorneys, must be maintained. The goal of the tools should be carefully thought through - ideally formalities should be reduced to a minimum, and the ability to have rapid, effective dialogue on the substantive patent issues should be placed at the fore. Making tools simple to use and, crucially, accessible to all users should be a high priority.

In terms of use of the European Patent Network, this could be improved by reconsidering whether the Protocol on Centralisation meets the requirements of the current patent ecosystem. The EPO should contribute strongly to international partnerships but need not to be the main driver. The benefit of membership of the European Patent Organisation to member states is fully understood and recognised but the key element must be to work with national bodies to ensure that the EPO aligns with, rather than dictates, economic policy.
**Topic 3 – Social responsibility and transparency**

As a public institution, the EPO has a duty to ensure that not only its stakeholders but the public in general are well informed about the activities of the Office and the way they are conducted. It requires facilitating access to relevant documents and undertaking processes and actions in a transparent manner.

Moreover, the EPO sees itself as being part of a wider eco-system, in which its activities have an impact on the economy and the environment. It is therefore essential for the Office to apply the best standards and to act responsibly.

Guiding questions:

1. How could the EPO improve the information provided to the public about the role and impact of the patent system? Which actions could be envisaged to disseminate this knowledge?

2. How could we reinforce the user and civil society perspective?

3. Which actions could be undertaken by the EPO to contribute to a more sustainable environment?

Your comments (unlimited number of words)

We applaud the work done by the EPO to highlight the role and impact of the patent system, but strongly suggest that this needs to be in tandem with patent attorney involvement as the quality of this system is, in part, guaranteed by the involvement of attorneys entering educated debate with the Examiners, Divisions and Boards.

We would suggest that the EPO’s involvement should be considered from a careful budgetary point of view and that certain exercises, for example “European Inventor of the Year”, may be an unnecessary expense. The public needs to understand the importance of IP underpinning an innovation economy and the EPO is important in promulgating this but, again, this must be in tandem with government and other NGOs. In relation to sustainability, the EPO should aim to make it entirely user-friendly to interact only electronically, and any initiatives taking this into account and focusing on reducing formalities and maximising substantive interaction would be beneficial to the system and the environment.
The EPO must continue its work on staff relations. The impact on staff over the last few years has been highly detrimental and the reputation of the EPO has also suffered and this is to the disadvantage of everyone involved in the European patent system. The EPO also needs to continue its central role in international harmonisation and ensure that it is a willing "early adopter" of user-driven improvements.

The work done by the EPO on consulting is highly appreciated and should continue. We would urge that the EPO takes time to consult all interested parties including national organisations - in may cases the expertise available is enormous and the input invariably well-intentioned.

We also have some concern over the apparent split between the Boards of Appeal and the EPO. The independence of the Boards of Appeal is crucial, but we are concerned that political considerations have confused this to a certain extent. Whilst we believe that the facilities at the Haar are of adequate quality, physical separation is not necessary for legal independence of the bodies and could become a barrier between the entities. As a result, reintegration of at least part of the Appeal Board into the existing EPO physical infrastructure would be preferred, especially if this makes use of available space.
Terms of use

This public consultation invites comments from people or stakeholders who are interested in the EPO strategic plan.

Subject to your permission, we may publish contributions on our website. Contributions that infringe the "Terms and conditions of use for the website" (and in particular Article 9 thereof) or the following conditions will not be considered for publication:

- Contributions must be in English, French or German
- Contributions must be related to the topic of the consultation of the EPO's strategic plan
- Contributions should not name individual staff members of the EPO
- Contributions should not contain personal attacks
- Contributions should not use offensive language, or contain racist, sexist or homophobic remarks
- Contributions should refrain from mentioning pending applications or revealing confidential information
- Contributions should not advertise for businesses or services
- The publication of contributions on the EPO website does not constitute an endorsement of their contents by the European Patent Organisation.

Privacy notice

Privacy statement for the public consultation on the EPO's strategic plan

The European Patent Office (EPO) is committed to protecting your privacy and the personal data you provide as part of our consultation. We will process personal data that you provide in accordance with our Data Protection Guidelines, which aim to ensure best practice when handling users personal data.

What personal data will we collect?

If you participate in our public consultation, we will collect your first name, last name and email address.

Why will we collect this data?

Within the framework of its activities under the European Patent Convention, the Organisation is committed to improving continuously its services to the users of the European patent system. Consulting the public on the future EPO strategy is part of this continuous effort and the personal data collected on this occasion will help the Organisation to better serve the community of users.
Who will be responsible for managing this data at the EPO?

The department responsible for managing this data will be External Communication. You can contact them by emailing website@epo.org.

Does the EPO have a designated Data Protection Officer?

Yes. You can contact them by emailing dataprotection@epo.org.

Who will we share your data with?

We will not share your personal data with anyone outside the EPO.

Will we use the data for automated individual decision-making, including profiling?

No, we will not use the personal data you provide for automated decision-making, including profiling.

How long will we keep your data for?

We will delete or anonymise your personal data as soon as we no longer need it to conduct the consultation, unless we are under a legal obligation to further process or to store it.

What rights do you have?

- **Right of access**: You have the right to ask for confirmation of whether or not we are processing your personal data and, if we are, to ask for access to that data and for information such as the purposes of the processing and the categories of personal data concerned.

- **Right to correction**: You have the right to ask for the correction of inaccurate personal data.

- **Right to deletion**: In certain circumstances, you have the right to ask for your personal data to be deleted without undue delay, for example if we no longer need it for the purposes for which we collected it or it has been processed unlawfully.

- **Right to restriction of processing**: In certain circumstances, you have the right to ask that we restrict the processing of your personal data, for example if you think that the personal data we are processing about you is incorrect or the processing unlawful.

- **Right to object**: In certain circumstances, you have the right to object to the processing of your personal data, in particular if we process it without a legitimate interest or use it for marketing purposes.

To exercise any of your rights, all you have to do is write to us at website@epo.org.