

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

AIPPI, Koen Bijvank, chair of Standing Committee Patents



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)

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

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)

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

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)

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

General section

In this section you can make comments on any topic which you think could be of interest for the EPO future strategic plan.

Your comments (unlimited number of words)

A large, empty rectangular box with a thin black border, intended for users to enter their comments. The box is currently blank.

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.