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Questions from users in Sweden

User organizations and other representatives have given us questions to the Meeting with representatives from the Swedish Associations of Industry, Law and Practitioners that is to be held on the 2nd of October 10.00-12.00. Some are topics and some are direct questions. We hope that this will give you a good understanding of their expectations of the meeting. We understand if you refer some of the detailed questions to be answered at another occasion.

Unitary Patent System: How does the President look upon EPO's future role? What is the view of the President to possibly reach a revenue-neutrality regarding the annual fees for the Unitary Patent system?

Collaboration: What is the President's view on collaboration with EPO:s users. How does the President look upon collaboration with national offices?

Processing times at EPO: Many users complain about the long pending time for their applications. One of the questions is as follows: *"Why is the handling time at the EPO in the regional phase much longer when the underlying PCT application has been searched by another European ISA than EPO?"* / FICPI Sweden

Quality and skills of examiners: How does EPO guarantee high quality office actions and skills of your examiners? An explicit question is *"How do EPO ensure the skills of their employees, especially with regard to those who come from countries without an "active" patent office and may have more educational needs than those who had been an examiner at a national patent office? Is there any follow up if the examiners have actually learned?"*

The background to the question is that we have felt that in some cases we have received very careless written decisions in Opposition division, pointing to lack of competence. There will therefore be a lot of unnecessary Appeals that might have been avoided if the Opposition division had been more systematic and accurate e.g. when examining auxiliary requests

In cases where the Board of Appeal gives the Opposition division, a flick on the nose that the decisions were wrong, are those cases caught up in some way so as to ensure that the examiners who were members of the opposition division really embrace what has been said at the Board of Appeal?" / SIPF (Association of IP Professionals in Swedish Industry)

Tegernsee group: What is the President's view on the work on patent harmonisation within the Tegernsee group and IP 5 and its relation to WIPO.

Patent practice is always of interest for our practitioners. They have put forth the following questions:

Closest prior art: Some patent examiners want to have the closest prior art entered in the specification - i.e., that this document is believed to be the closest prior art. Either they want you to add it or they just add it themselves. There is nothing in the EPC stating that this is a requirement. Generally, due to legal proceedings etc, the Applicant do not want to point out what is considered to be the closest prior art (and maybe the Applicant do not agree with the reviewer). /SIPF

Changes in the description: The patent examiner makes changes, when the application shall be approved, which may affect the scope or create other problems for the applicant subsequently, e.g. in opposition, or enforcement or prosecution in other countries. The motivation is to adapt the specification to the claims. Sometimes, the Examiner moves parts of the characterizing portion to the preamble, and re-cites the (amended) preamble in the description state of the art. The application will then end up in still another time-consuming argumentation. Do examiners get sufficient training / understanding of how a patent scope is decided in court? /SIPF