VPP

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To

The Boards of Appeal Committee (BOAC)
The President of the Boards of Appeal

RPBAonlineconsultation@epo.org

Der Präsident

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User consultation on an amendment to the Rules of Procedure of the Boards of Appeal (RPBA 2020) – insertion of new Article 15a (oral proceedings by videoconference)

Dear Mr. De Groot,
Dear Mr. Josefsson,

Thank you for inviting us to take part in the consultation on proposed new Article 15a RPBA. We discussed this amendment within the VPP Board of Directors and would like to share our comments to you:

For industry, patents and patent applications are extremely valuable assets. They protect high investments, are the basis for entire business lines and are essentially needed for a successful transformation of invention to innovation and business success.

Furthermore, it cannot be contested that a live presentation of one's case is still more convincing than a video conference.

In view of both aspects, we hold that before the Boards of Appeal, especially in case of inter partes proceedings, presence should be standard for oral proceedings. Oral proceedings should only be replaced by a video conference on request of all parties involved (applicant, patent owner and/or opposing party).We do not agree that the Boards of Appeal should be allowed to decide to hold a video conference hearing on its own motion. This decision should remain in the exclusive discretion of the parties.

Eventually making video conferences a standard for oral hearings before the Boards of Appeal completely contradicts the importance that patents enjoy in industry.

Kind regards,

Beat Weibel

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