

To the President of the Boards of Appeal of the EPO
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Der Präsident

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Draft proposed amendments to the Rules of Procedure of the Boards of Appeal Comments to the Public draft from 15 June 2023 – online consultation

Dear Mr. Josefsson,

Thank you very much for your invitation to take part in the user consultation about amendments to the Rules of Procedure of the Boards of Appeal.

VPP is the Association of Intellectual Property Experts representing about 2,700 members not only in Germany. It is our aim to support any step to further develop the Boards of Appeal and to strengthen the whole European patent system and we therefore would like to deliver the following comments and thoughts:

In general, we support the streamlining of the proceedings before the Boards of Appeal aiming towards the timeliness of decisions. Predictability of decisions of the Boards of Appeal are not only needed in view of legal certainty but also in view of timeliness of proceedings itself.

Therefore, we would like to comment the draft proposed amendments to the Rules of Procedure of the Boards of Appeal from 15 June 2023.

Article 12:

In general, it is welcomed to give the Boards the discretion to set the time limits under Article 12(1)(c) RPBA. A shortening of the respective time limit to two months, however, is not welcomed as such a shortening would not substantially contribute to a reduced overall throughput time and would just put unjustified pressure on the parties.

Article 13:

The triggering of the third level of the convergent approach by the substantive communication under Art. 15(1) RPBA is welcomed. As the communication under Art. 15(1) RPBA will mostly be issued much later than the summons to oral proceedings, parties can benefit from the less strict second level of convergence for a longer time.

Article 15:

It is welcomed that the communication under Article 12(1)(c) RPBA will not be issued before a guaranteed minimum time limit. In contrast, this guaranteed minimum time limit should be two months as under the actual version of the RPBA.

Article 25:

There are no further comments about the transitional provisions under Article 25 RPBA.

Please feel free to contact us in case you wish an in-depth personal discussion with further explanations on our viewpoint.

Sincerely yours,

Beat Weibel
President of VPP