



The EPO plans to require parties to attend hearings by videoconference

Examining Division oral proceedings will now be held by videoconference unless there are exceptional reasons for the hearing to be conducted in person

The EPO has announced that it plans to carry out all oral proceedings before the Examining Divisions by videoconference. These hearings are usually the final step in the examination process and provide applicants with a chance to address the remaining objections before the case can be refused. Carpmiels and Ransford has conducted oral proceedings by videoconference for many years and looks forward to continuing to represent clients at the EPO in this way. There are also still reasons for the EPO to permit hearings to take place in person as discussed below.


The EPO website has provided the text intended for publication in the Official Journal of a Decision of the President dated 1st April 2020 and an accompanying Notice which provides the details regarding this new policy. It is important to note that, whilst this has become a priority due to the current spread of the coronavirus, the Decision is **not limited** to the time period of the present emergency. The EPO's current provisions in light of the coronavirus situation can be found [here](#).

The present Decision does not apply to oral proceedings before the Opposition Divisions or the Boards of Appeal.

It is now possible to request Opposition Division oral proceedings to be conducted by videoconference (at least during the COVID-19 crisis), but the Boards of Appeal currently have no ability to hear cases in this way

The text provided states that any summons for oral proceedings before the Examining Division notified on or after 2nd April 2020 will now take place by videoconference. Only in **very exceptional** situations, such as in cases where there is a need to take evidence directly, will oral proceedings continue to take place on the EPO premises. Any request that oral proceedings should be held on the premises of the EPO should be filed as early as possible and preferably together with the request for oral proceedings. It is therefore important to send such a request as soon as possible on any cases currently pending before the examining division.

The Notice, however, makes it clear that "sweeping objections" against the reliability of videoconferencing technology will not be accepted as reasons to conduct oral proceedings at the EPO. Equally, the need to consider written evidence will not qualify as a serious reason.



The transitional provisions provide that **applicant agreement** is required for oral proceedings to take place by videoconference in cases for which a summons to oral proceedings was notified prior to 2nd April 2020. However, it is worth noting that only the text subsequently published in the officially certified PDF file of the Official Journal is authentic. It cannot be guaranteed that this advance version accurately replicates that text and in particular the entry into force of the decision on 2nd April 2020 may be subject to change or question (the Official Journal will not publish until the end of the month).

Carpmaels & Ransford will be happy to answer any questions you may have and are able to assist you with the review of your pending cases and consideration of whether a request to hold oral proceedings on the premises of the EPO should be made.

Authors & Experts: Susan Kirsch

Need advice?

Carpmaels & Ransford is a leading European IP firm based in London. For more information about our firm and our practice, please visit our website at: www.carpmaels.com.

This information provides a summary of the subject matter only. It should not be acted on without first seeking professional advice.

Carpmaels & Ransford LLP is regulated by the Intellectual Property Regulation Board (IPREG).

Copyright © Carpmaels & Ransford LLP 2020