The EPO:
Recent developments and future challenges
FICPI World Congress in Toronto, 08 June 2018

Raimund Lutz, Vice-President, European Patent Office
EPO in 2017 - I

DEMAND
Applications

165 590 + 10%

2010 2017

PRODUCTION
Search, examination, opposition

414 269 + 36%

2010 2017

GRANTED PATENTS
Published patents

105 635 + 82%

2010 2017
EPO in 2017- II

**Productivity**
- 2010: 64.5
- 2017: +40%

**Capacity**
- 2010: 4,378
- 2017: +10%

**Stock**
- 2010: -27% in the last 3 years
- 2017: -21% of unit cost 2006

**Costs**
Improving pendency times

Know what’s ahead

1. **Search reports**
   - We deliver search reports within 6 months of receipt.
   - **Actual search timeliness**
     - 4.7 months

2. **Examination time**
   - We are reducing examination times to 12 months by 2020.
   - **Actual examination timeliness**
     - 22.8 months

3. **Opposition time**
   - We aim to conclude oppositions within 15 months on average.
   - **Actual duration of oppositions**
     - 20.7 months

* as of April 2018
User Driven Early Certainty

- **Reasons for the proposal:**
  - Early Certainty well received, but **some users** request more flexibility which is needed for their innovation cycle
  - Alignment with other IP5 offices
  - More efficient use of examiner resources
Changes to PCT-related fees as of 1 April 2018

No inflation-based biennial fee adjustment for 2018-2020

PCT fee reduction measures as of 01.04.2018

<table>
<thead>
<tr>
<th>Service</th>
<th>Current Fee</th>
<th>New Fee</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCT search</td>
<td>1,875 €</td>
<td>1,775 €</td>
<td>-5% / -100 €</td>
</tr>
<tr>
<td>PCT preliminary examination</td>
<td>1,930 €</td>
<td>1,830 €</td>
<td>-5% / -100 €</td>
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<tr>
<td>Examination European phase</td>
<td></td>
<td></td>
<td>-456.25 €</td>
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Current fee reduction               | New fee reduction |
- 50%                               | - 75%
EPO as ISA: New services

- April 2017  Provisional opinion on patentability
- December 2017  Credit card payments
- January 2018  Information sheet on search strategies
- March 2018  PCT file inspection in European Register
- July 2018  Launch-operational phase of CS&E Pilot Project
EPO and SIPO have developed "RSS feeds" for each File Wrapper

EPO delivers first RSS for IP5 patent family

Provides “alert” function for IP5 patent family (EPO+SIPO)
The IP5 offices will launch a pilot project to test a collaborative approach to international searches under the PCT.
EPO and the impact of Artificial Intelligence (AI)

▪ **Impact on the patent office’s business**
  - development/use of advanced IT (automated searching, pre-classification, machine learning techniques to support examiners, etc)
  - risk of increased flows of patent applications

▪ **Impact on the patentability of inventions**
  - ownership of patent applications generated by robots
  - build on the stable and well established EPO Computer Implemented Inventions practice
  - updated Guidelines for examination in relation with AI technologies

▪ **EPO fosters public debates and greater predictability**
  - Study on patents and the 4th industrial revolution (December 2017)
  - EPO conference on patenting Artificial Intelligence : 30 May 2018
Transparency surrounding Standard Essential Patents

- Topic of SEP transparency is continuously gaining importance

- In Nov 2017, the European Commission Communication suggested potential scrutiny of “essentiality” of declared SEPs, possibly by patent offices

- Since April 2018, the JPO has been offering, upon request, a non-legally binding opinion on essentiality by its Advisory Board for Trials and Appeals

- EPO addressed the topic at the meeting of Trilateral Heads of Office and has proposed the topic for discussion at the IP5 Heads meeting.
Thank you for your attention