

Online user consultation EPO on postponed examination system

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The European Patent Office has opened an online consultation on the possibility of allowing more flexibility in the timing of the examination process by offering means to postpone the examination of European patent applications.

The reasons for the consultation are explained on the EPO's website: 'Since the launch of the Early Certainty initiative in 2014, the Office has significantly reduced the length of the patent grant procedure. Applicants and the public at large have generally welcomed the faster processing of applications, as it provides information on the scope of patent protection at an earlier stage.'



At the same time it has also been argued that in some instances applicants might need more time before the grant of a patent. In view of this, in autumn 2017 the Office presented a proposal for User-Driven Early Certainty, allowing applicants to postpone the start of substantive examination by a maximum of three years.

(...) The primary objective of this consultation is to receive the views of all stakeholders on the introduction of a postponed examination scheme in the European patent grant procedure, the advantages and drawbacks this could have for users and the public in general, and its potential economic and business impact.

The Office is further interested in collecting input on the different conceivable options and features for implementing such a procedural mechanism. These options and features are not to be understood as exhaustive, and participants are expressly invited to propose further measures.'

The online consultation includes questions such as: 'would a postponed examination system benefit the European patent system?', 'would such a system influence applicants/patentees' behaviour in filing patent applications or enforcing patents?', 'Should all European and Euro-PCT applications be eligible for postponed examination?', 'What should be the maximum length of the postponement period?', 'Should third parties be allowed to trigger the start of examination?' and 'Would you be in favour of procedural options for further reducing the pendency of a European patent application?'

The consultation, which can be found [here](#), is open until 11 January 2019.