

# Kluwer Patent Blog

## EPO publishes draft Strategic Plan 2023 and holds a new consultation

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The EPO published its **draft Strategic Plan 2023** on 18 April 2019. It has invited all stakeholders to provide their views on the document. Those who want to provide input can do so [here](#).

The new consultation will run until 10 May 2019 and the plan is to submit the final plan to the Administrative Council of the European Patent Organisation for adoption in June 2019. According to the EPO, the plan 'will outline our vision for the Office and its implementation will ensure that we continue to provide high-quality patent services that encourage innovation and contribute to growth'.

The draft Strategic Plan defines five goals, each divided in 'key initiatives'. These goals are:

- 1 - Build an engaged, knowledgeable and collaborative organisation.
- 2 - Simplify and modernise EPO IT systems
- 3 - Deliver high quality products and services efficiently
- 4 - Build a European patent system and network with a global impact
- 5 - Secure long-term sustainability

Attracting and developing talent, renovating the EPO's office buildings, of which many are 30 to 45 years old and outdated, mastering the prior art especially from Asia, enhancing access to patent information are just a few of the things the EPO intends to tackle in the upcoming years.

Improving the IT system is also an important issue, according to the draft: 'An IT Audit carried out between September 2018 and January 2019 also identified a series of further areas that require considerable improvements. Nearly 90% of the Office's key applications are not future-ready and have an overly complex application landscape. The IT Audit also looked into the current software development methodology and found limits to the current product-centric view, and insufficient, up-front quality assurance. No consistent method is in use for defining business requirements, there is limited accountability of



project teams for product success and quality standards are not applied consistently across the process in the areas of security, performance and software quality, among others. The initial list of 34 projects in the ITR was scattered over 114 projects, often lacking overarching goals.'

About quality: 'Despite positive results in the USS [User Satisfaction Survey, ed.] and other external independent surveys, recent feedback has indicated that there are occasionally differing perceptions of quality between the EPO and its users - and also between the different user groups. In order to continue developing an effective IP system, the Office needs to have a clear understanding of the needs of its users and stakeholders, particularly in the field of quality. In the future, the Office therefore intends to engage more closely with its users, via its Standing Advisory Committee (SACEPO) and its various sub-groups and through the Patent Law Committee and other stakeholders and forums, such as member states, the Board of Appeals and the Judges network.'

Goal 5, Key Initiative 1: 'Strengthen governance' is worth focusing on, with a view to the criticism the Administrative Council has faced for not controlling the presidency as it should be doing: 'Well-functioning political governance is paramount to the EPO and to its independence as an international organisation. The Office acknowledges the need to support the Administrative Council in fulfilling its legislative and supervisory functions. In complex and sensitive issues, the Office will not present just one single option for approval but a set of possible options, each of which will be subject to an impact assessment based on institutional best practices and external advice if needed. Additional external advice will be sought when requested and necessary in close cooperation between the Chair of the Administration Council and the President of the Office. Furthermore, the Council Secretariat will be located in, and supported by, the Directorate General in charge of legal and international affairs, in line with best practice.'

Considering the years of deep social unrest at the EPO, goal 1, Key Initiative 6: 'Foster social dialogue' deserves special attention as well. It tells, among others: 'Unions enjoy a significant level of recognition at the Office: freedom of association, right to call for strike, right to call for a general assembly that can also be organised on Office premises, and access to communication means, such as in the intranet, notice boards and distribution of leaflets. To formalise the framework of relations between the Office and the Unions, a Memorandum of Understanding will be discussed, on the basis of national and international best practices. Among other subjects, the right to strike will be re-discussed in this exercise.'

Although the last phrases could be seen as positive and promising, it is hard to see what is meant by saying the unions 'enjoy a significant level of recognition, considering the fact that the biggest union SUEPO has not been recognised at all and operates anonymously because of fear of sanctions, former leaders have faced dismissals and demotions over the last years and some of them are still waiting for their ordeals to end.

Strikingly moreover, the recent EPO Staff Engagement Survey carried out by **Willis Towers Watson**, which was damning for the EPO management (the survey showed

EPO staff have a very negative view of management effectiveness, with low confidence in senior management decisions, lack of clarity about direction, concerns about the Office's commitment to quality, among others, [see this blogpost](#)), is not mentioned in the draft at all. Maybe this was impossible due to the timing, but it is likely respondents to the draft will point out that solutions for the many problems shown by the Staff Engagement Survey should definitely be incorporated in a final version of the Strategic Plan 2023.

In its announcement of this new round of consultation, the EPO thanked all who participated in the consultation earlier this year. According to the EPO, it received 47 contributions, 32 of which were authorised for publication by the contributors. They are available [here](#).

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